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

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

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

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Public Hearings Scheduled

DEPARTMENT OF INSURANCE

A public hearing will be held at 9:30 a.m. EST March 5, 1979, in the department hearing room at 151 Elkhorn Court, Frankfort, Kentucky.

806 KAR 17:050. Inclusion of medicaid as first payor prohibited. [5 Ky.R. 635]

806 KAR 18:010. Minimum standards for treatment of alcoholism. [5 Ky.R. 636]

PUBLIC SERVICE COMMISSION

A public hearing will be held at 10 a.m. EST March 9, 1979, in the hearing room at 730 Schenkel Lane, Frankfort, Kentucky.

807 KAR 2:010. General rules. [5 Ky.R. 684]

Emergency Regulations Now In Effect

JULIAN M. CARROLL, GOVERNOR
Executive Order 79-76
January 23, 1979

EMERGENCY REGULATION
Department of Personnel
Personnel Board

WHEREAS, the Personnel Board is charged under KRS 18.170(4) with the responsibility for hearing appeals from employees serving under the Merit System and with the authority and responsibility to adopt procedural rules for the hearing of such appeals; and

WHEREAS, the Personnel Board has not adopted procedural rules pertaining to the use of depositions for purposes of proof in hearings before the Board; and

WHEREAS, serious questions concerning the use of depositions for purposes of proof in hearings before the Board relating to the right to due process have been raised; and

WHEREAS, the Franklin Circuit Court has implied in a hearing concerning the aforementioned questions, that the Personnel Board should adopt procedural rules addressing the discretionary use of depositions for purposes of proof in hearings before the Board; and

WHEREAS, the need for such a procedural rule is immediate in that appeals currently pending before the Personnel Board involve questions relating to the use of depositions for purposes of proof and since both agencies in state government and state employees who are appealing to the Board need immediate guidance in their day-to-day operations concerning the use of depositions in appeals of state employees filed with the Personnel Board; and

WHEREAS, the Commissioner of Personnel and the Personnel Board have drafted and submitted a proposed regulation pursuant to KRS 18.170;

NOW, THEREFORE, I, JULIAN M. CARROLL, Governor of the Commonwealth of Kentucky, pursuant to the authority vested in me by Section 13.085(2) of the Ken-

tucky Revised Statutes, hereby acknowledge the finding of the Department of Personnel that an emergency exists and direct that the attached regulation become effective immediately upon being filed in the Office of the Legislative Research Commission.

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

SECRETARY OF THE CABINET
Department of Personnel

101 KAR 1:130E. Appeals.

RELATES TO: KRS 18.170, 18.270, 18.272

PURSUANT TO: KRS 13.082, 18.170, 18.210, 18.270

EFFECTIVE: January 24, 1979

EXPIRES: May 24, 1979

NECESSITY AND FUNCTION: KRS 18.170 requires the Personnel Board to adopt comprehensive rules consistent with KRS Chapter 18. KRS 18.270 provides that any classified employee who is dismissed, demoted, suspended or otherwise penalized after completing his probationary period may appeal to the Personnel Board within thirty (30) days of the action taken against him. This rule is necessary to assure a uniform and effective procedure for scheduling, hearing, and acting upon such appeals.

Section 1. General Provisions. Any employee, applicant for employment, or eligible on a register, who believes that he has been unjustly discriminated against, may appeal to the board for a hearing subject to the procedural rules of the board.

Section 2. Appeal From Examination Rejection. (1) Any applicant whose application for admission to an open-competitive examination has been rejected and who has

been notified of such rejection and the reasons therefor may appeal to the board for reconsideration of his qualifications and for admission to the examination.

(2) Applicants may be conditionally admitted to an examination by the commissioner pending a consideration of an appeal. Admission to a written examination under such circumstances, however, shall not constitute the assurance of a passing grade in training and experience.

Section 3. Appeal From Examination Rating. (1) Any applicant who has taken an examination may appeal to the board for a review of his rating in any part of such examination to assure that uniform rating procedures have been applied equally and fairly.

(2) Except for correction of clerical errors, a rating in any part of an examination shall not be changed unless it has been found by the board that a mistake has been made, except as provided in 101 KAR 1:070, Section 3. A correction in the rating shall not affect a certification or appointment that may already have been made from the register.

Section 4. Appeal From Removal From Register. An eligible whose name has been removed from a register for any of the reasons specified in 101 KAR 1:070, Section 6(1) and (2), may appeal to the board for reconsideration.

Section 5. Appeal Procedure for Applicants or Eligibles. The appeal to the board by applicants or eligibles under 101 KAR 1:130, Sections 1, 2, 3, 4, must be filed in writing with the commissioner not later than fifteen (15) calendar days after the notification of the action in question was mailed. The applicant or eligible shall have the right to appear before the board and to be heard.

Section 6. Appeal From Dismissals, Demotion, Suspension, or Penalization. (1) Any employee with status who is dismissed, demoted, suspended, or otherwise penalized may appeal to the board.

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

Section 7. Appeal Procedure for Employees. (1) Any employee with status who is dismissed, demoted, suspended, or otherwise penalized may, within thirty (30) days after the effective date of such dismissal, demotion, suspension, or penalization, appeal to the board through the commissioner. Such appeal shall be in writing and shall set forth the basis for the appeal. The appeal must be filed in the office of the Commissioner of Personnel within the aforementioned thirty-day (30) period. When the thirtieth (30th) day of the filing period falls on a day when the commissioner's office is closed during normal working hours, the appeal may be filed on the next regular working day. The commissioner shall promptly transmit copies of the appeal to the board and to the appointing authority.

(2) The board shall designate an appropriate time and place to conduct the hearing. Such hearing shall be held within thirty (30) calendar days after receipt of the appeal unless circumstances intervene which, in the opinion of the board, would cause undue hardship on either party to the hearing. The appellant and the appointing authority shall be notified in writing at least five (5) working days in advance of the time and place designated for the hearing.

(3) At the hearing, both the appellant and the appointing

authority whose action is reviewed shall have the right to be heard publicly and to be represented by counsel to present evidentiary facts. At the hearing of such appeals, technical rules of evidence shall not apply.

(4) If the board finds that the action complained of was taken by the appointing authority for any political, religious, or ethnic reason, or due to sex, race, age (between forty (40) and sixty-five (65)), or handicap, the employee shall be reinstated to his former position or a position of like status and pay, without loss of pay for the period of his penalization, and without penalization, or shall otherwise be made whole.

(5) If the board finds that the action complained of was taken by the appointing authority without just cause, the board shall order the employee reinstated to his former position or a position of like status and pay, without loss of pay for the period of his penalization, or otherwise make the employee whole. In all other cases, if the board finds that the action taken by the appointing authority was excessive or erroneous in view of all the surrounding circumstances, the board shall alter, modify or rescind the disciplinary action.

(6) When any employee is dismissed and not ordered reinstated after such appeal, the board in its discretion may direct that his name be placed on an appropriate re-employment list for employment in any similar position other than the one from which he had been removed.

Section 8. Hearing of Appeals. (1) Evidentiary hearings in appeals filed pursuant to KRS 18.270 and 101 KAR 1:130 shall be conducted by the full board or quorum thereof, except as otherwise provided in this rule. The board may adopt a rotating schedule for the attendance of members at evidentiary hearings to be conducted by the board in order to assure the presence of a quorum, but notwithstanding any such schedule any member of the board may attend and participate in any such hearing.

(2) The chairman of the board or a majority of the board, by written order, may designate a single member of the board to conduct any evidentiary hearing on behalf of the board or may request the commissioner to establish a calendar designating single members of the board to conduct evidentiary hearings on behalf of the board. In all such cases, upon the conclusion of the hearing, the presiding member-hearing examiner shall submit to the board a synopsis of the evidence presented, his findings of fact, and dispositive recommendations in the case before him, and the commissioner shall transmit by certified mail to both parties a copy of the findings of fact and dispositive recommendations. The board upon review of the findings of fact, the synopsis of the evidence presented, and dispositive recommendations of the presiding member-hearing examiner, who shall be present during such review, and after consideration of such written or oral arguments or exceptions as the parties have presented as a matter of right or may present with leave or upon request of the board, shall make a final determination of the appeal by either:

(a) Adopting as submitted the findings and recommendations of the presiding member-hearing examiner;

(b) Altering before adoption, in any manner deemed proper, either or both the findings and recommendations of the presiding member-hearing examiner;

(c) If felt necessary by any member of the board requesting the commissioner to prepare a copy of the stenographic record taken at the hearing and reserve ruling on the case until each member has been allowed a

reasonable opportunity to consider the entire record;

(d) If felt necessary by a majority of the board, remanding the case or any part thereof for rehearing by the same presiding member-hearing examiner, with such hearing examiner to prepare and submit to the parties and the board such additional findings of fact and dispositive recommendations as he feels are necessary upon the conclusion of the rehearing. A stenographic record shall be taken of this additional testimony and the presiding member-hearing examiner shall submit to the board a synopsis of the evidence presented. The board shall then consider the findings of fact, synopsis of the evidence presented, and dispositive recommendations from the original hearing and any additional rehearsings ordered, and shall, upon request of any member of the board, instruct the commissioner to prepare a complete or partial record. The board, upon consideration of these items and such additional written or oral arguments or exceptions as the parties have presented as a matter of right or may present with leave or upon request of the board, shall render its final decision in the case.

(3) The board may designate one or more hearing examiners to assist the board in appeal proceedings. All such hearing examiners shall be attorneys authorized to practice law in Kentucky and shall be selected solely on their knowledge, ability and experience in the trial of administrative and/or judicial proceedings.

(4) Hearing examiners selected by the board, but who are not themselves members of the board, shall conduct evidentiary hearings in the same manner as board member hearing examiners. In all cases, upon the conclusion of the hearing, the hearing examiner shall submit to the board a synopsis of the evidence presented, his findings of fact, and dispositive recommendations in the case before him, and the commissioner shall transmit by certified mail to both parties a copy of the findings of fact and dispositive recommendations. In the presence of the hearing examiner and with his advice, the board shall review these documents, and after consideration of such written or oral arguments or exceptions as the parties have presented as a matter of right or may present with leave or upon request of the board, shall make a final determination of the appeal by either:

(a) Adopting as submitted the findings and recommendations of the hearing examiner;

(b) Altering before adoption, in any manner deemed proper, either or both the findings and recommendations of the hearing examiner;

(c) If felt necessary by any member of the board, requesting the commissioner to prepare a copy of the stenographic record taken at the hearing and reserve ruling on the case until each member has been allowed a reasonable opportunity to consider the entire record;

(d) If felt necessary by a majority of the board, remanding the case or any part thereof for rehearing by the same hearing examiner, with such hearing examiner to prepare and submit to the parties and the board such additional findings of fact and dispositive recommendations as he feels are necessary upon the conclusion of the rehearing. A stenographic record shall be taken of this additional testimony and the hearing examiner shall submit to the board a synopsis of the evidence presented. The board shall then consider the findings of fact, synopsis of the evidence presented, and dispositive recommendations from the original hearing and any additional rehearsings ordered, and shall, upon request of any member of the board instruct the commissioner to prepare a complete or partial record. The board, upon consideration of these items and

such additional written or oral arguments or exceptions as the parties have presented as a matter of right or may present with leave or upon request of the board, shall render its final decision in the case.

(5) Transcripts: At any time after a hearing but prior to a final order of the Personnel Board, either party may request that an official transcript be prepared concerning said hearing. The party so requesting such official transcript shall bear the entire expense thereto unless otherwise ordered by the Personnel Board. Said request shall be in written motion or request to the board and said motion or request shall be served on the opposing party. A certified check or money order for not less than \$100 made payable to the official court reporter shall accompany said motion or request. The balance due said official court reporter shall be paid in full before said reporter shall file said transcript with the board. Said transcript shall be filed within sixty (60) days after said motion or request is made unless the court reporter, for good reason, requests a thirty (30) day extension in writing. If the court reporter is not paid in full or to her satisfaction as to credit extended, she shall not file said transcript and the deposit described above shall be retained by her for expenses incurred in preparing the transcript.

(6) *In all appeals pending before the personnel board, the taking of depositions for proof, either prior to or subsequent to the hearing, shall not be permitted except where the deponent is a licensed physician or a non-resident of the State of Kentucky, or where the taking of said deposition for purposes of proof is agreed to by the opposing party, or where other extenuating circumstances of such magnitude exist that the hearing officer by order authorizes the taking of such deposition. All hearings of appeals shall be held in Frankfort, Kentucky, unless otherwise designated by the board for good cause. The duly appointed hearing officer shall have the power to issue all intermediate orders concerning said appeal, prior to the final decision of the board; upon request of the hearing officer, such orders shall be issued by the commissioner acting as secretary to the board.*

PHILIP TALIAFERRO, Chairman

ADDIE D. STOKLEY, Commissioner

ADOPTED: January 12, 1979

RECEIVED BY LRC: January 24, 1979 at 2 p.m.

JULIAN M. CARROLL, GOVERNOR
Executive Order 79-108
January 31, 1979

EMERGENCY REGULATION
State Board for Elementary and Secondary Education

WHEREAS, the State Board for Elementary and Secondary Education is directed in KRS 158.030(4) to establish procedures for parents or legal guardians to petition said State Board for their child to be admitted to kindergarten if the child becomes five (5) years of age between September 1 and December 31; and

WHEREAS, the State Board for Elementary and Secondary Education is directed in KRS 158.030(4) to establish procedures for parents or legal guardians to petition said State Board for their child to be admitted to the first grade if the child becomes six (6) years of age between September 1 and December 31; and

WHEREAS, the State Board has found the need for such procedures is immediate in order that implementation may be accomplished for the forthcoming school year; and

WHEREAS, the State Board for Elementary and Secondary Education has submitted a proposed regulation pursuant to KRS 158.030(4):

NOW, THEREFORE, I, JULIAN M. CARROLL, Governor of the Commonwealth of Kentucky, pursuant to the authority vested in me by Section 13.085(2) of the Kentucky Revised Statutes, hereby acknowledge the finding of the State Board for Elementary and Secondary Education 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

EDUCATION AND ARTS CABINET
Department of Education

703 KAR 2:015E. Age of entrance.

RELATES TO: KRS 158.030

PURSUANT TO: KRS 13.082, 156.070, 156.130

EFFECTIVE: January 31, 1979

EXPIRES: May 31, 1979

NECESSITY AND FUNCTION: The State Board for Elementary and Secondary Education is required to establish procedures for consideration of petition of parents desiring to enter their children in school prior to legal age limits.

Section 1. The parent or legal guardian of any child who was born after September 1, but becomes five (5) years of age on or before December 31, may petition the State Board for Elementary and Secondary Education to allow the child to enter kindergarten at the beginning of the school year in which the child becomes five (5) years of age. The parent or legal guardian of any child born after September 1 who becomes six (6) years of age on or before December 31 and who has not attended an approved kindergarten the previous year may petition the State Board for Elementary and Secondary Education to allow the child to enter the first grade at the beginning of the

school year in which the child becomes six (6). Any child whose birthday falls between September 1 and December 31 and who has attended an approved kindergarten the previous year shall not be eligible for such petition (application) but will be retained or promoted at the sound discretion of the local school district authorities.

Section 2. The parent or legal guardian of a potentially eligible child may obtain prior to March 1 a petition (application) form only from the superintendent of the school district in which the child resides. It shall be the responsibility of the child's parent or guardian to submit the fully completed petition (application) to the Secretary of the State Board for Elementary and Secondary Education on or before May 1 of the calendar year in which early admittance is petitioned. However, the parent or guardian of any child who moves from another state into a school district in Kentucky after May 1 shall be eligible to petition (make application) for their child to enter kindergarten or first grade prior to August 1.

Section 3. (1) Accompanying the fully completed petition (application) the following information must be submitted:

(a) A copy of the child's birth certificate or a notarized affidavit attesting to the child's date of birth;

(b) The child's readiness test results, a satisfactory score to be achieved within the standards set by the local school board;

(c) Any other relevant information that the parent or guardian wishes to submit in support of the petition (application);

(d) A written recommendation relating to the child's readiness for early admittance made by the local school district superintendent (or his duly authorized representative) and addressed to the State Board for Elementary and Secondary Education.

(2) A uniform petition form (application) will be prepared by the State Department of Education and samples furnished to each local district.

Section 4. Readiness test instruments for early admittance into either kindergarten or the first grade shall be selected by the local school district from those approved by the State Board for Elementary and Secondary Education. All tests shall be properly administered on dates and in facilities determined by the affected local school district, which also shall determine charges, if any, to parents or guardian who petition the State Board for their child's early admittance. Such charges, if any, are not to exceed the cost of the test and the cost of test administration. Adjacent or coterminous school districts may enter into agreements for giving the readiness test to petitioners' children residing in their school district.

Section 5. The Secretary of the State Board for Elementary and Secondary Education shall, within ten (10) days after action by the board, send written notification of the board's decision on the petition to both the child's parent or guardian and to the superintendent of the local school district in which the child resides.

JAMES B. GRAHAM
Superintendent of Public Instruction

ADOPTED: January 10, 1979

RECEIVED BY LRC: January 31, 1979 at 4:10 p.m.

JULIAN M. CARROLL, GOVERNOR
Executive Order 79-92
January 25, 1979

EMERGENCY REGULATION
Cabinet for Public Protection and Regulation
Public Service Commission
Discontinuance of Utility Service

WHEREAS, the Public Service Commission is statutorily charged with insuring the availability of safe, adequate, and reliable utility service to the citizens of the Commonwealth; and

WHEREAS, the rapid rise in the cost of utility services, coupled with the recent severe winter weather, has imposed a severe hardship on many persons subsisting on limited incomes; and

WHEREAS, such customers who are unable to pay their utility bills are subject to termination of their utility service under existing Public Service Commission regulations; and

WHEREAS, the Public Service Commission has determined through public hearing that the presently-required notice to a customer that utility service shall be terminated is inadequate; and

WHEREAS, the termination of heating service during the winter season may cause extreme hardship on such customers; and

WHEREAS, the Public Service Commission has determined that an emergency exists and that there is an immediate need to lengthen the required notice period for termination of utility service by the company and to establish certain other procedures for assisting persons on limited income to continue to receive utility service throughout the winter heating season; and

WHEREAS, the Secretary of the Cabinet for Public Protection and Regulation, in conjunction with the Public Service Commission, pursuant to KRS 13.082 and KRS 278.040, has promulgated the regulation hereinabove referenced:

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

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

PUBLIC PROTECTION AND REGULATION CABINET
Public Service Commission
(Proposed Amendment)

807 KAR 2:010E. General rules.

RELATES TO: KRS Chapter 278

PURSUANT TO: KRS 13.082, 278.040(2), 278.280(2)

EFFECTIVE: January 26, 1979

EXPIRES: May 26, 1979

NECESSITY AND FUNCTION: KRS 278.280(2) provides that the commission shall prescribe rules for the performance of any service or the furnishing of any commodi-

ty by any utility. This regulation establishes general rules which apply to electric, water, gas, sewage and telephone utilities.

Section 1. General Provisions. (1) The adoption of regulations by the commission shall not preclude the commission from altering or amending the same in whole or in part, or from requiring any other or additional service, equipment, facility, or standards, either upon request, or upon its own motion, or upon the application of any utility. No regulation of the commission shall in any way relieve a utility from any of its duties under the laws of this state.

(2) Whenever standards or codes are referred to in the commission's regulations it is understood that utilities employing competent corps of engineers are not to be prohibited thereby from continuing or initiating experimental work and installations which tend to improve, decrease the cost of, or increase the safety of their service.

Section 2. Definition. (1) In addition to the definitions as set out in KRS 278.010, the following definition shall be used in interpreting the commission's regulations:

(2) The word "customer" means any person, firm, corporation or body politic supplied service by any electric, gas, sewage, water or telephone utility.

Section 3. Reports. (1) Financial and statistical reports: Every utility shall file annually a financial and statistical report upon forms to be furnished by the commission. Said report shall be based upon the accounts set up in conformity with the commission's order adopting uniform classification of accounts for utilities. This report shall be filed on or before March 31, each year. For good cause shown, the commission may, upon application in writing, allow a reasonable extension of time for such filing.

(2) Report of meters, customers and refunds. Every utility shall make periodical reports on such forms as may be prescribed, of meter tests, number of customers and amount of refunds.

(3) Other reports. Every utility shall make such other reports as the commission may at its discretion from time to time require.

(4) All records and reports shall be retained in accordance with the Uniform System of Accounts unless otherwise specified herein.

Section 4. Service Information. (1) The utility shall, on request, give its customers or prospective customers such information as is reasonably possible in order that they may secure safe, efficient and continuous service. The utility shall inform its customers of any change made or proposed in the character of its service which might affect the efficiency, safety, or continuity of operation.

(2) Prior to making any substantial change in the character of the service furnished, which would affect the efficiency, adjustment, speed or operation of the equipment or appliances of any customer, the utility shall obtain the approval of the commission. The application shall show the nature of the change to be made, the number of customers affected, and the manner in which they will be affected.

(3) The utility shall inform each applicant for service of the type, class and character of service that is available to him at his location.

Section 5. Special Rules or Requirements. (1) No utility

shall establish any special rule or requirement without first obtaining the approval of the commission or proper application.

(2) A customer who has complied with the regulations of the commission shall not be denied service for failure to comply with the rules of the utility which have not been made effective in the manner prescribed by the commission.

Section 6. Meter Readings and Information. (1) Information on bills. Each bill rendered periodically by water, gas and electric utilities shall show the class of service, the present and last preceding meter readings, the date of the present reading, the number of units consumed, the meter constant, if any, the net amount for service rendered, all taxes, the adjustments, if any, and the gross amount of the bill. The date after which a penalty may apply to the gross amount must be indicated. Estimated or calculated bills shall be distinctly marked as such. The rate schedule under which the bill is computed shall be furnished under one (1) of the following methods:

(a) By printing rate schedule on the bill.
(b) By publishing in a newspaper of general circulation once each year or when rate is changed.

(c) By mailing to each customer once each year or when rate is changed.

(d) By providing a place on each bill where a customer may indicate his desire for a copy of the applicable rates and furnishing same by return first class mail.

(2) Meter readings. The registration of each meter shall read in the same units as used for billing unless a conversion factor be shown on the billing forms and if the meter does not read direct, the constant shall be plainly marked on the face of the meter dial.

(3) Flat rates. Flat rates for unmetered service shall approximate as close as possible the utility's rates for metered service and the rate schedule shall clearly set out the basis upon which consumption is estimated.

(4) Utilities now using or desiring to adopt mechanical billing or other billing systems of such a nature as to render compliance with all of the terms of subsection (1) of this section impracticable may make application to the commission for relief from part of these terms. For good cause shown, the commission may allow the omission of part of these requirements. Each utility shall submit the form of bill to be used by it to the commission for its approval.

Section 7. Deposits. (1) A utility may require from any customer or applicant for service a minimum cash deposit or other guaranty to secure payment of bills of an amount not to exceed two-twelfths (2/12) of the estimated annual bill of such customer or applicant, where bills are rendered monthly or an amount not to exceed three-twelfths (3/12) of the estimated annual bill of such customer or applicant where bills are rendered bimonthly or an amount not to exceed four-twelfths (4/12) of the estimated bill of such customer or applicant where bills are rendered quarterly.

(2) The utility shall issue to every customer from whom a deposit is received a certificate of deposit, showing the name of the customer, location of initial premises occupied, date and amount of the deposit.

Section 8. Complaints. Upon complaint to the utility by a customer either at its office or in writing, the utility shall make a prompt and complete investigation and advise the complainant thereof. It shall keep a record of all such complaints concerning its utility service which shall show the

name and address of the complainant, the date and nature of the complaint, and the adjustment or disposition thereof.

Section 9. Bill Adjustment. (1) Whenever a meter in service is found upon periodic request or complaint test to be more than two percent (2%) fast, additional tests shall be made at once to determine the average error of the meter. Said tests shall be made in accordance with the commission's regulation applicable to the type of meter involved.

(2) If the result of tests on a customer's meter shows an average error greater than two percent (2%) fast, then the customer's bills, for the period during which the meter error is known to have existed, shall be recomputed and the account adjusted on the basis of the test. In the event the period during which the meter error existed is unknown, then the customer's bill shall be recomputed for one-half (½) of the elapsed time since the last previous test but in no case to exceed twelve (12) months. (See exception in subsection (5) of this section.)

(3) If the result of tests on a customer's meter shows an average error greater than two percent (2%) slow, then the customer's bill, for the period during which the meter error is known to have existed, may be recomputed and the account adjusted on the basis of the test. In the event the period during which the meter error existed is unknown, then the customer's bill may be recomputed for one-half (½) of the elapsed time since the last previous test but in no case to exceed twelve (12) months.

(4) It shall be understood that when a meter is found to have an error in excess of two percent (2%) fast or slow the figure for calculating the amount of refund or the amount to be collected by the utility shall be that percentage of error as determined by the test; i.e., it is the duty of the utility to maintain the accuracy of its measuring devices as nearly 100 percent as is commercially practicable. Therefore, percent error shall be that difference as between 100 percent and that amount of error as is indicated by the test.

(5) The burden of maintaining measuring equipment so that it will register accurately is upon the utility; therefore, if meters are found upon test to register fast and if time for periodic test has overrun to the extent that one-half (½) of the time elapsed since the last previous test exceeds twelve (12) months, the refund shall be for the twelve (12) months as specified in subsection (2) of this section and in addition thereto, a like refund for those months exceeding the periodic test period; provided, however, that the commission may relieve the utility from this requirement in any particular case in which it is shown that the failure to make the periodic test was due to causes beyond the utility's control.

(6) Each utility shall make a reasonable attempt to determine if the amount of consumption for the current billing period for each customer is unduly excessive. If a comparison of consumption indicates a necessity therefor, a test of the customer's meter shall be made, and if the meter is found to register incorrectly to the customer's prejudice more than two percent (2%), the utility shall recalculate the customer's bills in accordance with the foregoing provisions.

(7) When a meter is tested and it is found necessary to make a refund or back bill a customer, the customer shall be notified in substantially the following form:

On _____, 19____, the meter bearing identification No. _____ installed in your building located at _____ (Street and Number) in _____ (City) was tested at _____ (On premises or elsewhere) and found to register _____ (Percent fast or slow). The meter was tested on _____ (Periodic, Request, Complaint) test.

Based upon this we herewith _____ (Charge or Credit) you with the sum of \$ _____, which amount has been noted on your regular bill.

Section 10. Customer's Discontinuance of Service. (1) Any customer desiring service discontinued or changed from one address to another shall give the utility three (3) days' notice in person or in writing, provided such notice does not violate contractual obligations.

(2) Upon request that service be reconnected at any premises subsequent to the initial installation or connection to its service lines, the utility may, subject to subsection (3) of this section, charge the applicant an amount not to exceed the actual average cost as approved by this commission of making such reconnection.

(3) Any utility desiring to establish a reconnection charge under the provisions of subsection (2) above, shall submit for commission approval a formal application setting out:

(a) The actual average cost of making such reconnections, and

(b) The effect of such charges on the utility's revenues.

Section 11. Discontinuance of Service. (1) The utility may refuse or discontinue to serve an applicant or customer under the following conditions:

(a) For noncompliance with its rules and regulations. However, no utility shall discontinue or refuse service to any customer or applicant for violation of its rules or regulations without first having made a reasonable effort to induce the customer or applicant to comply with its rules and regulations as filed with the commission. After such effort on the part of the utility, service may be discontinued or refused only after the customer shall have been given at least *ten (10) days'* [forty-eight (48) hours] written notice of such intention, mailed to his last known address.

(b) When a dangerous condition is found to exist on the customer's or applicant's premises, the service may be cut off without notice or refused, provided that the utility shall notify the customer or applicant immediately of the reasons for the discontinuance or refusal and the corrective action to be taken by the applicant or customer before service can be restored.

(c) When a customer or applicant refuses or neglects to provide reasonable access to the premises for the purpose of installation, operations, meter reading, maintenance or removal of utility property the utility may discontinue or refuse service only after the customer or applicant shall

have been given at least fifteen (15) days written notice of such intention.

(d) A utility shall not be required to furnish service to any applicant [or customer] when such applicant [or customer] is indebted to the utility for service furnished until such applicant [or customer] shall have paid such indebtedness.

(e) A utility may refuse or discontinue service to a customer or applicant if the customer or applicant does not comply with state, municipal or other codes, rules and regulations applying to such service.

(2) The utility may discontinue service under the following conditions:

(a) For nonpayment of bills. However, no utility shall discontinue service to any customer for nonpayment of bills (including delayed charges) without first having made a reasonable effort to induce the customer to pay same. The customer shall be given at least *ten (10) days'* [forty-eight (48) hours] written notice, but the cut-off shall not be effected before *thirty (30)* [twenty (20)] days after the mailing date of the original bill. *Such termination notice shall be exclusive of and separate from the original bill.* If, prior to discontinuance of service, there is delivered to the utility office, or to its employee empowered to discontinue service, *payment of the amount in arrears, then discontinuance of service shall not be made, or where a written certificate is filed signed by a physician, a registered nurse or a public health officer stating that, in the opinion of the person making the certification [certifier] discontinuance of service will aggravate an existing illness or infirmity on the affected premises, service shall not be discontinued until the affected resident can make other living arrangements or until thirty (30) [ten (10)] days elapse from the time of the utility's notification to the customer in writing of the existence of local, state and federal programs providing for the payment of utility bills under certain conditions and of the offices to contact for such possible assistance. Service shall not be discontinued where the customer and the utility have reached agreement on a partial payment plan pursuant to paragraph (b) herein. The written notice for any discontinuance of service shall advise the customer of his rights under paragraphs (a) and (b) herein and of his right to dispute the reasons for such discontinuance. [receipt of said certification; whichever first occurs.]*

(b) Every gas and electric utility subject to the jurisdiction of the Public Service Commission shall have an employee available during regular working hours to answer questions regarding a customer's bill and to resolve disputes over the amount of such bill. Such employee shall be authorized to negotiate partial payment plans of an outstanding bill and accept payments where the customer has shown good faith in attempting to meet its financial obligations to the utility. Said employee shall be authorized by the utility to consider and shall consider proposals by the customer for a partial payment plan and retention of service. Each jurisdictional gas and electric utility shall develop a budget payment plan whereby a customer may elect to pay a fixed amount each month on a yearly basis in lieu of monthly billings based on actual usage. It shall be the responsibility of the utility to disseminate information to its customers regarding the availability of such budget payment plans. If the commission finds, upon application of the utility, that a budget plan would materially impair or damage the utility's credit or operations, then it may grant the utility an exemption from the requirements of the budget plan. No exemption may extend beyond one (1) year without another application by the utility and a fin-

ding by the commission that said exemption should be allowed.

(c) [(b)] For fraudulent or illegal use of service. When the utility has discovered evidence that by fraudulent or illegal means a customer has obtained unauthorized service or has diverted the service for unauthorized use or has obtained service without same being properly measured, the service to the customer may be discontinued *upon forty-eight (48) hours' written* [without] notice. The utility shall not be required to restore service until the customer has complied with all rules of the utility and regulations of the commission and the utility has been reimbursed for the estimated amount of the service rendered and the cost to the utility incurred by reason of the fraudulent use.

(3) It shall be the duty of the utility before making service connections to a new customer to ascertain the condition of the meter and service facilities for such customer in order that prior fraudulent use of the facilities, if any, will not be attributed to the new customer, and the new customer shall be afforded the opportunity to be present at such inspection. The utility shall not be required to render service to such customer until all defects in the customer-owned portion of the service, if any, shall have been corrected.

(4) Reconnection. For all cases of refusal or discontinuance of service as herein defined, where the cause for refusal or discontinuance has been corrected and all rules and regulations of the utility and the commission have been complied with, the utility shall promptly render service to the customer or applicant.

(5) When advance notice is required, such notice may be given by the utility by mailing by United States mail, postage prepaid, to the last known address of the applicant or customer.

Section 12. Special Charges. (1) A utility may make a reasonable charge for each of the following trips:

(a) To read a meter when the customer has failed to read the meter for three (3) consecutive billing periods. This pertains only to those utilities whose customers ordinarily read their own meters.

(b) To collect a delinquent bill. This trip may be made only after written notice has been sent to the customer stating that if the bill is not paid by a certain date, the service will be disconnected.

(c) To reconnect a service that has been disconnected for non-payment of bills or for violation of the utility's rules and regulations. This charge may include the cost of disconnecting the service.

(2) The charges, however, shall be applied uniformly throughout the entire area served by the utility, shall be incorporated in the utility's rules and regulations, shall be subject to the approval of the commission, and shall yield only enough revenue to pay the expenses incurred in rendering these services.

Section 13. Meter Testing. (1) All electric, gas and water utilities furnishing metered service shall provide meter standards and test facilities as more specifically set out under 807 KAR 2:050, 807 KAR 2:025, and 807 KAR 2:040.

(2) A utility may have all or part of its testing of meters performed by another utility or agency approved by the commission for such purpose. Each utility having tests made by another agency or utility shall notify the commission of said arrangements in detail to include make, type

and serial number of standards used to make said checks or tests.

(3) No utility shall place in service any basic measurement standard required by these rules unless it has been calibrated by the Public Service Commission's Meter Standards Laboratory. All utilities or agencies making tests or checks for utility purposes shall notify the commission promptly of the adoption or deletion of any basic standards requiring calibration by the commission.

(4) Each electric, gas and water utility or agency doing meter testing for a utility shall have in its employ metermen certified by this commission. These certified metermen shall perform such tests as may be necessary to determine the accuracy of the utility's meters and to adjust the utility's meters to the degree of accuracy required by the regulations of the commission.

(5) A utility or agency desiring to have its employees certified as metermen shall submit the names on the commission's form entitled "Application for Appointment of Metermen" and after compliance with the requirements as noted in this form, the applicant may be certified as a meterman and furnished with a card authorizing him to perform meter tests.

Section 14. Access to Property. The utility shall at all reasonable hours have access to meters, service connections and other property owned by it and located on customer's premises for purposes of installation, maintenance, meter reading, operation or removal of its property at the time service is to be terminated. Any employee of the utility whose duties require him to enter the customer's premises shall wear a distinguishing uniform or other insignia, identifying him as an employee of the utility, or carry on his person a badge or other identification which will identify him as an employee of the utility, the same to be shown by him upon request.

Section 15. Meter Test Records. (1)(a) Test cards. A complete record of all meter tests and adjustments and data sufficient to allow checking of test calculations shall be recorded by the meterman. Such record shall include: Information to identify the unit and its location; the date of tests, the reason for such tests; readings before and after the test; a statement of "as found" and "as left" accuracies sufficiently complete to permit checking of the calculations employed; indications showing that all required checks have been made; a statement of repairs made, if any; the identifying number of the meter; the type and capacity of the meter; and the constant of the meter.

(b) The complete record of tests of each meter shall be continuous at least two (2) periodic tests and in no case less than two (2) years.

(2) (a) History cards. Each utility shall keep numerically arranged and properly classified card records giving for each meter owned and used by the utility for any purpose the identification number, date of purchase, name of manufacturer, serial number, type, rating, and the name and address of each customer on whose premises the meter has been in service with date of installation and removal. These card records shall also give condensed information concerning all tests and adjustments including dates and general results of such adjustments. The card records shall be of such character that a system can be used that will record the date of the last test and indicate the proper date for the next periodic test required by the applicable regulation of the commission.

(b) When the records required above are kept in a readily available form posting to the history card is not necessary.

(3) Sealing of meters. Upon completion of adjustment and test of any meter under the provisions of the regulations of the commission, the utility shall affix thereto a suitable seal in such a manner that adjustments or registration of the meter cannot be tampered with without breaking the seal. The seal shall be of a type acceptable to the commission.

Section 16. Pole Identification. (1) Each utility owning poles or other structures supporting the company's wires, shall mark every pole or structure located within the built-up community with the initials or other distinguishing mark by which the owner of every such structure may be readily determined. For the purpose of this rule the term "built-up community" shall mean urban areas and those areas immediately adjacent thereto.

(2) Identification marks may be of any type but must be of a permanent material and shall be of such size and so spaced and hereafter maintained so as to be easily read from the surface of the ground at a distance of six (6) feet from the structure.

(3) When utility's structures are located outside of a built-up community only every tenth structure need be so marked.

(4) All junction structures shall bear the identification mark and structure number of the owner.

(5) Poles need not be marked if they are clearly and unmistakably identifiable as the property of the utility.

(6) Each utility shall either number their structures and maintain a numbering system or use some other method of identification so that each structure in the system may be easily identified.

(7) The requirements herein shall apply to all existing structures and those hereafter erected and to all changes in ownership.

Section 17. System Maps and Records. (1) Each utility shall have on file at its principal office located within the state and shall file upon request with the commission a map or maps of suitable scale of the general territory it serves or holds itself ready to serve showing the following:

- (a) Operating districts.
- (b) Rate districts.
- (c) Communities served.
- (d) Location and size of transmission lines, distribution lines and service connections.
- (e) Location and layout of all principal items of plant.
- (f) The date of construction of all items of plant by year and month.

(2) In each division or district office there shall be available such information relative to the utility's system as will enable the local representative to furnish necessary information regarding the rendering of service to existing and prospective customers.

(3) In lieu of showing the above information on maps a card record or suitable means may be used. For all construction the records shall also show the date of construction by month and year.

Section 18. Location of Records. All records required by the regulations of the commission shall be kept in the principal office of the utility or other acceptable safe storage place, and shall be made available to representatives, agents or employees of the commission upon reasonable notice and at all reasonable hours.

Section 19. Request Tests. Each utility shall make a test of any meter upon written request of any customer provided such request is not made more frequently than once each twelve (12) months. The customer shall be given the opportunity of being present at such request tests. If such tests show that the meter was not more than two percent (2%) fast, the utility may make a reasonable charge for the test, the amount of such charge to be set out in the utility's rules and regulations filed with the commission, and subject to the approval of the commission.

Section 20. Complaint Tests. (1) Any customer of the utility may request a meter test by written application to the commission accompanied by payment of such fee for the test as prescribed below. Such request may not be made more frequently than once each twelve (12) months. Upon receipt of such request, the commission will notify the utility to leave the customer's meter in place until completion of such test.

(2) If a meter tested upon complaint of a customer is found to register not more than two percent (2%) fast, the cost of such test shall be borne by the customer. However, if the meter shall be found to register more than two percent (2%) fast, the cost of such test shall be borne by the utility and the amount of the deposit made by the customer shall be refunded.

(3) The charges fixed by the commission for making such tests are as follows:

(a) Electric. Direct current and single phase alternating current watt hour meters operating on circuits of not more than 250 volts:

Amperes Rated Capacity	Fee
30 and under	\$ 2
Over 30 to 100	4
Each additional 50 amperes or factor thereof	1

Polyphase a.c. watt hour meters and single phase or direct current watt hour meters operating on circuits of over 250 volts with or without instrument transformers:

Kilowatts Rated Capacity	Fee
5 KW and Under	\$ 2
Over 5 to 25	4
Over 25 to 100	8
Over 100 to 500	16

Plus one-half ($\frac{1}{2}$) of the cost of transportation of the commission representative between the office of the commission and the point of test.

(b) Gas. Displacement type meters operating on distribution system pressures:

Capacity in Cu. Ft. Per Hour	Fee
1000 cu. ft. per hour and under	\$ 4
Over 1000 to 10,000	8
Over 10,000 to 100,000	12

Plus one-half ($\frac{1}{2}$) of the cost of transportation of the commission representative between the office of the commission and the point of test.

(c) Water:

Size	Fee
Outlet 1 inch or less	\$ 4
Outlet over 1 inch to 2 inches	6
Outlet over 2 inch to 3 inches	8
Outlet over 3 inch to 4 inches	10

Plus one-half ($\frac{1}{2}$) of the cost of transportation of the commission's representative between the office of the commission and the point of test.

(d) For meters of a size or capacity not shown herein, the commission will fix a suitable fee upon application.

Section 21. Safety Program. Each utility shall adopt and execute a safety program, fitted to the size and type of its operations. As a minimum, the safety program shall:

- (1) Require employees to use suitable tools and equipment in order that they may perform their work in a safe manner.
- (2) Instruct employees in safe methods of performing their work.
- (3) Instruct employees who, in the course of their work are subject to the hazard of electrical shock, asphyxiation or drowning, in accepted methods of artificial respiration.

Section 22. Inspection of Systems. (1) Each utility shall adopt procedures for inspection to assure safe and adequate operation of its facilities and compliance with Public Service Commission rules. These procedures shall be filed with the commission.

(2) Each electric utility shall make systematic inspections of its system in the manner set out below for the purpose of insuring that the commission's safety requirements are being met. Such inspections shall be made as often as necessary but in no event less frequently than is set forth below for various classes of facilities and types of inspection.

(a) At intervals not to exceed six (6) months:

1. Production facilities regularly operated and manned; continuous surveillance, monitoring and inspection as a part of operating procedure.
2. Unmanned production facilities including peaking units not on standby status; units shall be operated and inspected and all monitoring devices shall be checked to determine that there is no evidence of abnormality.
3. Substations where the primary voltage is sixty-nine (69) KV or greater, examination for the purpose of discovering damage to or deterioration of components including structures and fences; checking of all gauges and monitoring devices.

4. Underground network transformers and network protectors in vaults located in buildings or under sidewalks, examination for leaks, condition of case, connections, temperature and overloading.

5. Electric lines operating at sixty-nine (69) KV or greater (including insulators, conductors and supporting facilities).

(b) At intervals not to exceed one (1) year:

1. Production facilities maintained on a standby status; also inspection and examination prior to any start up, except remotely controlled facilities.

2. Substations where the primary voltage is less than sixty-nine (69) KV but is fifteen (15) KV or greater.

(c) At intervals not to exceed two (2) years: Electric lines operating at voltages of less than sixty-nine (69) KV

(including insulators, conductors and supporting facilities).

(d) Other facilities:

1. Utility buildings inspected for compliance with safety codes at intervals not greater than one (1) year.
2. Construction equipment inspected for defects, wear and operational hazards at intervals not greater than quarterly.

(e) On the receipt of a report of a potentially hazardous condition made by a qualified employee or public official or by a customer.

1. All portions of the system (including those listed above) which are the subject of the report.

2. Appropriate records shall be kept by each utility to identify the inspections made, deficiencies found and action taken to correct such deficiencies.

(3) Each gas utility shall make systematic inspections of its system for the purpose of insuring that the commission's safety requirements are being met. Such inspections shall be made as often as necessary but in no event less frequently than is prescribed or recommended in the Department of Transportation, Part 192 Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards, for the various classes of facilities as defined in said standards, in accordance with the inspection procedures described therein.

(4) The following maximum time intervals are prescribed for (i) certain inspections provided for in Department of Transportation, Part 192 Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards, with respect to which intervals are not specified and (ii) certain additional inspections not provided for in such code.

(a) At intervals not to exceed one (1) year or at intervals specified by the U. S. Department of Transportation, Office of Pipeline Safety Operations:

1. Production wells, storage wells and well equipment; visual inspection and examination of all exterior components.

2. Pressure limiting stations, relief devices and pressure regulating stations, including vaults.

3. The curb box on service shall be inspected for accessibility.

4. Valves, the use of which may be necessary for the safe operation of a gas distribution system, shall be checked and serviced, including lubrication where necessary, at sufficiently frequent intervals (at least once each year) to assure their satisfactory operation. Inspection shall include checking of alignment to permit use of a key or wrench and cleaning from the valve box or vault any debris which would interfere with or delay the operation of the valve. A similar inspection shall be made of distribution curb valve boxes one year after installation where the alignment may be subject to movement and at meter change intervals thereafter.

(b) Other facilities:

1. Utility buildings inspected for compliance with safety codes at least annually.

2. Construction equipment inspected for defects, wear and operational hazards at least quarterly.

(c) At intervals not to exceed the periodic meter test intervals: Individual residential customer service regulators, vents and relief valve vents shall be checked for satisfactory operation.

(d) One (1) year after installation and thereafter at meter change intervals: All necessary curb valves on the service line shall be inspected for operable condition.

(e) On the receipt of a report of a potentially hazardous condition made by a qualified employee or public official or by a customer:

1. All portions of the system (including those listed above) which are the subject of the report.

2. Appropriate records shall be kept by each utility to identify the inspections made, deficiencies found and action taken to correct such deficiencies.

(5) (a) Each telephone utility shall make systematic inspections of its system in the manner set out below for the purpose of insuring that the commission's safety requirements are being met. Such inspections shall be made as often as necessary but in no event less frequently than is set forth below for various classes of facilities and types of inspection.

1. Aerial plant: Inspection for electrical hazards, proper clearance for electric facilities and climbing safety—Every two (2) years.

2. Underground plant: Inspection for presence of gas, proper clearance from electric facilities and safe working conditions—At least annually.

3. Station equipment and connections: Inspection for external electrical hazards damaged instruments or wiring, appropriate protection from lightning and safe location of equipment and wiring—When on customer's premises.

4. Utility buildings: Inspection for compliance with safety codes—At least annually.

5. Construction equipment: Inspection for defects, wear and operational hazards—At least quarterly.

(b) On the receipt of a report of a potentially hazardous condition made by a qualified employee or public official or by a customer:

1. All portions of the system (including those listed above) which are the subject of the report.

2. Appropriate records shall be kept by each utility to identify the inspections made, deficiencies found and action taken to correct such deficiencies.

(6) (a) Each water utility shall make systematic inspections of its system in the manner set out below for the purpose of insuring that the commission's safety requirements are being met. Such inspections shall be made as often as necessary but in no event less frequently than is set forth below for various classes of facilities and types of inspection.

1. Source of supply:

a. Dams, physical and structural, annually.

b. Intake structures, physical and structural, annually.

c. Traveling screens, physical and structural and safety of operation, annually.

2. Purification:

a. Sedimentation basins filters and clear wells, physical and structural and safety of operation, annually.

b. Chemical feed equipment, for proper and safe operation, annually.

c. Pumping equipment including electric power wiring and controls, for proper and safe operation, annually.

d. Hydrants, for proper and safe operation annually.

e. Utility buildings, inspection for compliance with safety codes, annually.

f. Construction equipment, inspection for defects, wear and operational hazards, quarterly.

g. Mains and valves, leaks, annually.

(b) On the receipt of a report of a potentially hazardous condition made by a qualified employee or public official or by a customer:

1. All portions of the system (including those listed above), which are the subject of the report.

2. Appropriate records shall be kept by each utility to identify the inspections made, deficiencies found and action taken to correct such deficiencies.

Section 23. Reporting of Accidents. Each utility shall notify the commission of any accident which results in death or serious injury to any person or substantial property damage. Prompt notice of fatal accidents shall be given to the commission by telephone or telegraph.

Section 24. Deviations from Rules. In special cases, for good cause shown, the commission may permit deviations from these rules.

RICHARD S. TAYLOR, Chairman

ADOPTED: January 26, 1979

APPROVED: DONALD N. RHODY, Secretary

RECEIVED BY LRC: January 26, 1979 at 9:30 a.m.

Amended Regulations Now In Effect

SECRETARY OF CABINET Kentucky Retirement Systems As Amended

105 KAR 1:010. Contributions and interest rates.

RELATES TO: KRS 16.505 to 16.652, 61.510 to 61.702, 78.510 to 78.852

PURSUANT TO: KRS 13.082, 16.576, 16.640, 61.559, 61.645, 78.780

EFFECTIVE: February 7, 1979

NECESSITY AND FUNCTION: KRS 16.645, 61.565 and 78.545, require the board to determine the employer contribution rate based on an actuarial valuation. KRS 61.552 requires the board to adopt a rate of interest payable on a recontribution of refund. KRS 16.560, 61.575 and 78.640 provide that the board may determine the rate of interest payable on the members' contribution account. KRS 61.670 provides that the board shall adopt such actuarial tables as are necessary for the administration of the system. This regulation sets the employer contribution rates, and rate of interest on a recontribution of refund and member contribution account and establishes the actuarial tables for computation of retirement allowances for members of the Kentucky Employees Retirement System (KERS), County Employees Retirement System (CERS) and State Police Retirement System (SPRS).

Section 1. The employer contribution rate payable by a participating agency applicable to creditable compensation earned on or after July 1, 1978 shall be as follows:

KRS 61.565 State Police Retirement System	16½ %
KRS 61.566 Kentucky Employees Retirement System	7¼ %
KRS 61.565 County Employees Retirement System	7¼ %
KRS 61.592 Kentucky Employees Retirement System	19¼ %
KRS 61.592 County Employees Retirement System	16 %

Section 2. The interest rate on a recontribution of refund as provided under KRS 61.552 shall be six (6) percent compounded annually, except that the interest rate on recontribution of refund made by an employee who has been reinstated by order of the Personnel Board shall be at the rate of zero (0) percent, if the refund is recontributed within a reasonable period of time.

Section 3. Interest creditable on a member's accumulated contributions in accordance with KRS 16.560, 61.575, and 78.640 shall be at the rate of three (3) percent.

Section 4. Reduction factors to be applied to determine immediate annuity equivalent to annuity deferred to Normal Retirement age under KRS 16.577, 16.578, 61.595, 61.640 and 61.680 shall be as provided in Table G, below, [follows] except:

(1) A SPRS, or KERS [or CERS] hazardous duty member [employee] who is age fifty (50) or older and would attain thirty (30) years of service (fifteen (15) years of which would be current service) prior to age fifty-five (55), if he employment had continued shall have his retire-

ment benefit computed based on the appropriate factor as follows:

TABLE A

Years Required to Complete 30 Years Service	Percentage Payable
1	94.5%
2	89.0%
3	83.5%
4	78.0%
5	72.5%

(2) A CERS hazardous duty member who is age fifty (50) or older and has attained twenty-five (25) years of service or would attain twenty-five (25) years of service prior to age fifty-five (55), if his employment had continued shall have his retirement benefit computed based on the appropriate factor as follows:

TABLE B

Years Required to Complete 25 Years Service	Percentage Payable
0	100%
1	94.5%
2	89.0%
3	83.5%
4	78.0%
5	72.5%

(3) [(2)] A KERS or CERS non-hazardous member who is age fifty-five (55) or older and would attain thirty (30) years of service (fifteen (15) years of which would be current service) prior to age sixty-five (65) if employment were continued shall have benefits computed using the appropriate factor as follows:

TABLE C [B]

Years Required to Complete 30 Years Service	Percentage Payable
1	95.0%
2	90.0%
3	85.0%
4	80.0%
5	75.0%
6	71.0%
7	67.0%
8	63.0%
9	59.0%
10	55.0%

(4) [(3)] A KERS or CERS non-hazardous member who dies prior to age fifty-five (55) or who retires prior to age fifty-five (55) based on SPRS or KERS hazardous early retirement eligibility, and would have attained thirty (30) or more years of service (fifteen (15) of which would be current service) on or before reaching his sixty-fifth (65th) birthday, if employment were continued, shall have benefits computed by first multiplying his deferred benefit

by the percentage payable as determined from Table C [B] in subsection (3) [(2)] based on the number of years required to complete thirty (30) years of service and then multiply this result by the percentage payable as determined from Table D [C] below based on said member's age at the time of death or early retirement.

TABLE D [C]

Years Prior to Age 55	Percentage Payable
1	97.0%
2	94.0%
3	91.0%
4	88.0%
5	85.0%
6	82.0%
7	79.0%
8	76.0%
9	73.0%
10	70.0%

(5) A KERS or CERS non-hazardous member with CERS Hazardous Service who dies prior to age fifty-five (55) or who retires prior to age fifty-five (55) based on CERS hazardous early retirement eligibility, and would have attained twenty-five (25) or more years of service on or before reaching his sixty-fifth (65th) birthday, if employment were continued, shall have benefits computed by first multiplying his deferred benefit by the percentage payable as determined from Table E based on the number of years required to complete twenty-five (25) years of service and then multiply this result by the percentage payable as determined from Table D based on said member's age at the time of death or early retirement.

TABLE E

Years Required to Complete 25 Years Service	Percentage Payable
0	100%
1	95.0%
2	90.0%
3	85.0%
4	80.0%
5	75.0%
6	71.0%
7	67.0%
8	63.0%
9	59.0%
10	55.0%

(6) A SPRS or KERS hazardous member who dies prior to age fifty (50) and would have attained thirty (30) or more years of service (fifteen (15) or which would be current service) on or before reaching his fifty-fifth (55th) birthday, if employment were continued, shall have benefits payable as determined from Table C in subsection (3) based on the number of years required to complete thirty (30) years of service and then multiply this result by the percentage payable as determined from Table F based on said member's age at the time of death.

(7) A CERS hazardous member who dies prior to age fifty (50) and has attained twenty-five (25) years of service or would have attained twenty-five (25) or more years of service on or before reaching his fifty-fifth (55th) birthday, if employment were continued, shall have benefits payable

as determined from Table E in subsection (5) based on the number of years required to complete twenty-five (25) years of service and then multiply this result by the percentage payable as determined from Table F based on said member's age at the time death.

TABLE F

Years Prior to Age 50	Percentage Payable
1	97.0%
2	94.0%
3	91.0%
4	88.0%
5	85.0%
6	82.0%
7	79.0%
8	76.0%
9	73.0%
10	70.0%

TABLE G [D]

Early Age	Normal Retirement Age	
	65	55
64	95.0%	
63	90.0%	
62	85.0%	
61	80.0%	
60	75.0%	
59	71.0%	
58	67.0%	
57	63.0%	
56	59.0%	
55	55.0%	
54	51.3%	94.5%
53	47.9%	89.0%
52	44.9%	83.5%
51	42.1%	78.0%
50	39.5%	72.5%
49	37.1%	68.8%
48	34.9%	65.2%
47	33.0%	61.7%
46	31.3%	58.2%
45	29.9%	54.7%
44	28.7%	51.3%
43	27.6%	47.9%
42	26.7%	44.9%
41	25.8%	42.1%
40	25.1%	39.5%
39	24.4%	37.1%
38	23.8%	34.9%
37	23.2%	33.0%
36	22.5%	31.3%
35	21.9%	29.9%
34	21.2%	28.7%
33	20.6%	27.6%
32	20.0%	26.7%
31	19.5%	25.8%
30	19.0%	25.1%
29	18.5%	24.4%
28	18.0%	23.8%
27	17.5%	23.2%
26	17.0%	22.5%
25	16.5%	21.9%

The member's exact age in years and months shall be deter-

mined and the above factors shall be used to extrapolate in order to determine the appropriate factors.

(8) *Benefits paid in the event of death prior to retirement pursuant to subsections (1) through (7) of this section shall be reduced, as required by KRS 61.640 and as determined in "Contingent Annuity Factors," "Integrated Survivor Factors" and "Ten Year Certain Factors" incorporated herein by reference.*

Section 5. Conversion factors to be applied to determine immediate annuity which could be purchased by \$1,000 of contributions and interest after doubling as provided in KRS 16.576 and 61.559.

TABLE H [E]

Non-Hazardous	Age	Male	Female
	65	\$ 8.229	\$ 7.432
	66	\$ 8.423	\$ 7.596
	67	\$ 8.628	\$ 7.767
	68	\$ 8.848	\$ 7.951
	69	\$ 9.087	\$ 8.147
	70	\$ 9.332	\$ 8.355
	71	\$ 9.605	\$ 8.565
	72	\$ 9.882	\$ 8.796
	73	\$10.180	\$ 9.042
	74	\$10.468	\$ 9.304
	75	\$10.792	\$ 9.567
	76	\$11.139	\$ 9.848
	77	\$11.510	\$10.149
	78	\$11.908	\$10.450
	79	\$12.286	\$10.775
	80	\$12.684	\$11.121
Hazardous	Age	Male	Female
	55	\$ 6.809	\$ 6.257
	56	\$ 6.899	\$ 6.349
	57	\$ 7.020	\$ 6.449
	58	\$ 7.150	\$ 6.546
	59	\$ 7.281	\$ 6.635
	60	\$ 7.419	\$ 6.745
	61	\$ 7.561	\$ 6.870
	62	\$ 7.692	\$ 7.002
	63	\$ 7.860	\$ 7.138
	64	\$ 8.039	\$ 7.279
	65	\$ 8.229	\$ 7.432
	66	\$ 8.423	\$ 7.596
	67	\$ 8.628	\$ 7.767
	68	\$ 8.848	\$ 7.951
	69	\$ 9.087	\$ 8.147
	70	\$ 9.332	\$ 8.355
	71	\$ 9.605	\$ 8.565
	72	\$ 9.882	\$ 8.796
	73	\$10.180	\$ 9.042
	74	\$10.468	\$ 9.304
	75	\$10.792	\$ 9.567
	76	\$11.139	\$ 9.848
	77	\$11.510	\$10.149
	78	\$11.908	\$10.450
	79	\$12.286	\$10.775
	80	\$12.684	\$11.121

MIM C. CLARK, General Manager

ADOPTED: February 7, 1979

RECEIVED BY LRC: February 7, 1979 at 10 a.m.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Administration and Finance
As Amended

702 KAR 4:060. Construction criteria.

RELATES TO: KRS 162.060, 162.160(1)

PURSUANT TO: KRS 13.082, 156.030, 156.070, 156.160(5)

EFFECTIVE: February 7, 1979

NECESSITY AND FUNCTION: To insure functional operation, comfort and economical operation of the proposed educational facility.

Section 1. The structural design for construction of all new school buildings, building additions and remodeling shall be in conformance with applicable building codes and regulations and approved by authorities having jurisdiction. The following conditions shall be provided in the design of all new school buildings:

(1) The minimum width for elementary school main corridors shall be eight (8) feet in the clear.

(2) The minimum width for a middle school, junior high school, or high school main corridors shall be nine (9) feet in the clear.

(3) A ramp up to one (1) to twelve (12) slope will be approved. All ramps shall have a non-slip surface. Changes in direction of ramps must have level landings.

(4) Corridors shall terminate at an approved egress or at a stairway which leads directly to an approved egress. A corridor extension of six (6) feet will be permitted. In no case shall more than two (2) classrooms empty into this corridor extension.

(5) The minimum width of secondary corridors shall be six (6) feet.

(6) *The roof shall have a minimum slope of one-half (½) inch per foot.*

Section 2. All exterior doors must swing out, and they shall be provided with panic hardware, except exit doors from individual classrooms not housing more than forty-five (45) people. No less than two (2) exits shall be provided for each building.

(1) All exit doors shall be either recessed or protected by a canopy, except exit doors from individual classrooms not housing more than forty-five (45) people. A landing of not less than four (4) feet shall be provided from the door threshold to the first step.

(2) All exterior exit doors and side lights, when glazed, shall have either safety laminated glass, tempered glass panels, or approved equals.

(3) Classroom doors shall be at least three (3) feet by six (6) feet and eight (8) inches.

(4) Any door swinging into a corridor shall swing through 180 degrees or be recessed.

(5) In any room where there is a chance of panic by explosion such as a chemistry room, shops, etc., and in any room that houses more than forty-five (45) students, library, cafeteria, etc., exit doors shall swing out.

(6) Each building shall be so designed as to minimize architectural barriers to the handicapped and shall include specific provisions for ramps and doorways to accommodate wheelchairs.

Section 3. No less than two (2) stairways shall be provided in multiple story buildings. The stairways shall be remote from each other.

(1) All required stairways shall *be enclosed and have doors that lead [open directly] to the outside without passing through a corridor.*

(2) Width of main stairways shall not be less than forty-four (44) inches between handrails. All stairways must be provided with a handrail on each side.

(3) Risers for main stairways shall not exceed seven (7) inches, and treads shall not be less than eleven (11) inches in width.

(4) No door shall open immediately upon a flight of stairs. A landing at least the width of the open door plus three (3) feet shall be provided.

(5) No storage space shall be located in or under any stairwell.

(6) Exterior stairways or ramps used as primary building exits shall be covered and shielded from weather.

Section 4. Standard elementary school classrooms shall be as follows:

(1) A minimum of 720 square feet of floor space.

(2) A minimum width of twenty-two (22) feet.

(3) A minimum of forty-eight (48) square feet of chalkboard.

(4) A minimum of forty-eight (48) square feet of tackboard.

(5) A storage space for children's clothing.

(6) A storage space for teaching materials and records.

(7) Ceiling height shall be a minimum of eight (8) feet and eight (8) inches with mechanical ventilation and a minimum of nine (9) feet and eight (8) inches with natural ventilation.

Section 5. Standards for middle school, junior high and high school classrooms shall be as follows:

(1) A minimum of 625 square feet of floor space.

(2) A minimum width of twenty-two (22) feet.

(3) A minimum of forty-eight (48) square feet of chalkboard.

(4) A minimum of forty-eight (48) square feet of tackboard.

(5) Ceiling height shall be a minimum of eight (8) feet and eight (8) inches with mechanical ventilation and a minimum of nine (9) feet and eight (8) inches with natural ventilation.

Section 6. A minimum window, twenty-four (24) by thirty (30) inches, shall be required in all exterior classrooms. Only interior rooms will be approved without a window.

(1) All windows installed in instructional areas shall have a minimum of fifty (50) percent of operable sash.

(2) *All exterior windows shall insofar as practical be double glazed or insulated glass.*

(3) [(2)] Operable sections of windows shall be within the reach of the classroom teacher.

(4) [(3)] Clerestory windows and skylights shall not be approved in classroom areas.

(5) [(4)] The height of a window sash or frame shall be a minimum of thirty (30) inches above the finished floor.

(6) [(5)] In classrooms approved without mechanical ventilation, the area of window ventilation shall be equal to ten (10) percent of the floor area.

Section 7. Toilet rooms, shower rooms and locker rooms in a school building shall be exhausted by means of

an exhaust duct system. Exhaust registers shall be located at or in the ceiling of each area and exhausted directly to the outside. Exhaust ducts serving rooms for opposite sexes shall not be connected to a common exhaust duct unless adequate sound proofing is provided. There shall be a minimum of twenty (20) air changes per hour of air provided for all areas.

Section 8. (1) All exterior walls shall have a maximum composite U-factor of .20 BTUH per square foot per degree Fahrenheit.

(2) A maximum composite U-factor for roofs shall be .10 BTUH per square foot per degree Fahrenheit.

Section 9. Standards for auxiliary spaces shall be as follows:

(1) Auditoriums, gymnasiums, and multipurpose rooms shall be located on the ground level and regardless of size shall be provided with at least two (2) exits remote from each other.

(2) Noise producing areas shall be located remote and shielded from classroom areas.

(3) A principal's office, secretaries' space and reception area shall be provided in all school buildings.

(4) Records storage room shall be provided in all secondary schools. This shall be a fireproof room with a two (2) hour rating.

(5) Locker space, properly ventilated, shall be provided for each middle, junior high, and high school student.

(6) A guidance area shall be provided in all school plants.

(7) A first aid room with toilet shall be provided in all school buildings.

(8) A general storage area for equipment and material storage shall be provided in all school plants.

(9) Custodial storage and equipment rooms shall be provided in all school buildings.

(10) Ceiling heights of all special instructional areas shall be eight (8) feet and eight (8) inches or more relative to the area of the room. The corridor height shall be a minimum of eight (8) feet in the clear.

Section 10. Old buildings remodeled for instructional purposes shall insofar as practical, meet the requirements of new spaces that would be used for the same purposes. The plans and specifications shall be approved by the Superintendent of Public Instruction *prior to the advertisement for bids for the project.*

JAMES B. GRAHAM,
Superintendent of Public Instruction

ADOPTED: January 10, 1979

RECEIVED BY LRC: January 15, 1979 at 1 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Mines and Minerals
Division of Miner Training, Education, and Certification
As Amended

805 KAR 7:030. Annual retraining program.

RELATES TO: KRS 351.105

PURSUANT TO: KRS 13.082, 351.106

EFFECTIVE: February 7, 1979

NECESSITY AND FUNCTION: KRS 351.106 empowers the Commissioner of the Department of Mines and Minerals to promulgate such reasonable regulations as are necessary to establish a program for miner training and examination according to the criteria and standards established by the Board of Miner Training, Education and Certification. This regulation effects the provisions of that law.

Section 1. Annual Retraining Program. (1) All certified persons shall receive a minimum of sixteen (16) hours of annual retraining.

(2) The annual retraining program set forth in this regulation shall be administered to each certified person during the first full calendar year subsequent to the date on which the certified person received his certification and during every calendar year thereafter.

(3) The annual retraining program shall include but not be limited to the following courses of instructions:

(a) Transportation controls and communications systems: the course shall include instruction in procedures for riding on and in mine conveyances, the controls in effect for the transportation of miners and material, and the use of the mine communication system, warning signals and directional signs.

(b) Barricading: the course shall include instruction and review of the methods of barricading and locations of barricading materials.

(c) Roof control and ventilation plans: the course shall include instruction and review of the roof control plan in effect at the mine and the procedures for roof and rib control, and instruction and review of the ventilation plan in effect at the mine and the procedures for maintaining ventilation and control of ventilation.

(d) First-aid: the course shall include instruction and review of first-aid methods.

(e) Electrical hazards, moving equipment: the course shall include instruction on recognition and avoidance of electrical hazard and procedures for working on and near moving equipment throughout the mine.

(f) Accident prevention: the course shall include instruction and review of the prevention of accidents, both electrical and mechanical.

(g) Self-rescue devices: the course shall include instruction in the use, care and maintenance of self-rescue devices.

(h) Explosives: the course shall include review and instruction on the hazards related to explosives and instruction in procedures for the safe handling and use of explosives.

(i) Health and safety standards: instruction shall be given on health and safety standard requirements contained in KRS Chapters 351 and 352 and Part 75 of the Federal Coal Mine Health and Safety Act of 1969 which are related to the tasks and work assignments of each miner.

Section 2. Annual retraining programs for certified persons may be conducted at various times throughout the calendar year, but no session shall be less than thirty (30) minutes of actual instruction time and the persons to be instructed shall be notified that the session is part of the annual retraining.

[Section 3. The operator shall annually verify in the form of an affidavit to the department that each certified person in his employ has received the minimum sixteen (16) hours of annual retraining as required by this regulation. Such affidavit shall state the dates on which the annual training sessions were conducted and the names and corresponding social security numbers of those persons receiving the annual retraining; provided, however, that no person shall be required to disclose his social security number for purposes of this affidavit. In the event that a person who has received the annual retraining refuses to disclose his social security number, the operator shall make a notation to that effect in the affidavit in lieu of stating that person's social security number.]

Section 3. The operator shall annually verify in the form of an affidavit to the department that each certified person in his employ has received the minimum sixteen (16) hours of annual retraining as required by this regulation. Such affidavit shall state the dates on which the annual training sessions were conducted and the names and corresponding social security numbers of those persons, including persons no longer in the employ of the operator, receiving the annual retraining; provided, however, that no person shall be required to disclose his social security number for purposes of this affidavit. In the event that a person who has received the annual retraining refuses to disclose his social security number, the operator shall make a notation to that effect in the affidavit in lieu of stating that person's social security number.

Section 4. Willful failure of a certified person to attend a minimum of sixteen (16) hours of annual retraining shall constitute grounds for revocation, suspension, or probation of the certificate.

H. N. KIRKPATRICK, Commissioner

ADOPTED: January 11, 1979

APPROVED: DONALD N. RHODY, Secretary

RECEIVED BY LRC: January 26, 1979 at 11 a.m.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Mines and Minerals
Division of Miner Training, Education and Certification
As Amended

805 KAR 7:070. Reporting procedures and record maintenance.

RELATES TO: KRS 351.102, 351.105

PURSUANT TO: KRS 351.105, 351.106

EFFECTIVE: February 7, 1979

NECESSITY AND FUNCTION: KRS 351.102 requires the Board of Miner Training, Education and Certification

to establish criteria and standards for a program of training and education for underground coal miners. KRS 351.106 empowers the Commissioner of the Department of Mines and Minerals to promulgate regulations necessary to implement the program of education and training. This regulation sets forth the reporting procedures and record maintenance necessary to implement and administer such program.

Section 1. Reporting requirements. (1) The operator of each underground coal mine *may, at his option*, [shall] make, [or cause to be made at his direction,] a monthly report to the department on forms prescribed by the commissioner.

(2) *In the event that an operator makes monthly reports to the department in accordance with the provisions of this regulation, then that operator need not make the reports required by 805 KAR 7:030(3), 805 KAR 7:040(3), and 805 KAR 7:050(5).*

(3) [(2)] Each monthly report shall be mailed to the department no later than fifteen (15) days subsequent to the last day of each month.

(4) [(3)] A copy of the last monthly report submitted to the department shall be posted in a conspicuous place on the mine premises.

(5) *Any operator wishing to make monthly reports to the department in lieu of the reports required by 805 KAR 7:030(3), 805 KAR 7:040(3), and 805 KAR 7:050(5) may do so by giving written notification to the department of his intent to submit monthly reports.*

Section 2. Information to be reported monthly. (1) Each monthly report shall contain the following information:

(a) Identification of each person that accumulated a total of sixteen (16) hours of annual retraining since the first day of the prevailing calendar year, during that month;

(b) Identification of each newly-hired miner who received eight (8) hours of mine specific training in accordance with 805 KAR 7:040, during that month;

(c) Identification of each experienced miner re-hired by the operator during that month who had received the mine specific training set forth in 805 KAR 7:040 within the twelve (12) preceding months;

(d) Identification of each miner who has completed his fifth shift under production during that month after receiving in the current calendar year twenty (20) hours of training for a new work assignment as set forth in 805 KAR 7:050, and the particular work assignment for which the training was received; and

(e) Identification of each miner qualified in the preceding calendar year who completed his fifth shift under production in the performance of a particular work assignment since the first day of the prevailing calendar year during that month.

(2) For purposes of this regulation, the accumulation of eight (8) hours in performance of a particular work assignment shall be deemed to be equivalent to the completion of one (1) shift of work.

(3) The operator shall report the information required by this regulation as it pertains to each person employed by the operator during the reported month regardless of whether that person is so employed at the time of submission of the monthly report.

(4) If, during any month, none of the events required to be reported occur, then the operator need not submit any report for that month.

Section 3. Record Maintenance. (1) The operator shall maintain upon the mine premises current and accurate records of the following:

(a) The dates on which annual retraining sessions were conducted by the operator, the persons receiving the annual retraining on those dates, and the subjects covered by each annual retraining session;

(b) The name of each miner newly-hired during the prevailing calendar year, the date on which he was hired, and the date on which he received eight (8) hours of mine specific training; and

(c) The particular work assignments for which each miner is qualified to perform pursuant to 805 KAR 7:050, and the basis for such qualifications.

(2) The operator shall maintain upon the mine premises a copy of all monthly reports submitted to the department during the preceding twelve (12) months.

H. N. KIRKPATRICK, Commissioner

ADOPTED: January 11, 1979

APPROVED: DONALD N. RHODY, Secretary

RECEIVED BY LRC: January 26, 1979 at 11 a.m.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
Certificate of Need and Licensure Board
As Amended

902 KAR 20:035. Personal care homes; construction and alteration.

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

PURSUANT TO: KRS 13.082, 216.425

EFFECTIVE: February 7, 1979

NECESSITY AND FUNCTION: This regulation, which relates to the construction and alteration of Personal Care Homes, is being promulgated pursuant to the mandate of KRS 216.425(3) that the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board regulate health facilities and health services.

Section 1. Scope: This regulation relates to the construction and alteration of personal care homes.

Section 2. Definitions: Personal care homes are establishments with permanent facilities that include resident beds and health related services to provide continuous general supervision and residential care. Residents in a personal care home are able to manage the normal activities of daily living except that they have physical or mental disabilities or in the opinion of a licensed physician are in need of residential care.

(1) **Residential care:** refers to a service that provides a protective environment and includes but is not limited to, social and recreational opportunities for residents.

(2) **Continuous or general supervision:** refers to a service that provides twenty-four (24) hour surveillance of the residents and ensures that health related services required for the residents well-being will be carried out.

Section 3. Essential Characteristics of Personal Care Homes. The essential characteristics of personal care homes are as follows:

(1) The primary function of the personal care home is to provide general supervision and protective services for residents who do not need nursing services for assistance in activities of daily living.

(2) Written transfer agreements with other facilities in the service area will provide a level of inpatient care not provided by the personal care facility. Any facility which does not have such an agreement in effect but which is found by the survey agency to have attempted in good faith to enter into such an agreement with another health facility shall be considered to have such an agreement in effect if and for so long as the survey agency finds that to do so is in the public interest and essential to assuring personal care facility services for eligible persons in the community. The administrator shall initiate transfer through an appropriate agency or the resident's physician, when the resident's condition is not within the scope of the personal care definition.

(3) The personal care home maintains resident beds.

(4) There is a governing authority legally responsible for the conduct of the personal care home.

(5) There is an administrator to whom the governing authority delegates the full-time responsibility for the operation of the institution in accordance with established policy.

(6) Arrangements shall be made by the resident, family or guardian, or facility for physician services for residents at the time of admission.

(7) Resident care services, with facilities and staff, are continuously maintained, except for homes operated under bona fide Christian Science auspices.

(8) Supervisory personnel are continuously available.

(9) A health record is maintained for each resident with a minimum to include the following:

(a) Identification information.

(b) Discharge summary or transfer form if admitted from another facility.

(c) Medical evaluation at time of admission.

(d) Notes on changes of residents' condition.

(e) Reports from special services, studies or consultations.

(f) Medication and treatment sheets.

(g) Residents' discharge destination or copy of death certificate.

(10) There is a supervision of medications ordered by physicians for self-administration by residents under their care.

(11) Food served to residents meets their nutritional requirements.

Section 4. Preparation of Plans and Specifications. After receiving certificate of need approval from the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board, the following procedures and regulations will be followed:

(1) Before construction is begun for the erection of new buildings or alterations to existing buildings or any changes in facilities, for a personal care facility, the licensee or applicant shall submit plans to the licensing agency for approval.

(2) Architectural drawings must bear the seal of an architect registered in the Commonwealth of Kentucky and the mechanical and electrical drawings must bear the seal of a professional engineer registered in the Commonwealth of Kentucky.

(3) Drawings shall not exceed thirty-six (36) inches [feet] by forty-six (46) inches [feet] when trimmed.

Section 5. Submission of Plans and Specifications. (1) First stage; schematic plans (Required only if facility exceeds 100 beds).

(a) Single line drawings of each floor shall show the relationship of the various departments or services to each other and the room arrangement in each department. The name of each room shall be noted. Drawings shall include typical resident room layouts (scaled $\frac{1}{4}" = 1'0"$) with dimensions noted. The proposed roads and walks, service and entrance courts, parking and orientation shall be shown in a plot plan.

(b) If the project is an addition, or is otherwise related to existing buildings on the site, the plans shall show the facilities and general arrangements of those buildings.

(2) Second stage; preliminary plans. Preliminary sketch plans shall include the following:

(a) Architectural:

1. Plans of basement, floors, and roof showing space assignment, sizes and outline of fixed and movable equipment;

2. All elevations and typical sections;

3. Plot plan showing roads, parking, and sidewalks;

4. Areas and bed capacities by floors.

(b) Mechanical:

1. Single line layout of all duct and piping systems;

2. Riser diagrams for multistory construction;

3. Scale layout of boilers and major associated equipment and central heating, cooling, and ventilating units.

(c) Electrical:

1. Plans showing space assignment, sizes and outlines of fixed equipment such as transformers, main switch and switchboards, and generator sets.

2. Simple riser diagram for multistory building construction, showing arrangement of feeders, subfeeders, bus work, load centers, and branch circuit panels.

(d) Outline specifications:

1. General description of the construction, including interior finishes, types and locations of acoustical material, and special floor covering;

2. Description of the air-conditioning, heating, and ventilation systems and their controls, duct and piping systems; and dietary, laundry, and other special equipment.

3. General description of electrical service including voltage, number of feeders, and whether feeders are overhead or underground.

(3) Third stage; contract documents:

(a) Working drawings. Working drawings shall be complete and adequate for bid, contract, and construction purposes. Drawings shall be prepared for each of the following branches of the work: architectural, structural, mechanical, and electrical. They shall include the following:

1. Architectural drawings:

a. Approach plan showing all new topography, newly established levels and grades, existing structures on the site (if any), new building structures, roadways, walks, and parking areas;

b. Plan of each basement, floor and roof;

c. Elevations of each facade;

d. Sections through building;

e. Required scale and full-size details;

f. Schedule of doors, windows, and room finishes;

g. Equipment. Location of all fixed equipment. Layout of typical and special rooms indicating all fixed equipment

and major items of movable equipment. Equipment not included in contract shall be so indicated;

h. Conveying systems. Details of construction, machine and control spaces necessary, size and type of equipment, and utility requirements for the following: dumbwaiters; electric, hand, hydraulic; elevators: freight, passenger, patient; loading dock devices; pneumatic tube systems.

2. Structural drawings:

a. Plans for foundations, floors, roofs, and all intermediate levels with sizes, sections, and the relative location of the various structural members;

b. Dimensions of special openings;

c. Details of all special connections, assemblies, and expansion joints.

3. Mechanical drawings:

a. Heating, steam piping, and air-conditioning systems; radiators and steam heating equipment, such as warmers and steam tables; heating and steam mains and branches with pipe sizes; diagram of heating steam risers with pipe sizes; sizes, types, and capacities of boilers, furnaces, hot water heaters with stokers, oil burners, or gas burners; pumps, tanks, boiler breeching, and piping and boiler room accessories; air-conditioning systems with required equipment, water and refrigerant piping, and ducts; supply and exhaust ventilation systems with heating/cooling connections and piping; air quantities for all room supply and exhaust ventilating duct openings.

b. Plumbing, drainage, and standpipe systems. Size and elevation of: street sewer, house sewer, house drains, street water main, and water service into the building. Location and size of soil, waste, and water service with connections to house drains, clean-outs, fixtures, and equipment. Size and location of hot, cold, and circulating branches, and risers from the service entrance, and tanks; riser diagram of all plumbing stacks with vents, water risers, and fixture connections. Standpipe and sprinkler systems where required; all fixtures and equipment that require water and drain connections.

4. Electrical drawings:

a. Electric service entrance with switches and feeders to the public service feeders, characteristics of the light and power current, transformers and their connections if located in the building;

b. Location of main switchboard, power panels, light panels, and equipment. Diagram of feeders and conduits with schedule of feeder breakers or switches;

c. Light outlets, receptacles, switches, power outlets, and circuits;

d. Telephone layout showing service entrance, telephone switchboard, strip boxes, telephone outlets, and branch conduits;

e. Nurses' call systems with outlets for residents' beds and rest rooms; duty station, door signal light and wiring diagrams; (This is optional but required in all higher levels of care.)

[f. Fire alarm systems with stations, signal devices, control board and wiring diagrams;]

f. [g.] Emergency electrical system with outlets, transfer switch, sources of supply, feeders, and circuits;

g. [h.] All other electrically operated systems and equipment.

(b) Specifications. Specifications shall supplement the drawings to fully describe types, sizes, capacities, workmanship, finishes and other characteristics of all materials and equipment and shall include:

1. Cover or title sheet;
2. Index;

3. Sections describing materials and workmanship in detail for each class of work;

4. General conditions, which must contain the following requirements: Access to the work. Representatives of the appropriate state agencies will have access at all reasonable times to the work wherever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection.

(4) *Fourth stage; all plans and specifications must be approved by the State Fire Marshal's office and the state licensure agency prior to commencement of construction.*

Section 6. Code and Standards. (1) General. Nothing stated herein shall relieve the sponsor from compliance with building codes, ordinances, and regulations which are enforced by city, county, or state jurisdictions.

(2) The following codes and standards will apply where applicable and adopted by the respective agency authority:

(a) Current Kentucky standards of safety regulations applicable to personal care facilities.

(b) Current Kentucky plumbing standards regulations applicable to personal care facilities.

(c) Current Kentucky standards for air contaminants for incinerators regulations applicable to personal care facilities.

(d) Current Kentucky standards for elevators regulations applicable to personal care facilities.

(e) Current Kentucky standards for making buildings and facilities accessible to and usable by the physically handicapped regulations applicable to hospitals.

(3) *Prior to occupancy, facility shall have final approval from appropriate agencies.*

Section 7. Facility Requirements and Special Conditions. (1) These regulations, except Section 6 which may be administered independent from these regulations, apply to the construction of new facilities and facilities that are being converted to personal care. Existing facilities will be expected to make a concerted and demonstrated effort to fully comply with these regulations and must prove to the satisfaction of the board that there are valid, reasonable, and specific justifications for not being in full compliance. The board, however, reserves the right to establish deadlines for compliance to standards of significant importance as determined by the board.

(2) These standards are intended for facilities to be licensed as personal care homes. There are other separate and unique construction and facility standards applicable only to the specific level of care intended which are not interchangeable.

(3) Facilities shall be available to the public, staff, and residents who may be physically handicapped with special attention given to ramps, drinking fountain height, tilted mirrors, etc.

(4) At least sixty-six (66) percent of the beds in the facility shall be located in rooms designed for one (1) or two (2) beds.

(5) Access to the facility shall be by means of a paved or gravel roadway which shall be available for use by traffic prior to a license being issued to a facility for occupancy.

Section 8. Resident Unit. The following shall be included: (1) Resident rooms. Each room shall meet the following requirements:

(a) Maximum room capacity: four (4) residents.

(b) Minimum room is exclusive of built-in closet, lockers, wardrobes and vestibules: 100 square feet in one

(1) bed rooms and eighty (80) square feet in multibed rooms.

(c) Multibed rooms shall be designed to permit not less than a three (3) foot space between beds, and at least a three (3) foot space between the side of the bed and the nearest wall, fixed cabinet, or heating/cooling unit. Beds shall be at least thirty-six (36) inches wide. A minimum of three (3) feet is required between the foot of the bed and opposite wall or foot of opposite bed in multibed rooms.

(d) Windows: All resident rooms must have windows opening to the outside. Sill shall not be higher than three (3) feet above the floor and shall be above grade. Window area to be at least ten (10) percent of resident room floor area.

(e) In all rooms with resident beds one (1) lavatory is required.

(f) Wardrobe or closet for each resident. Minimum clear dimensions: one (1) foot and ten (10) inches deep by one (1) foot and eight (8) inches wide with full length hanging space; provide clothes rod and shelf.

(g) In multibed rooms a method of assuring visual privacy for each resident shall be provided.

(2) Resident toilet and bathing facilities:

(a) Provide a centralized bathing area for each sex on every floor. One (1) shower stall or one (1) bathtub for each twelve (12) residents or major fraction thereof is required. One (1) shower stall shall be designed for wheelchair use.

(b) Provide a centralized toilet area for each sex on every floor. One (1) toilet for each eight (8) residents or fraction thereof and one (1) lavatory for each sixteen (16) residents or fraction thereof is required. Toilets must be separated by a permanent partition and at least one (1) toilet for each sex must be designed for wheelchair use.

(c) The centralized bathing and centralized toilet area may be combined into one (1) location provided provision is made for the privacy of sexes.

(d) Grab bars shall be provided at all tubs, shower stalls, and toilets.

(3) Service areas for each floor. The size and location of each service area will depend on the maximum number of residents the floor was designed for and shall include:

(a) Duty station. An adequate centralized area must be provided for charting and other required administrative functions.

(b) Staff lounge area. Shall have adequate space for lockers and have its own toilet room.

(c) Medication area, with sink, refrigerator, locked storage and facilities for preparation of medication. Controlled substances locker must be under double lock.

(d) Clean linen storage. Enclosed storage area.

(e) Janitor's closet. Storage of housekeeping supplies and equipment. Floor receptor or service sink.

(4) Residents' dining, TV viewing, and recreation areas.

(a) The total areas set aside for these purposes shall be not less than thirty (30) square feet per bed for the first fifty (50) beds and twenty (20) square feet per bed for all beds in excess of fifty (50).

(b) Storage shall be provided for recreational equipment and supplies. (Such as wall cabinets or closets.)

Section 9. Dietary Department. If a commercial service will be used or meals will be provided by an adjacent hospital, dietary areas and equipment shall be designed to accommodate the requirements for sanitary, efficient and safe storage, processing, and handling, otherwise the following will be provided:

(1) Food preparation center. Provide lavatory but do not provide mirror.

(2) Food serving facilities. For *residents* [patients] and staff.

(3) Dishwashing and potwashing facilities. Dish and utensil washing equipment will be used that will result in sanitized serveware and will prevent recontamination.

(4) Refrigerated storage. Should accommodate a three (3) day supply minimum.

(5) Dry [Day] storage. Should accommodate a three (3) day supply minimum.

(6) Cart cleaning facilities. Only if this type of system is used.

(7) Cart storage area. Only if this type of system is used.

(8) Janitor's closet. Storage for housekeeping supplies and equipment; floor receptor or service sink.

(9) If a toilet room is built in this department, it must have two (2) door separation from food preparation area or dining areas.

Section 10. Administration Department. The following shall be included: (1) Administrator's office. Business office and information center, the admitting and medical records areas may be combined into one (1) area.

(2) Public and staff toilet rooms may be combined.

(3) Housekeeper's storage space.

Section 11. Laundry. The following shall be included: (1) Soiled linen room.

(2) Clean linen room.

(3) Lavatory. Accessible from soiled, clean, and processing rooms.

(4) Laundry processing room and storage for laundry supplies. (Need not be provided if laundry is processed outside the facility.)

Section 12. Storage and Service Areas. The following shall be included: (1) Sufficient storage space shall be provided.

(2) Engineering service and equipment areas. The following shall be provided where applicable:

(a) Boiler room;

(b) Mechanical and electrical equipment room(s). (Can be combined with boiler room);

(c) Storage room for housekeeping equipment. (Need not be provided if space is available in janitor's closets or elsewhere);

(d) Refuse area, for holding trash prior to disposal, shall be located convenient to service entrance. (See Section 13(1)(e).)

Section 13. Details and Finishes. A high degree of safety for the occupants in minimizing the incidence of accidents shall be provided. Hazards such as sharp corners shall be avoided. All details and finishes shall meet the following requirements:

(1) Details:

[(a) Exits shall comply with the requirements for exit facilities in the "Kentucky Standards for Safety" as adopted by the State Fire Marshal's Office.]

(a) [(b)] Handrails shall be provided on both sides of corridors used by residents in personal care with a clear distance of one and one-half (1 ½) inches between handrail and wall.

(b) [(c)] All doors opening onto corridors shall be swing-type except elevator doors. Alcoves and similar spaces which generally do not require doors are excluded from this requirement.

(c) [(d)] No doors shall swing into the corridor except closet doors.

(d) [(e)] Thresholds and expansion joint covers, if used, shall be flush with the door.

(e) [(f)] Grab bars and accessories in toilet, shower, and bathrooms shall have sufficient strength and anchorage to sustain a load of 250 pounds for five (5) minutes.

(f) [(g)] Lavatories intended for use by residents shall be installed to permit wheelchairs to slide under.

(g) [(h)] The location and arrangement of lavatories and sinks intended for handwashing purposes shall provide sixteen (16) inches clearance each side of center line of fixture. (See Section 16(4)(a).)

(h) [(i)] Mirrors shall be arranged for convenient use by residents in wheelchairs as well as by residents in standing position.

(i) [(j)] Towel rack or dispensers shall be provided at all lavatories and sinks used for handwashing.

(j) [(k)] Ceiling heights:

1. Boiler room. Not less than two (2) feet and six (6) inches above the main boiler header and connecting piping with adequate headroom under piping for maintenance and access;

2. Corridors, storage rooms, residents' toilet room, and other minor rooms. Not less than seven (7) feet and six (6) inches;

3. All other rooms. Not less than eight (8) feet.

(k) [(l)] Boiler room, food preparation centers, and laundries shall be insulated and ventilated to prevent any floor surface above from exceeding a temperature of eighty-five (85) degrees Fahrenheit.

[(l) [(m)] Approved fire extinguishers shall be provided in recessed locations throughout the building in accordance with "Kentucky Standards of Safety," adopted by the State Fire Marshal's Office.]

(l) [(m)] [(n)] Noise reduction criteria. The ceilings of the following areas shall be designed to reduce noise transmission:

1. Corridors in resident areas;

2. Work areas such as utility rooms;

3. Lobbies and recreation areas.

(m) [(n) [(o)] Special attention shall be given to sound transmission from boiler rooms, mechanical rooms, and kitchen, to resident bedroom areas.

(2) Finishes:

[(a) Flame spread requirements shall conform to the standards adopted by the State Fire Marshal's Office.]

(a) [(b)] Floors generally shall be easily cleanable and shall have the wear resistance appropriate for the location involved. Floors in kitchen and related spaces shall be waterproof and greaseproof. In all areas where floors are subject to wetting, they shall have a nonslip finish.

(b) [(c)] Adjacent dissimilar floor materials shall be flush with each other to provide an unbroken surface.

(c) [(d)] Walls generally shall be washable and in the immediate area of plumbing fixtures, the finish shall be moistureproof. Wall bases in dietary areas shall be free of spaces that can harbor insects.

(d) [(e)] Ceilings generally shall be washable or easily cleanable. This requirement does not apply to boiler rooms, mechanical and building equipment rooms, shops and similar spaces.

Section 14. Elevators. Elevator requirements shall conform to the current standards for elevators adopted by the Division of Labor Standards, Department of Labor.

(1) Elevators, where required. All facilities where either resident beds or residential facilities such as recreation,

resident dining or therapy rooms are located on other than the first floor, shall have electric or electrohydraulic elevators as follows:

(a) Number of elevators.

1. At least one (1) hospital-type elevator shall be installed where one (1) to fifty-nine (59) resident beds are located on any floor other than the first. (For purposes of these requirements, the first floor is that floor first reached from the main front entrance);

2. At least two (2) elevators, one (1) of which shall be hospital-type shall be installed where sixty (60) to 200 resident beds are located on floors other than the first, or where residential facilities are located on a floor other than those containing the resident beds.

3. At least three (3) elevators, one (1) of which shall be hospital-type shall be installed where 201 to 350 resident beds are located on floors other than the first, or where residential facilities are located on a floor other than those containing the resident beds;

4. For facilities with more than 350 beds, the number of elevators shall be determined from a study of the facility plan and the estimated vertical transportation requirements.

(b) Cars and platforms. [Elevator cars and platforms shall be constructed of noncombustible material, except that fire-retardant-treated material may be used if all exterior surfaces of the cars are covered with metal.] Cars of hospital-type elevators shall have inside dimensions that will accommodate a resident's bed and attendants and shall be at least five (5) feet wide by seven (7) feet and six (6) inches deep; car doors shall have a clear opening of not less than three (3) feet and eight (8) inches. Cars of all other required elevators shall have a clear opening of not less than three (3) feet.

(c) Leveling. Elevators shall have automatic leveling of the two (2) way automatic maintaining type with accuracy within plus or minus one-half ($\frac{1}{2}$) inch.

(2) Field inspection and tests. The contractor shall be required to cause inspections and tests to be made and shall deliver to the owner written certification that the installation meets the requirements set forth in this section.

Section 15. Construction. [Including Fire-Prevention Requirements. (1)] Foundations shall rest on natural solid ground if a satisfactory soil is available at reasonable depths. Proper soil bearing values shall be established in accordance with recognized standards. If solid ground is not encountered at practical depths, the structure shall be supported on driven piles or drilled piers designed to support the intended load without detrimental settlement.

[(2) Construction shall meet the "Kentucky Standards for Safety" adopted by the State Fire Marshal's Office.]

[(3) Fire safety approval. Prior to final approval of plans and specifications by the state licensure agency, the plans and specifications must be approved by the State Fire Marshal's Office.]

Section 16. Mechanical Requirements. [(1) Design and construction of refuse chutes, dumbwaiters, conveyors, and material handling systems shall be in accordance with the standards adopted by the State Fire Marshal's Office.]

(1) [(2)] Steam and hot water systems:

(a) Boilers. If boilers are used, a minimum of two (2) must be provided; the combined capacity of the boilers, based upon the published Steel Boiler Institute or Institute of Boiler and Radiator Manufacturer's net rating, must be able to supply 150 percent of the normal requirements of all systems and equipment.

(b) Valves. Supply and return mains and risers of space heating and process steam systems shall be valved to isolate the various sections of each system. Each piece of equipment shall be valved at the supply and return end.

(c) Covering. Boiler and smoke breeching, all steam supply piping and high pressure steam return piping, and hot water space heating supply and return piping shall be insulated.

(d) the design and installation of all boilers must be in accordance with current Kentucky plumbing standards regulations applicable to personal care facilities.

(2) [(3)] Air-conditioning, heating and ventilating systems:

(a) Temperatures. A minimum temperature of seventy-two (72) degrees Fahrenheit shall be provided for occupied areas at winter design conditions.

(b) Ventilation systems details. All air-supply and air-exhaust systems shall be mechanically operated. All fans serving exhaust systems shall be located at or near the point of discharge from the building. The ventilation rates shown on Table 1, Section 18, shall not be considered as precluding the use of higher ventilation rates if they are required to meet design conditions.

1. Outdoor ventilation air-intakes, other than for individual room units, shall be located as far away as practicable but not less than twenty-five (25) feet from the exhausts from any ventilating system or combustion equipment. The bottom of outdoor intakes serving central air systems shall be located as high as possible but not less than eight (8) feet above the ground level or, if installed through the roof, three (3) feet above roof level.

2. The ventilation systems shall be designed and balanced to provide the general pressure relationship to adjacent areas shown in Table 1, Section 18.

3. Room supply air inlets, recirculation, and exhaust air outlets shall be located not less than three (3) inches above the floor.

4. Corridors shall not be used to supply air to or exhaust air from any room, except that exhaust air from corridors may be used to ventilate rooms such as bathrooms, toilet rooms, or janitor's closets which open directly on corridors.

5. Ducts shall be constructed of iron, steel, aluminum, or other approved metal or materials such as clay, asbestos, cement, fiberglass, etc.

6. All hoods over cooking ranges shall be equipped with fire extinguishing systems and heat-actuated fan controls. Cleanout openings shall be provided every twenty (20) feet in horizontal exhaust duct systems serving hoods.

7. Boiler rooms shall be provided with sufficient outdoor air to maintain combustion rates of equipment and reasonable temperatures in the room and in adjoining areas.]

(3) [(4)] Plumbing and other piping systems. All plumbing systems shall be installed in accordance with the requirements of current Kentucky plumbing standards regulations applicable to personal care facilities. Lavatories in resident rooms shall have the water supply spout mounted so that its discharge point is a minimum distance of five (5) inches above the rim of the fixture. All fixtures used by staff, and all lavatories used by residents and food handlers shall be trimmed with valves which can be operated without the use of hands. Where blade handles are used for this purpose, they shall be of standard length. (See Section 13(1)(j).)

(4) [(5)] Water supply systems:

(a) System shall be designed to supply water to the fixtures and equipment on the upper floors at a minimum

pressure of fifteen (15) pounds per square inch during maximum demand periods.

(b) Each water service main, branch main, riser and branch to a group of fixtures shall be valved. Stop valves shall be provided at each fixture.

(c) Hot, cold and chilled water piping and waste piping on which condensation may occur shall be insulated. Insulation of cold and chilled water lines shall include an exterior barrier.

(d) Backflow preventers (vacuum breakers) shall be installed on hose bibbs and on all fixtures to which hoses or tubing can be attached such as janitor's sinks and bedpan flushing attachments.

(e) Hot water distribution systems shall be arranged to provide hot water at each fixture at all times.

(f) Plumbing fixtures which require hot water and which are intended for resident use shall be supplied with water which is controlled to provide a maximum water temperature of 110 degrees Fahrenheit at the fixture.

(g) Piping over food preparation centers, food serving facilities, food storage areas, and other critical areas shall be kept to a minimum and shall not be exposed. Special precautions shall be taken to protect these areas from possible leakage of, or condensation from necessary overhead piping systems.

(5) [(6)] Hot water heaters and tanks.

(a) The hot water heating equipment shall have sufficient capacity to supply the water at the temperature and amounts indicated below:

	Use		
	Resident	Dietary	Laundry
Gal/hr/bed	6½	4	4½
Temp. F.	110	180	180

(b) Storage tank(s) shall be provided and shall be fabricated of corrosion-resistant metal, or have non-corrosive lining.

[(7) Fire extinguishing and detection systems shall conform to the "Kentucky Standards of Safety" adopted by the State Fire Marshal's Office.]

(6) [(8)] Plumbing approval. Prior to final approval of the plans and specifications by the state licensure agency, the plumbing plans and specifications must be approved by the Division of Plumbing, Department of Housing, Buildings and Construction [for Natural Resources and Environmental Protection].

Section 17. Electrical Requirements. (1) General:

(a) All materials including equipment, conductors, controls, and signaling devices shall be installed to provide a complete electrical system with the necessary characteristics and capacity to supply the electrical facilities shown in the specifications or indicated on the plans. All materials shall be listed as complying with applicable standards of Underwriters' Laboratories, Inc., or other similarly established standards.

(b) The contractor shall be responsible for testing all electrical installations and systems and shall show that the equipment is correctly installed and operated as planned or specified.

(c) The electrical installations must conform to local codes where they exist or to the National Electrical Code. Final approval must be obtained from the State Fire Marshal's Office, after inspection.

(2) Switchboard and power panels. Circuit breakers or fusible switches that provide disconnecting means and overcurrent protection for conductors connected to swit-

chboard and distribution panelboards shall be enclosed or guarded to provide a dead-front type of assembly. The main switchboard shall be located in a separate enclosure accessible only to authorized persons. The switchboard shall be convenient for use, readily accessible for maintenance, clear of traffic lanes, and in a dry ventilated space devoid of corrosive fumes or gases. Overload protective devices shall be suitable for operating properly in the ambient temperature conditions. All breakers and switches are to be indexed.

(3) Distribution panelboards. Lighting and appliance panelboards shall be provided for the circuits on each floor. All circuits are to be indexed at panelboard. This requirement does not apply to emergency system circuits.

(4) Lighting:

(a) All spaces occupied by people, machinery, and equipment within buildings, and the approaches thereto, and parking lots shall have electric lighting.

(b) Residents' bedrooms shall have general lighting. A reading light shall be provided for each resident when appropriate. Residents' reading lights and other fixed lights not switched at the door shall have switch controls convenient for use at the luminaire.

(c) Provisions shall be made for the night lighting of corridors. (See Section 18, Table 2, for levels of illumination for various areas.)

(5) Receptacles. (Convenience outlets);

(a) Bedroom. Each resident bedroom shall have duplex receptacles as follows: one (1) each side of the head of each bed (for parallel adjacent beds, only one (1) receptacle is required between beds); receptacles for luminaires, television and motorized beds, if used, and one (1) receptacle on another wall.

(b) Corridors. Single receptacles for equipment such as floor cleaning machines shall be installed approximately fifty (50) feet apart in all corridors. Duplex receptacles for general use shall be installed approximately fifty (50) feet apart in all corridors and within twenty-five (25) feet of ends of corridors.

[(6) Fire alarms and fire detector systems. The design and installation of these systems must be approved by the State Fire Marshal's Office. (See Section 6(2).)]

(6) [(7)] Emergency electric service:

(a) General. To provide electricity during an interruption of the normal electric supply that could affect the care or safety of the occupants, an emergency source of electricity shall be provided and connected to certain circuits for lighting and power for a continuous period up to twenty-four (24) hours.

(b) Emergency electrical connections. Emergency electric service shall be provided to circuits as follows:

1. Lighting:

a. Exitways and all necessary ways of approach thereto, including exit signs and exit direction signs, exterior of exits, exit doorways, stairways, and corridors;

b. Medication preparation areas;

c. Switch-gear location and boiler room;

d. Elevator (if required for emergency);

2. Equipment, essential to life safety and for protection of important or vital materials: *sewage or sump lift pump, if installed.*

[a. Alarm system including fire alarm actuated at manual stations, water flow alarm devices of sprinkler system if electrically operated, fire detecting and smoke detecting systems, paging or speaker systems if intended for issuing instructions during emergency conditions;]

[b. Fire pump, if installed;]

[c. Sewage or sump lift pump, if installed.]

(c) Details. The emergency system shall be so controlled that after interruption of the normal electric power supply, the electric source is brought to full voltage and frequency and connected to all emergency lighting, all alarms, and equipment.

Section 18. Appendix: Table 1—Pressure Relationships and Ventilation of Certain Personal Care Areas. Table 2—Lighting Levels for Personal Care.

Table 1. Pressure Relationships and Ventilation of Certain Personal Care Areas

Area Designation	Pressure Relationship to Adjacent Areas	All Supply Air From Outdoors	Minimum Air Changes of Outdoor Air per Hour
Resident room	0	—	2
Resident area corridor	0	—	1
Treatment room	0	Yes	1
Physical therapy and hydrotherapy if applicable	N	—	1
Dining and recreation areas	0	—	1
Soiled workroom	N	—	1
Clean workroom	P	Yes	1
Toilet room	N	—	—
Bedpan room if applicable	N	—	—
Bathroom	N	—	—
Janitor's closet	N	—	—
Linen and trash chute room	N	—	—
Food preparation center	0	—	2
Dishwashing area	N	—	—
Dietary dry storage	0	—	—
Laundry, general	0	—	2
Soiled linen sorting and storage	N	—	2
Clean linen storage	P	—	2

Area Designation	Minimum Total Air Changes Per Hour	All Air Exhausted Directly to Outdoors	Recirculated Within Area
Resident room	2	—	—
Resident area corridor	4	—	—
Treatment room	4	Yes	No
Physical therapy and hydrotherapy if applicable	6	—	—
Dining and recreation areas	4	—	—
Soiled workroom	4	Yes	No
Clean workroom	4	—	—
Toilet room	10	Yes	No
Bedpan room if applicable	10	Yes	No
Bathroom	10	Yes	No
Janitor's closet	10	Yes	No
Linen and trash chute rooms	10	Yes	No
Food preparation center	10	Yes	No
Dishwashing area	10	Yes	No
Dietary dry storage	2	—	No
Laundry, general	10	Yes	No
Soiled linen sorting and storage	10	Yes	No
Clean linen storage	2	—	—

P = Positive N = Negative 0 = Equal — = Optional

Table 2. Lighting Levels for Personal Care

Area	Footcandles *
Administrative and lobby areas, day	50
Administrative and lobby areas, night	20
Corridors and interior ramps	20
Corridor night lighting	3
Dining area and kitchen	30
Doorways	10
Exit stairways and landings	5
Janitor's closet	15
Staff Lounge, general, day	50
Staff Lounge, general, night	20
Medicine Cabinet	100
Resident care unit (or room), general	10
Resident care room, reading	30
Recreation area (floor level)	50
Stairways other than exits	30
Toilet and bathing facilities	30
Utility room, general	20

* Minimum on task at anytime

MASON C. RUDD, Chairman

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
Certificate of Need and Licensure Board
As Amended

902 KAR 20:055. Intermediate care facilities; construction and alteration.

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

PURSUANT TO: KRS 13.082, 216.425

EFFECTIVE: February 7, 1979

NECESSITY AND FUNCTION: This regulation, which relates to the construction and alteration of intermediate care facilities, is being promulgated pursuant to the mandate of KRS 216.425(3) that the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board regulate health facilities and health services.

Section 1. Definition: Intermediate care services are provided intermittently on a twenty-four (24) hour basis by establishments with permanent facilities and health related services to patients who do not require the degree of care and treatment which a hospital or skilled nursing facility is designed to provide, but who because of their mental or physical condition require care and services (above the level of room and board) which can be made available to them only through institutional facilities on an inpatient basis.

Section 2. Essential characteristics: All intermediate care services shall have provisions for the following essential characteristics:

(1) A governing authority legally responsible for the conduct of the facility;

(2) An administrator licensed by the State Board of Licensure for Nursing Home Administrators to whom the governing authority delegates full-time responsibility for the operation of the facility in accordance with established policy;

(3) Inpatient care;

(4) Twenty-four (24) hour supervision (at various levels) according to patient need;

(5) Diagnostic care and evaluation according to need;

(6) Treatment and/or training of the type and frequency required by specific patient needs as detailed in an individual "plan of care;"

(7) Cooperation with appropriate community planning and referral agencies where available for admission and discharge of patients;

(8) Social services as needed by the patients through direct provision or arrangement;

(9) A current and complete record maintained for each patient;

(10) An organized food service which meets the nutritional needs of the patients, with special diets regularly available;

(11) A plan for independent and group activities;

(12) A written patient care policy governing patient treatment in the facility;

(13) Maintaining effective arrangements for required institutional services through a written agreement with an outside resource in those instances where the facility does not employ a qualified professional person to render a required service. The terms of agreement with each such resource are delineated in writing and signed by the administrator or authorized representative and the resource;

(14) Written transfer agreements with other health facilities in the service area will provide a level of inpatient care not provided by the intermediate care facility. Any facility which does not have such an agreement in effect but which is found by the survey agency to have attempted in good faith to enter into such an agreement with another health facility shall be considered to have such an agreement in effect if and for so long as the survey agency finds that to do so is in the public interest and essential to assuring intermediate care facility services for eligible persons in the community;

(15) Intermittent appraisal and intervention by trained nursing personnel is on a twenty-four (24) hour basis;

(16) Medical management by a licensed physician and scheduled intermittent diagnostic care is provided;

(17) Restorative nursing care is provided to each patient to achieve and maintain the highest possible degree of function, self-care and independence.

Section 3. Preparation of Plans and Specifications. After receiving certificate of need approval from the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board, the following procedures and regulations will be followed:

(1) Before construction is begun for the erection of new buildings or alterations to existing buildings or any change in facilities, for an intermediate care facility, the licensee or applicant shall submit plans to the licensing agency for approval.

(2) Architectural drawings must bear the seal of an architect registered in the Commonwealth of Kentucky and the mechanical and electrical drawings must bear the seal of a professional engineer registered in the Commonwealth of Kentucky.

(3) Drawings shall not exceed thirty-six (36) inches by forty-six (46) inches when trimmed.

Section 4. Submission of Plans and Specifications for Intermediate Care. (1) First stage; schematic plans:

(a) Single line drawings of each floor shall show the rela-

tionship of the various departments or services to each other and the room arrangement in each department. The name of each room shall be noted. Drawings shall include typical patient room layouts (scaled $\frac{1}{4}'' = 1'0''$) with dimensions noted. The proposed roads and walks, service and entrance courts, parking and orientation shall be shown in a plot plan.

(b) If the project is an addition, or is otherwise related to existing buildings on the site, the plans shall show the facilities and general arrangements of those buildings.

(2) Second stage; preliminary plans. preliminary sketch plans shall include the following:

(a) Architectural:

1. Plans of basement, floors, and roof showing space assignment, sizes, and outline of fixed and movable equipment;

2. All elevations and typical sections;

3. Plot plan showing roads, parking, and sidewalks;

4. Areas and bed capacities by floors.

(b) Mechanical:

1. Single line layout of all duct and piping systems;

2. Riser diagrams for multistory construction;

3. Scale layout of boilers and major associated equipment and central heating, cooling, and ventilating units.

(c) Electrical:

1. Plans showing space assignment, sizes and outlines of fixed equipment such as transformers, main switch and switchboards, and generator sets;

2. Simple riser diagram for multisitory building construction, showing arrangement of feeders, subfeeders, bus work, load center, and branch circuit panels.

(d) Outline specifications:

1. General description of the construction, including interior finishes, types and locations of acoustical material, and special floor covering;

2. Description of the air-conditioning, heating, and ventilation systems and their controls, duct and piping systems; and dietary, laundry, and other special equipment;

3. General description of electrical service including voltage, number of feeders, and whether feeders are overhead or underground.

(3) Third stage; contract documents:

(a) Working drawings. Working drawings shall be complete and adequate for bid, contract, and construction purposes. Drawings shall be prepared for each of the following branches of the work: architectural, structural, mechanical, and electrical. They shall include the following:

1. Architectural drawings:

a. Approach plan showing all new topography, newly established levels and grades, existing structures on the site (if any), new building structures, roadways, walks, and parking areas;

b. Plan of each basement, floor and roof;

c. Elevations of each facade;

d. Sections through building;

e. Required scale and full-size details;

f. Schedule of doors, windows, and room finishes;

g. Equipment. Location of all fixed equipment. Layout of typical and special rooms indicating all fixed equipment and major items of movable equipment. Equipment not included in contract shall be so indicated;

h. Conveying systems. Details of construction, machine and control spaces necessary, size and type of equipment, and utility requirements for the following: dumbwaiters: electric, hand, hydraulic; elevators: freight, passenger, patient; loading dock devices; pneumatic tube systems.

2. Structural drawings:

a. Plans for foundations, floors, roofs, and all intermediate levels with sizes, sections, and the relative location of the various structural members;

b. Dimensions of special openings;

c. Details of all special connections, assemblies, and expansion joints.

3. Mechanical drawings:

a. Heating, steam piping, and air-conditioning systems: Radiators and steam heated equipment, such as warmers and steam tables; heating and steam mains and branches with pipe sizes; diagram of heating and steam risers with pipe sizes; sizes, types, and capacities of boilers, furnances, hot water heaters with stokers, oil burners, or gas burners; pumps, tanks, boiler breeching, and piping and boiler room accessories; air-conditioning systems with required equipment, water and refrigerant piping and ducts; supply and exhaust ventilation systems with heating/cooling connections and piping; air quantities for all room supply and exhaust ventilating duct openings.

b. Plumbing, drainage, and standpipe systems; size and elevation of: street sewer, house sewer, house drains, street water main, and water service into the building; location and size of soil, waste, and water service with connections to house drains, clean-outs, fixtures, and equipment; size and location of hot, cold and circulating branches, and risers from the service entrance, and tanks; riser diagram of all plumbing stacks with vents, water risers, and fixture connections; oxygen and vacuum systems; standpipe and sprinkler systems where required; all fixtures and equipment that require water and drain connections.

4. Electrical drawings:

a. Electric service entrance with switches and feeders to the public service feeders, characteristics of the light and power current, transformers and their connections if located in the building;

b. Location of main switchboard, power panels, light panels, and equipment. Diagram of feeders and conduits (with schedule of feeder breakers or switches);

c. Light outlets, receptacles, switches, power outlets, and circuits;

d. Telephone layout showing service entrance, telephone switchboard, strip boxes, telephone outlets, and branch conduits;

e. Nurses' call systems with outlets for beds, duty stations, door signal light, annunciators, and wiring diagrams;

[f. Fire alarm system with stations, signal devices, control board, and wiring diagrams;]

f. [g.] Emergency electrical systems with outlets, transfer switch, sources of supply, feeders, and circuits;

(b) Specifications. Specifications shall supplement the drawings to fully describe types, sizes, capacities, workmanship, finishes and other characteristics of all materials and equipment and shall include:

1. Cover or title sheet;

2. Index;

3. Sections describing materials and workmanship in detail for each class of work;

4. General conditions, which must contain the following requirements: Access to the work. Representatives of the appropriate state agencies will have access at all reasonable times to the work wherever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection.

(4) Fourth stage: All plans and specifications must be approved by the State Fire Marshal's office and the state licensure agency prior to commencement of construction.

Section 5. Code and Standards. (1) General. Nothing stated herein shall relieve the sponsor from compliance with building codes, ordinances, and regulations which are enforced by city, county, or state jurisdictions.

(2) The following codes and standards will apply where applicable and as adopted by the respective agency authority.

(a) Current Kentucky standards of safety regulations applicable to intermediate care facilities.

(b) Current Kentucky plumbing standards regulations applicable to intermediate care facilities.

(c) Current Kentucky standards for air contaminants for incinerators regulations applicable to intermediate care facilities.

(d) Current Kentucky standards for elevators regulations applicable to intermediate care facilities.

(e) Current Kentucky standards for making buildings and facilities accessible to and usable by the physically handicapped regulations applicable to hospitals.

(3) *Prior to occupancy, facility must have final approval from appropriate agencies.*

Section 6. Facility Requirements and Special Conditions. (1) These regulations, except Section 5 which may be administered independent from these regulations, apply to the construction of new facilities and facilities that are being converted to intermediate care. Existing facilities will be expected to make a concerted and demonstrated effort to fully comply with these regulations and must prove to the satisfaction of the board that there are valid, reasonable, and specific justifications for not being in full compliance. The board, however, reserves the right to establish deadlines for compliance to standards of significant importance as determined by the board.

(2) These standards are intended for facilities to be licensed as intermediate care facilities. There are other separate and unique construction and facility standards applicable only to the specific level of care intended which are not interchangeable.

(3) Independent facilities with a capacity of fifty (50) beds or less present special problems. The sizes of the various departments will depend upon the requirements of the facilities. Some functions allotted separate spaces or rooms in these general standards may be combined provided that the resulting plan will not compromise the best standard of safety and of medical and nursing practices and the social needs of patients. In other respects, the general standards set forth herein, including the area requirements, shall apply.

(4) Facilities shall be available to the public, staff, and patients who may be physically handicapped with special attention given to ramps, drinking fountain height, tilted mirrors, etc.

(5) The number of beds in a nursing unit shall not exceed sixty (60) unless additional services are provided, as deemed necessary by the Certificate of Need and Licensure Board. At least sixty-six (66) percent of the beds shall be located in rooms designed for one (1) or two (2) beds.

(6) Access to the facility shall be by means of a paved or gravel roadway which shall be available for use by traffic prior to a license being issued to the facility for occupancy.

Section 7. Nursing Unit. (1) Patient rooms. Each patient room shall meet the following requirements:

(a) Maximum room capacity: four (4) patients:

(b) Minimum room area exclusive of built-in closet, toilet rooms, lockers, wardrobes and vestibules: 100 square

feet in one (1) bedroom and eighty (80) square feet per bed in multibed rooms.

(c) Multibed rooms shall be designed to permit not less than a four (4) foot space between beds, and at least three (3) foot space between the side of a bed and the nearest wall, fixed cabinet, or heating/cooling element. A minimum of four (4) feet is required between foot of bed and opposite wall, or foot of opposite bed in multibed rooms;

(d) Window. All patient rooms must have windows opening to the outside. Sill shall not be higher than three (3) feet above the floor and shall be above grade. Window area to be at least ten (10) percent of patient room floor area;

(e) Nurses' calling station(s): (See Section 16(6));

(f) Lavatory. In all patient rooms there shall be a lavatory;

(g) Wardrobe or closet for each patient. Minimum clear dimensions: one (1) foot and ten (10) inches deep by one (1) foot and eight (8) inches wide with full length hanging space; provide clothes rod and shelf;

(h) A method of assuring visual privacy for each patient shall be provided in each multi-bed patient room and in tub, shower and toilet rooms (cubicle curtains, built-in partitions, etc.);

(i) No patient room shall be located more than 120 feet from the nurses' station, the clean workroom, and the soiled workroom. No room shall be used as a patient room where the access is through another patient's room.

(2) Patient toilet rooms:

(a) Provide a centralized toilet area for each sex on every floor. One (1) toilet for each eight (8) residents or fraction thereof and one (1) lavatory for each sixteen (16) residents or fraction thereof is required. Toilets must be separated by a permanent partition and at least one (1) toilet for each sex must be designed for wheelchair use.

(b) At least one (1) toilet must be easily usable by wheelchair patients. Grab bars shall be provided at all toilets;

(c) Doors to toilet rooms shall have a minimum width of two (2) feet and ten (10) inches to admit wheelchair.

(3) Service areas in each nursing unit. The size of each service area will depend on the number and types of beds within the unit and shall include:

(a) Nurses' station. For nurses' charting, doctors' charting, communications, and storage for supplies and nurses' personal effects;

(b) Staff lounge area. Shall have adequate space for lockers and have its own toilet room.

(c) Clean workroom. For storage and assembly of supplies for nursing procedures; shall contain work counter and sink;

(d) Soiled workroom. Shall contain clinical sink, work counter with two (2) compartment sink, waste receptacles, and soiled linen receptacles.

(e) Medication area. Adjacent to nurses' station; with sink, refrigerator, locked storage, and facilities for preparation and dispensing of medication. (May be designated area within clean workroom if a self-contained cabinet is provided.) Controlled substances locker must be under double lock.

(f) Clean linen storage. Enclosed storage space. (May be designated area within the clean workroom);

(g) Equipment storage room. For storage of IV stands, inhalators, air mattresses, walkers, and similar bulky equipment;

(h) Patient baths. One (1) shower stall or one (1) bathtub

shall be required for each twelve (12) beds not individually served. There shall be at least one (1) free standing bathtub in each bathroom. Grab bars shall be provided at all bathing fixtures. Each bathtub or shower enclosure in central bathing facilities shall provide space for private use, for dressing and for a wheelchair and attendant. At least one (1) shower in the central bathing facilities shall not be less than four (4) feet square, without curbs, and designed to permit use from a wheelchair. Soap dishes in showers and bathrooms shall be recessed.

(i) Janitor's closet. Storage of housekeeping supplies and equipment. Floor receptor or service sink;

(j) Bedpan washing facilities shall be provided on each floor and shall be so located that bedpans need not be carried through lobbies and dining areas.

(4) Patients' dining, TV viewing and recreation areas:

(a) The total areas set aside for these purposes shall be not less than thirty (30) square feet per bed for the first fifty (50) beds and twenty (20) square feet per bed for all beds in excess of fifty (50). Additional space shall be provided for outpatients if they participate in a day care program;

(b) Storage shall be provided for recreational equipment and supplies. (Such as wall cabinets or closets);

(c) The areas set aside for these purposes must be readily accessible to wheelchair patients and shall be of sufficient size to accommodate equipment and permit unobstructed movement about of wheelchair patients and personnel responsible for instructing and supervising patients.

Section 8. Dietary Department. If a commercial service will be used or meals will be provided by an adjacent hospital, dietary areas and equipment shall be designed to accommodate the requirements for sanitary, efficient, and safe storage, processing, and handling, otherwise the following will be provided:

(1) Food preparation center. Provide lavatory but do not provide mirror;

(2) Food serving facilities. For patient and staff;

(3) Dishwashing and potwashing facilities. Dish and utensil washing equipment will be used that will result in sanitized serveware and will prevent recontamination.

(4) Refrigerated storage should accommodate a three (3) day supply minimum;

(5) Dry [Day] storage should accommodate a three (3) day supply minimum;

(6) Cart cleaning facilities; only if this type of system is used;

(7) Cart storage areas; only if this type of system is used;

(8) Janitor's closet. For storage for housekeeping supplies and equipment; floor receptor or service sink;

(9) If a toilet room is built within the department it must have a two (2) door separation from food preparation area or dining areas.

Section 9. Administration Department. The following shall be included:

(1) Administrator's office. Business office and information center, admitting and medical records areas may be combined into one (1) area;

(2) Public and staff toilet rooms;

(3) Director of nurse's office. (May be omitted in facilities of less than 100 beds);

(4) Housekeeper's storage space.

Section 10. Laundry. The following shall be included:

(1) Soiled linen room;

(2) Clean linen room;

(3) Lavatory. Accessible from soiled, clean, and processing rooms;

(4) Laundry processing room, and storage for laundry supplies; (Need not be provided if laundry is processed outside the facility);

(5) Janitor's closet. Storage for housekeeping supplies and equipment; floor receptor or service sink.

Section 11. Storage and Service Areas. The following shall be included: (1) Sufficient storage space shall be provided for general storage requirements.

(2) Engineering service and equipment areas. The following shall be provided where applicable:

(a) Boiler room;

(b) Mechanical and electrical equipment room(s). Can be combined with boiler room;

(c) Storage room for housekeeping equipment. (Need not be provided if space is available in janitor's closets or elsewhere);

(d) Refuse area. For holding trash prior to disposal. Shall be located convenient to service entrance.

Section 12. Details and Finishes. A high degree of safety for the occupants in minimizing the incidence of accidents shall be provided. Hazards such as sharp corners shall be avoided. All details and finishes shall meet the following requirements:

(1) Details:

[(a) Exits shall comply with the requirements for exit facilities in the "Kentucky Standards of Safety," as adopted by the State Fire Marshal's Office.]

(a) [(b)] Handrails shall be provided on both sides of corridors used by patients in intermediate care facilities with a clear distance of one and one-half (1½) inches between handrail and wall.

(b) [(c)] All doors to patient-room toilet rooms and patient-room bathrooms shall swing outward or shall be equipped with hardware which will permit access in any emergency.

(c) [(d)] All doors opening onto corridors shall be swing-type except elevator doors. Alcoves and similar spaces which generally do not require doors are excluded from this requirement.

(d) [(e)] No doors shall swing into the corridor except closet doors.

(e) [(f)] Thresholds and expansion joint covers, if used, shall be flush with the floor.

(f) [(g)] Grab bars and accessories in patient toilet, shower, and bathrooms shall have sufficient strength and anchorage to sustain a load of 250 pounds for five (5) minutes.

(g) [(h)] Lavatories intended for use by patients shall be installed to permit wheelchairs to slide under.

(h) [(i)] The location and arrangement of lavatories and sinks with blade handles intended for handwashing purposes shall provide sixteen inches clearance each side of center line of fixture. (See Section 15(4)(a).)

(i) [(j)] Mirrors shall be arranged for convenient use by patients in wheelchairs as well as by patients in standing position.

(j) [(k)] Towel rack or dispenser shall be provided at all lavatories and sinks used for handwashing.

(k) [(l)] Ceiling heights:

1. Boiler room. Not less than two (2) feet and six (6) inches above the main boiler header and connecting piping with adequate headroom under piping for maintenance and access;

2. Corridors, storage rooms, patients' toilet room, and other minor rooms not less than seven (7) feet and six (6) inches;

3. All other rooms. Not less than eight (8) feet.

(l) [(m)] Boiler room, food preparation centers, and laundries shall be insulated and ventilated to prevent any floor surface above from exceeding a temperature of eighty-five (85) degrees Fahrenheit.

[(n)] Approved fire extinguishers shall be provided in recessed locations throughout the building in accordance with "Kentucky Standards of Safety," adopted by the State Fire Marshal's Office.]

[(m)] [(o)] Noise reduction criteria. The ceilings of the following areas shall be designed to reduce noise transmission:

1. Corridors in patient areas;
2. Nurses' stations;
3. Work areas, such as utility rooms;
4. Lobbies and recreation areas.

[(n)] [(p)] Special attention shall be given to sound transmission from boiler rooms, mechanical rooms, and kitchen, to patient bedroom areas.

(2) Finishes:

[(a)] Flame spread requirements shall conform to the "Kentucky Standards of Safety" adopted by the State Fire Marshal's Office.]

[(a)] [(b)] Floors generally shall be easily cleanable and shall have the wear resistance appropriate for the location involved. Floors in kitchen and related spaces shall be waterproof and greaseproof. In all areas where floors are subject to wetting, they shall have a nonslip finish.

[(b)] [(c)] Adjacent dissimilar floor materials shall be flush with each other to provide an unbroken surface.

[(c)] [(d)] Walls generally shall be washable and in the immediate area of plumbing fixtures, the finish shall be moistureproof. Wall bases in dietary areas shall be free of spaces that can harbor insects.

[(d)] [(e)] Ceilings generally shall be washable or easily cleanable. This requirement does not apply to boiler rooms, mechanical and building equipment rooms, shops and similar spaces.

Section 13. Elevators. Elevator requirements shall conform to the current standards for elevators adopted by the Division of Labor Standards, Department of Labor.

(1) Elevators, where required. All facilities where either patient beds or inpatient facilities such as diagnostic, recreation, patient dining or therapy rooms are located on other than the first floor, shall have electric or electrohydraulic elevators as follows:

(a) Number of elevators.

1. At least one (1) hospital-type elevator shall be installed where one (1) to fifty-nine (59) patient beds are located on any floor other than the first. (For purposes of these requirements, the first floor is that floor first reached from the main front entrance);

2. At least two (2) elevators, one (1) of which shall be hospital-type, shall be installed where sixty (60) to 200 patient beds are located on floors other than the first, or where inpatient facilities are located on a floor other than those containing the patient beds;

3. At least three (3) elevators, one (1) of which shall be hospital-type, shall be installed where 201 to 350 patient beds are located on floors other than the first, or where inpatient facilities are located on a floor other than those containing the patient beds;

4. For facilities with more than 350 beds, the number of elevators shall be determined from a study of the facility

plan and the estimated vertical transportation requirements.

(b) Cars and platforms. [Elevator cars and platforms shall be constructed of noncombustible material, except that fire-retarded-treated material may be used if all exterior surfaces of the cars are covered with metal.] Cars of hospital-type elevators shall have inside dimensions that will accommodate a patient's bed and attendants and shall be at least five (5) feet wide by seven (7) feet and six (6) inches deep; car doors shall have a clear opening of not less than three (3) feet and eight (8) inches. Cars of all other required elevators shall have a clear opening of not less than three (3) feet.

(c) Leveling. Elevators shall have automatic leveling of the two (2) way automatic maintaining type with accuracy within plus or minus one-half ($\frac{1}{2}$) inch.

(2) Field Inspection and Tests. The contractor shall be required to cause inspection and tests to be made and shall deliver to the owner written certification that the installation meets the requirements set forth in this section.

Section 14. Construction. [Including Fire-Prevention Requirements. (1)] Foundations shall rest on natural solid ground if a satisfactory soil is available at reasonable depths. Proper soil bearing values shall be established in accordance with recognized standards. If solid ground is not encountered at practical depths, the structure shall be supported on driven piles or drilled piers designed to support the intended load without detrimental settlement.

[(2)] Construction shall meet the "Kentucky Standards of Safety" adopted by the State Fire Marshal's Office.]

[(3)] Fire Safety Approval. Prior to final approval of plans and specifications by the State Licensure Agency, the plans and specifications must be approved by the State Fire Marshal's Office, or their authorized representative.]

Section 15. Mechanical Requirements. [(1)] Design and construction of refuse chutes, dumbwaiters, conveyors, and material handling systems shall be in accordance with the Kentucky Standards of Safety adopted by the State Fire Marshal's Office.]

[(1)] [(2)] Steam and hot water systems:

(a) Boilers. If boilers are used in minimum of two (2) must be provided; the combined capacity of the boilers, based upon the published Steel Boiler Institute or Institute of Boiler and Radiator Manufacturer's net rating, must be able to supply 150 percent of the normal requirements of all systems and equipment.

(b) Valves. Supply and return mains and risers of space heating and process steam systems shall be valved to isolate the various sections of each system. Each piece of equipment shall be valved at the supply and return end.

(c) Covering. Boiler and smoke breeching, all steam supply piping and high pressure steam return piping, and hot water space heating supply and return piping shall be insulated.

(d) The design and installation of all boilers must be in accordance with current Kentucky plumbing standards regulations applicable to intermediate care facilities.

(2) [(3)] Air-conditioning, heating and ventilating systems:

(a) Temperatures. A minimum temperature of seventy-two (72) degrees Fahrenheit shall be provided for occupied areas at winter design conditions.

(b) Ventilation systems details. All air-supply and air-exhaust systems shall be mechanically operated. All fans serving exhaust systems shall be located at or near the point of discharge from the building. The ventilation rates

shown on Table 1 shall not be considered as precluding the use of higher ventilation rates if they are required to meet design conditions.

1. Outdoor ventilation air-intakes, other than for individual room units, shall be located as far away as practicable but not less than twenty-five (25) feet from the exhausts from any ventilating system or combustion equipment. The bottom of outdoor intakes serving central air systems shall be located as high as possible but not less than eight (8) feet above the ground level or if installed through the roof, three (3) feet above roof level.

2. The ventilation systems shall be designed and balanced to provide the general pressure relationship to adjacent areas shown in Table 1, Section 17.

3. Room supply air inlets, recirculation, and exhaust air outlets shall be located not less than three (3) inches above the floor.

4. Corridors shall not be used to supply air to or exhaust air from any room, except that exhaust air from corridors may be used to ventilate rooms such as bathrooms, toilet rooms, or janitor's closets which open directly on corridors.

5. Ducts shall be constructed of iron, steel, aluminum, or other approved metal or materials such as clay, asbestos, cement, fiberglass, etc.

6. All hoods over cooking ranges shall be equipped with fire extinguishing systems and heat-actuated fan controls. Cleanout openings shall be provided every twenty (20) feet in horizontal exhaust duct systems serving hoods.

[7. Boiler rooms shall be provided with sufficient outdoor air to maintain combustion rates of equipment and reasonable temperatures in the room and in adjoining areas.]

(3) [(4)] Plumbing and other piping systems. All plumbing systems shall be installed in accordance with the requirements of current Kentucky plumbing standards regulations applicable to intermediate care facilities. (See Section 5(2).)

(a) Lavatories and sinks required in patient care areas shall have the water supply spout mounted so that its discharge point is a minimum distance of five (5) inches above the rim of the fixture. All fixtures used by medical and nursing staff, and all lavatories used by patients and food handlers shall be trimmed with valves which can be operated without the use of hands. Where blade handles are used for this purpose, they shall be of a standard length. (See Section 13(1)(j).)

(b) Clinical sinks shall have an integral trap in which the upper portion of a visible trap seal provides a water surface.

(4) [(5)] Water supply system:

(a) Systems shall be designed to supply water to the fixtures and equipment on the upper floors at a minimum pressure of fifteen (15) pounds per square inch during maximum demand periods.

(b) Each water service main, branch main, riser and branch to a group of fixtures shall be valved. Stop valves shall be provided at each fixture.

(c) Hot, cold and chilled water piping and waste piping on which condensation may occur shall be insulated. Insulation of cold and chilled water lines shall include an exterior vapor barrier.

(d) Backflow preventers (vacuum breakers) shall be installed on hose bibbs and on all fixtures to which hoses or tubing can be attached such as janitor's sinks and bedpan flushing attachments.

(e) Hot water distribution systems shall be arranged to provide hot water at each fixture at all times.

(f) Plumbing fixtures which require hot water and which are intended for patient use shall be supplied with water which is controlled to provide a maximum water temperature of 110 degrees Fahrenheit at the fixture.

(g) Piping over food preparation centers, food serving facilities, food storage areas, and other critical areas shall be kept to a minimum and shall not be exposed. Special precautions shall be taken to protect these areas from possible leakage of, or condensation from, necessary overhead piping systems.

(5) [(6)] Hot water heaters and tanks.

(a) The hot water heating equipment shall have sufficient capacity to supply the water at the temperature and amounts indicated below:

	Use		
	Patient	Dietary	Laundry
Gal/hr/bed	6 ½	4	4 ½
Temp. F.	110	180	180

(b) Storage tank(s) shall be provided and shall be fabricated of corrosion-resistant metal, or have noncorrosive lining.

[(7) Fire extinguishing and detection systems shall conform to "Kentucky Standards of Safety" adopted by the State Fire Marshal's Office.]

(6) [(8)] Plumbing approval. Prior to final approval of the plans and specifications by the state licensure agency, the plumbing plans and specifications must be approved by the Division of Plumbing, Department of Housing, Buildings, and Construction [for Natural Resources and Environmental Protection].

Section 16. Electrical Requirements. (1) General:

(a) All materials including equipment, conductors, controls, and signaling devices shall be installed to provide a complete electrical system with the necessary characteristics and capacity to supply the electrical facilities shown in the specifications or indicated on the plans. All materials shall be listed as complying with applicable standards of Underwriters' Laboratories, Inc., or other similarly established standards.

(b) The contractor shall be responsible for testing all electrical installations and systems and shall show that the equipment is correctly installed and operated as planned or specified.

(c) The electrical installations must conform to local codes where they exist or to the National Electrical Code. Final approval must be obtained from the State Fire Marshal's Office, after inspection.

(2) Switchboard and power panels. Circuit breakers or fusible switches that provide disconnecting means and overcurrent protection for conductors connected to switchboard and distribution panelboards shall be enclosed or guarded to provide a dead-front type of assembly. The main switchboard shall be located in a separate enclosure accessible only to authorized persons. The switchboard shall be convenient for use, readily accessible for maintenance, clear of traffic lanes, and in a dry ventilated space devoid of corrosive fumes or gases. Overload protective devices shall be suitable for operating properly in the ambient temperature conditions. All breakers and switches are to be indexed.

(3) Distribution panelboards. Lighting and appliance panelboards shall be provided for the circuits on each floor. All circuits are to be indexed at panelboard. This re-

quirement does not apply to emergency system circuits.

(4) Lighting:

(a) All spaces occupied by people, machinery, and equipment within buildings, and the approaches thereto, and parking lots shall have electric lighting.

(b) Patient's bedrooms shall have general lighting. A reading light shall be provided for each patient when appropriate. Patient's reading lights and other fixed lights not switched at the door shall have switch controls convenient for use at the luminaire.

(c) Provisions shall be made for the night lighting of corridors. (See Appendix, Section 17, Table 2 for levels of illumination for various areas.)

(5) Receptacles (convenience outlets):

(a) Bedroom. Each patient bedroom shall have duplex receptacles as follows: one (1) each side of the head of each bed (for parallel adjacent beds, only one (1) receptacle is required between the beds); receptacles for luminaires, television and motorized beds, if used, and one (1) receptacle on another wall.

(b) Corridors. Single receptacles for equipment such as floor cleaning machines shall be installed approximately fifty (50) feet apart in all corridors. Duplex receptacles for general use shall be installed approximately fifty (50) feet apart in all corridors and within twenty-five (25) feet of ends of corridors.

(6) Nurses' calling system. A nurses' visible signal calling station shall be installed at each patient bed and in each patient toilet, bath, and shower-room. The nurses' call in toilet, bath, or shower-rooms, shall be an emergency call. All calls shall register at the nurses' station and shall actuate a visible signal in the corridor at the patient's door, in the clean workroom, and the soiled workroom of the nursing unit.

(7) Fire alarms and fire detector systems. The design and installation of these systems must be approved by the State Fire Marshal's Office. (See Section 5(2).)

(7) [(8)] Emergency electric service:

(a) General. To provide electricity during an interruption of the normal electric supply that could affect the nursing care, treatment, or safety of the occupants, an emergency source of electricity shall be provided and connected to certain circuits for lighting and power.

(b) Sources. The source of this emergency electric service shall be an emergency generating set, when normal service is supplied by one or more central station transmission lines.

(c) Emergency generating set. The required emergency generating set, including the prime mover and generator, shall be located on the premises and shall be reserved exclusively for supplying the emergency electrical system. The emergency generator set shall be sufficient kilowatt capacity to supply all lighting and power load demands of the emergency system. The power factor rating of the generator shall be not less than eighty (80) percent.

(d) Emergency electrical connections. Emergency electric service shall be provided to circuits as follows:

1. Lighting:

a. Exitways and all necessary ways of approach thereto, including exit signs and exit direction signs, exterior of exits, exit doorways, stairways, and corridors;

b. Dining and recreation rooms;

c. Nursing station and medication preparation area;

d. Generator set location, switch-gear location, and boiler room;

e. Elevator (if required for emergency);

2. Equipment: Essential to life safety and for protection of important or vital materials;

a. Nurses' calling system;

[b. Alarm system including fire alarm actuated at manual stations, water flow alarm devices of sprinkler system if electrically operated, fire detecting and smoke detecting systems, paging or speaker systems if intended for issuing instructions during emergency conditions, and alarms required for non-flammable medical gas systems, if installed;]

[c. Fire pump, if installed;]

b. [d.] Sewage or sump lift pump, if installed;

c. [e.] All required duplex receptacles in patient corridors; and at least one (1) receptacle in each patient room;

d. [f.] Equipment such as burners and pumps necessary for operation of one (1) or more boilers and their necessary auxiliaries and controls, required for heating and sterilization;

e. [g.] Details. The emergency system shall be so controlled that after interruption of the normal electric power supply, the generator is brought to full voltage and frequency and connected within ten (10) seconds through one (1) or more primary automatic transfer switches to all emergency lighting; all alarms; nurses' call; and receptacles in patient corridors. All other lighting and equipment required to be connected to the emergency system shall either be connected through the above described primary automatic transfer switching or shall be subsequently connected through other automatic or manual transfer switching. Receptacles connected to the emergency system shall be distinctively marked for identification. Storage-battery-powered lights shall not be used as a substitute for the requirement of a generator. Where fuel is normally stored on the site, the storage capacity shall be sufficient for twenty-four (24) hour operation of required emergency electric services. Where fuel is normally piped underground to the site from a utility distribution system, storage facilities on the site will not be required.

f. [h.] Emergency heating. Where electricity is the only source of power normally used for space heating, an alternate emergency heating system for the heating of corridors will be required. Emergency heating of corridors will not be required in areas where the facility is supplied by at least two (2) utility service feeders, each supplied by separate generating sources or a network distribution system fed by two (2) or more generators, with the facility feeders so routed, connected, and protected so that a fault any place between the generators and the facility will not be likely to cause an interruption of more than one (1) of the intermediate care facility's service feeders. If there is written plan for the transfer of patients within a reasonable time to other facilities with which the intermediate care facility has written transfer agreements, the above alternate emergency heating system will not be required.

Section 17. Appendix Table 1—Pressure Relationships and Ventilation of Certain Intermediate Care Areas. Table 2—Lighting Levels For Intermediate Care Facilities

Table 1. Pressure Relationships and Ventilation of Certain Intermediate Care Areas

Area Designation	Pressure Relationship to Adjacent	All Supply Air From Outdoors	Minimum Air Changes of Outdoor Air per Hour
Patient room	0	—	2
Patient area corridor	0	—	2
Treatment room	0	Yes	2
Physical therapy and hydrotherapy if applicable	N	—	2
Dining and recreation areas	0	—	2
Soiled workroom	N	—	2
Clean workroom	P	Yes	2
Toilet room	N	—	—
Bedpan room if applicable	N	—	—
Bathroom	N	—	—
Janitor's closet	N	—	—
Linen and trash chute rooms	N	—	—
Food preparation center	0	Yes	2
Dishwashing area	N	—	—
Dietary day storage	0	—	—
Laundry, general	0	Yes	2
Soiled linen sorting and storage	N	—	—
Clean linen storage	P	—	2

Table 2. Lighting Levels for Intermediate Care Facilities

Area	Footcandles *
Administrative and lobby areas, day	50
Administrative and lobby areas, night	20
Barber and beautician areas, if applicable	50
Corridors and interior ramps	20
Corridor night lighting	3
Dining area and kitchen	30
Doorways	10
Exit stairways and landings	5
Janitor's closet	15
Nurses' station, general, day	50
Nurses' station, general, night	20
Nurses' desk, for charts and records	70
Nurses' medicine cabinet	100
Patient care unit (or room), general	10
Patient care room, reading	30
Recreation area (floor level)	50
Stairways other than exits	30
Toilet and bathing facilities	30
Utility room, general	20
Utility room, work counter	50

* Minimum on task at anytime

MASON C. RUDD, Chairman

Table 1. Continued

Area	Minimum Total Air Changes Per Hour	All Air Exhausted Directly to Outdoors	Recirculated Within Area
Patient room	2	—	—
Patient area corridor	4	—	—
Treatment room	6	Yes	No
Physical therapy and hydrotherapy if applicable	6	—	—
Dining and recreation areas	4	—	—
Soiled workroom	4	Yes	No
Clean workroom	4	—	—
Toilet room	10	Yes	No
Bedpan room if applicable	10	Yes	No
Bathroom	10	Yes	No
Janitor's closet	10	Yes	No
Linen and trash chute rooms	10	Yes	No
Food preparation center	10	Yes	No
Dishwashing area	10	Yes	No
Dietary day storage	2	—	No
Laundry, general	10	Yes	No
Soiled linen sorting and storage	10	Yes	No
Clean linen storage	2	—	—

P = Positive N = Negative 0 = Equal — = Optional

Proposed Amendments

DEPARTMENT OF FINANCE Kentucky Board of Auctioneers (Proposed Amendment)

201 KAR 3:005. Name required on advertising.

RELATES TO: KRS 330.110(11), 330.100

PURSUANT TO: KRS 13.082, 330.050(8)

NECESSITY AND FUNCTION: To protect the public and to require disclosures of the auctioneer conducting a sale.

Section 1. Any [printed] advertisements pertaining to an auction sale must contain the name of the principal auctioneer *and indicate that he is an auctioneer.*

CHARLES H. SWITZER, Chairman

ADOPTED: August 22, 1978

APPROVED: ROY STEVENS, Secretary

RECEIVED BY LRC: January 19, 1979 at 3 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Secretary-Counselor, Kentucky Board of Auctioneers, 1210 Kentucky Home Life Building, Louisville, Kentucky 40202.

[KY 637

A—From jct. KY 395 at Waddy in Shelby Co. to jct. KY 1472 near the Anderson Co. line.]

KY 1426

AAA [AA]—From jct. US 23 near SCL of Pikeville to jct. Cedar Creek-Island Creek Road at Little Dixie, west of Pikeville.

A—From jct. Cedar Creek-Island Creek Road at Little Dixie to jct. US 23 at Banner in Floyd Co.

[KY 2123

A—From jct. US 60 in Hawesville via Main Cross, Water and Harrison Sts. to jct. US 60 (Hancock Co.).]

*COMPILER'S 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: January 12, 1979

RECEIVED BY LRC: January 18, 1979 at 9 a.m.

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

DEPARTMENT OF TRANSPORTATION Bureau of Highways (Proposed Amendment)

603 KAR 5:096. Highway classifications.

RELATES TO: KRS 189.222

PURSUANT TO: KRS 13.082, 174.050, 189.222

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

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:

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 1910.1 shall read as follows:

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

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

(a) "Act" means KRS Chapter 338.

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

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

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

(e) "Standard" means a standard which requires conditions or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe and 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, U.S. 127 South, Frankfort, Kentucky 40601.

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

(4) 29 CFR 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) percent of the time are not to be included in determining the number of employees."

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

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

(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 attached hereto, 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, Volume 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 1910.410 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 1910.1028 the permanent standard "Occupational Exposure to Benzene," printed in the Federal Register, Volume 43, No. 29, February 10, 1978, a copy of which is hereto, is hereby adopted by reference.

(a) Amend 29 CFR 1910.1028 by exempting:

1. [(a)] Employee exposure from liquid mixtures containing 0.5 percent (0.1 percent after June 27, 1981) or less Benzene by volume, or the vapors released from such liquids.

2. [(b)] The caution label requirements for liquid mixtures containing 5.0 percent or less Benzene packaged before June 27, 1978.

(b) The following corrections and omissions to the standard 29 CFR 1910.1028 "Occupational Exposure to Benzene," which appeared in the Federal Register, Volume 43, No. 63, March 31, 1978, are hereby adopted by reference.

(26) 29 CFR 1910.1044 "Occupational Exposure to 1, 2 Dibromo-3-Chloropropane (DBCP)," printed in the Federal Register, Volume 43, No. 53, March 17, 1978, a copy of which is attached hereto, is hereby adopted by reference.

(27) (a) 29 CFR 1910.1018 "Occupational Exposure to Inorganic Arsenic," printed in the Federal Register, Volume 43, No. 88, May 5, 1978, a copy of which is attached hereto, is hereby adopted by reference.

(b) The corrections and omissions, adopted by the U.S. Department of Labor, which appeared in Federal Register 28472, June 30, 1978, a copy attached hereto, are hereby adopted by reference.

(28) Amend 29 CFR 1910.19 by properly placing air contaminants by paragraph under section heading. This amendment, as adopted by the U.S. Department of Labor, appeared in the Federal Register, page 28473, June 30, 1978, a copy of which is attached hereto, is adopted by reference.

(29) 29 CFR 1910.1043 and 29 CFR 1910.1046 "Occupational Exposure to Cotton Dust," printed in the Federal Register, Volume 43, No. 122, June 23, 1978, and the corrections and omissions to this standard which appeared in the Federal Register 28473 through 28474, June 30, 1978 and 35032 through 35036, August 8, 1978, copies of which are attached hereto, are hereby adopted by reference.

(30) Amend 29 CFR 1910 by adding a new Subpart C, "General Safety and Health Provisions" containing a new 1910.20 preservation of records. This amendment, as adopted by the U. S. Department of Labor, appeared in the Federal Register, Volume 43, No. 139, July 19, 1978, a copy of which is attached hereto, is adopted by reference with the following addition and revision:

(Page 31020) 1910.20 (b) "Qualified Professional" means any person trained in the field of industrial hygiene, toxicology, epidemiology, nursing, medicine or health physics.

(Page 31021) 1910.20 (d) Availability of records. See line 6 and line 10: delete the word designee and insert "A designated qualified professional."

(31) 29 CFR 1910.1045 "Occupational Exposure to Acrylonitrile (Vinyl Cyanide)," printed in the Federal Register, Volume 43, No. 192, October 3, 1978, a copy of which is attached hereto, is hereby adopted by reference.

(32) 29 CFR 1910.125 "Occupational Exposure to Lead," printed in the Federal Register, Volume 43, No. 220, November 14, 1978, a copy of which is attached hereto, is hereby adopted by reference.

(33) The 29 CFR 1910 General Industry Safety and Health Standards, selected by the U.S. Department of Labor for revocation, printed in the Federal Register, Volume 43, No. 206, and the corrections which appeared in the Federal Register, Volume 43, No. 216, November 7, 1978, copies of which are attached hereto, are hereby revoked by reference.

(34) The corrections to Table Z1, Z2 and Z3, *Exposure Limits for Air Contaminants in 29 CFR 1910.1000*, printed in *Federal Register*, Volume 43, No. 237, December 8, 1978, a copy of which is attached hereto, are hereby adopted by reference.

JAMES R. YOCOM, Commissioner

ADOPTED: January 25, 1979

APPROVED: DONALD N. RHODY, Secretary

RECEIVED BY LRC: February 15, 1979 at 3:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Executive Director, Kentucky Department of Labor, Occupational Safety and Health Program, U.S. 127 South, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET

Department of Labor
Occupational Safety and Health
(Proposed Amendment)

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

RELATES TO: KRS Chapter 338

PURSUANT TO: KRS 13.082

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

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

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

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

(2) 29 CFR 1926.100 shall read as follows:

(a) Hard hats conforming to specifications of the American National Standards Institute, safety requirements for industrial head protection Z89.1 (1971) shall be worn by all employees at all times while engaged in the type of work covered by the scope of this safety standard.

(b) Helmets for the head protection of employees exposed to high voltage electrical shock and burns shall meet the specifications contained in American National Institute Z89.2 (1971).

(3) 29 CFR 1926.552(b)(8) of the paragraph on "Material hoists" shall read as follows: All material hoists

shall conform to the requirements of ANSI A10.5-1969, Safety Requirements for Material Hoists, with the exception that material hoists manufactured prior to January 1, 1970 may be used with a drum pitch diameter at least eighteen (18) times the nominal rope diameter provided the hoisting wire rope is at least equal in flexibility to 6 x 37 classification wire rope.

(4) 29 CFR 1926.451(a)(4) shall read as follows: Guardrails and toeboards shall be installed on all open sides and ends of platforms more than ten (10) feet above the ground or floor, except needle beam scaffolds and floats (see paragraphs (p) and (w) of this section). Toeboards shall not be required on the loading side of platforms which are loaded by means of a high lift tractor or fork truck provided that employees are prohibited from entering the area beneath the scaffolding where they could be exposed to objects which might fall from the scaffolding. Scaffolds four (4) to ten (10) feet in height, having a minimum horizontal dimension in either direction of less than forty-five (45) inches, shall have standard guardrails installed on all open sides and ends of the platform.

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

(6) 29 CFR 1926.400 is hereby amended by revising paragraph (h) 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 modifications.

(a) 1926.400(h)(3)(i), page 55703, Column 3, 3rd and 4th line is changed to read "shall be readily available for inspection."

(b) 1926.400(h)(3)(vii), page 55704, 12th and 13th line is changed to read "shall be made readily available for inspection."

(c) Effective Date: Page 55704, 2nd paragraph is changed to read: "These amendments of Part 29 CFR 1926 become effective August 22, 1977."

(7) The following paragraphs of 29 CFR 1926, Subpart U, Blasting and the Use of Explosives, which were previously adopted by reference, are hereby revised and shall read as follows:

(a) 1926.900(k)(3)(i) The prominent display of adequate signs warning against the use of mobile radio transmitters, on all roads within 1,000 feet of blasting operations. Whenever adherence to this 1,000 foot distance would create an operational handicap this distance may be modified so long as the modification is adequately designed in compliance with .900(k)(5) to prevent any premature firing of electric blasting caps.

(b) 1926.900(k)(4) Mobile radio transmitters which are less than 100 feet away from electric blasting caps, in other than original containers, may be left "on" for receiving purposes but may only be used to transmit if in compliance with .900(k)(5).

(c) 1926.900(p) The use of black powder shall be prohibited except when a desired result cannot be obtained with another type of explosive, such as in quarrying certain types of dimension stone.

(d) 1926.900(r) All electric blasts shall be fired with an electric blasting machine or properly designed electric power source, and in accordance with the provisions of

subsection .906(a) and (r).

(e) 1926.902(d) Explosives, blasting agents, and blasting supplies shall not be transported with other materials or cargoes. Explosives or blasting agents shall be transported in separate vehicles from detonators unless separated by four (4) inches of hardwood or a type 2 outdoor or type 3 magazine. (Ref. 26 CFR 181, Commerce in Explosives.)

(f) 1926.903(o) Deleted.

(g) 1926.905(h) Machines and all tools not used for drilling, loading, and covering the blast shall be removed from the immediate location of holes before explosives are delivered.

(h) 1926.905(i) No activity of any nature other than that which is required for blasting shall be permitted in a blast area.

(i) 1926.905(k) Holes shall be checked prior to loading to determine depth and conditions. Holes shall not be drilled where there is a danger of intersecting a charged or misfired hole.

(j) 1926.905(n) In underground blasting, explosives in Fume Class I, as set forth by the Institute of the Makers of Explosives, shall be used; however, Fume Class I explosives are not required when adequate ventilation is provided and the workings are abandoned for a period of time sufficient to allow dissipation of all fumes.

(k) 1926.906(p) The blaster shall be in charge of the blasting machines, and no other person shall connect the leading wires to the machine except under the direction of the blaster.

(l) 1926.906(q) Blasters, when testing circuits to charged holes, shall use only blasting galvanometers equipped with a silver chloride cell especially designed for this purpose or blasters multimeters approved by M.E.S.A. under 30 CFR 18.68.

(m) 1926.906(s) Leading wires shall remain shorted and not be connected to the blasting machine or other source of current until the charge is to be fired.

(n) 1926.907(a) The use of a fuse that has been hammered or injured in any way shall be forbidden.

(o) 1926.910(b) Sufficient time shall be allowed, not less than fifteen (15) minutes in tunnels, for the smoke and fumes to leave the blasted area before returning to the shot. An inspection of the area and the surrounding rubble shall be made by the blaster to determine if all charges have been exploded before employees are allowed to return to the operation.

(8) Paragraph (e) of 29 CFR 1926.605 is amended to read as follows: "Commercial Diving Operations shall be subject to Subpart T of 29 CFR 1910.401 through 1910.441 as adopted by 803 KAR 2:020."

(9) Revoke paragraph "514—Warning Device" of ANSI B56.1—1969—Safety Standards for Powered Industrial Trucks and adopt paragraph "512—Warning Device" of ANSI B56.1—1975—Low Lift and High Lift Trucks for standard reference as specified in 29 CFR 1926.602(c)(1)(vi): effective July 1, 1979.

JAMES R. YOCOM, Commissioner

ADOPTED: January 25, 1979

APPROVED: DONALD N. RHODY, Secretary

RECEIVED BY LRC: February 15, 1979 at 3:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Executive Director, Kentucky Department of Labor, Occupational Safety and Health Program, U.S. 127 South, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET Workmen's Compensation Board (Proposed Amendment)

803 KAR 25:010. Procedure.

RELATES TO: KRS Chapter 342

PURSUANT TO: 13.082, 342.260

NECESSITY AND FUNCTION: KRS 342.260 requires the Workmen's Compensation Board to prepare such rules and regulations as it considers necessary to carry on its work and for carrying out the provisions of KRS Chapter 342. The function of these rules and regulations is the regulating of practice and procedure before the Workmen's Compensation Board.

Section 1. Definitions. (1) "Board" means the Workmen's Compensation Board.

(2) "Director" means the director appointed pursuant to KRS 342.230(2), acting director or assistant director.

(3) "Hearing officer" means a hearing officer appointed pursuant to KRS 342.230(3), and also includes the director, assistant director, a board member of any enforcement officer employed by the board, when acting under Section 6.

(4) The masculine gender includes the feminine and the neuter, and the singular member includes the plural.

(5) "Employer" shall mean and include individuals, partnerships, voluntary associations and corporations.

(6) "Corporate surety" shall mean a corporation duly authorized, licensed and qualified to execute bonds and other surety obligations for compensation in Kentucky.

(7) The date of filing is the date the pleading, motion or other document is received by the board at its office at Frankfort, Kentucky.

(8) "An employer who has not secured payment of compensation" means an employer, or any person who is liable for payment of compensation, who has not complied with KRS 342.340 by either insuring and keeping insured his liability for compensation in some corporation, association or organization authorized to transact the business of workmen's compensation insurance in this state or furnished to the board, satisfactory proof of his financial ability for in KRS Chapter 342. Said terms shall not include those employers whose employees are exempt from coverage by KRS 342.650, unless said employer of an exempt employee has voluntarily elected to be subject to KRS Chapter 342, in accordance with KRS 342.650, and has not revoked said election. Said term also shall not include any employer whose employee is injured and who has rejected acceptance of the provisions of KRS Chapter 342, as provided for by KRS 342.395.

Section 2. Parties. (1) The parties to any original proceedings before the board shall be designated as "plaintiff" and "defendant." The party filing the original application for relief in such proceedings shall be designated as the plaintiff and the adverse party as the defendant.

(2) All parties shall join as plaintiffs in whom any right to any relief, arising out of the same transaction or occurrence, is alleged to exist. If any such person should refuse to join as a plaintiff, he shall then be joined as a defendant, and the fact of his refusal to join as a plaintiff must be pleaded.

(3) All persons shall be joined as defendants against whom the ultimate right to any relief may exist, whether jointly, severally, or in the alternative. The board at any time, upon a proper showing, may order that any addi-

tional party be joined when it seems the presence of such party necessary. [The failure to timely join as defendants, including the uninsured employers' fund, any party against whom any ultimate right to any relief which is alleged or could be alleged to exist, shall be considered as a waiver of the right to later proceed against said party and a bar to any relief therefrom.]

Section 3. Pleadings. (1) All applications for adjustment of claims for compensation, answers, and other pleadings must be typewritten and the printed forms prescribed by the board must be used whenever applicable. All such forms will be furnished by the director to any person requesting same, without charge.

(2) The original application for adjustment of claim (Form 11) shall be fully completed, filed in triplicate, and need not be served by the party filing same. Any claim (Form 11) not fully completed shall be returned to the claimant or his attorney.

(3) *Should the plaintiff be required to file two (2) medical reports pursuant to KRS 342.316(2)(b) the reports shall be made part of the record without the necessity of deposition if:*

(a) *They are comprehensive and conform with generally accepted diagnostic standards in the medical community, and*

(b) *They meet the mandate of KRS 342.316(2)(b)(1). Any party may, however, depose either physician whose report has been tendered for compliance with KRS 342.316(2)(b)(1).*

(4) [(3)] All pleadings filed subsequent to the original application shall have appended thereto the certificate of the attorney filing same (or of the party, if the party is not represented by an attorney) stating the date and manner of service of a copy thereof upon the opposing party, which service shall be made in one of the manners provided by Rule 5 of the Rules of Civil Procedure.

(5) [(4)] The defendant may file an answer to the plaintiff's application at least five (5) days before the date set for the hearing on the application, but no such answer is required and if none is filed all of the allegations of the application will be deemed to be traversed. If, however, an answer is filed, (other than a special answer under subsection (5) of this section) only those allegations of the application which are specifically denied by the answer shall be considered as traversed.

(6) [(5)] If the defendant relies upon an affirmative special defense, he shall set forth such defense in a special answer to be filed at least five (5) days before the date set for hearing or within ten (10) days after such defense is discovered or could have been discovered in the exercise of reasonable diligence. If, in the exercise of reasonable diligence, such defense could not have been discovered until the introduction of proof, such plea must be filed to conform with the proof within ten (10) days after its introduction.

(7) [(6)] Upon any motion being filed by a party, the party filing same may file a short memorandum in support thereof and the adverse party may file a short memorandum in reply thereto. No further memorandum in support of motions may be filed.

Section 4. Motions. (1) Every application for an order of the board shall be by typewritten motion, served and filed in the manner prescribed by Section 3(3), and shall have annexed thereto the certificate prescribed by said section.

(2) Every motion for the allowance of an attorney's fee

shall (in addition to service upon the adverse party) also be served upon said attorney's client and the fact of such service certified in the manner prescribed by this section. Every motion for attorney's fee shall set forth the percentage and the amount of money requested and shall be accompanied by an affidavit of the attorney setting forth in detail the services rendered and the amount of time expended.

(3) Every motion, the grounds of which depend upon the existence of one or more facts not appearing in evidence at the time of the filing of the motion, shall be supported by an affidavit or affidavits evidencing such fact or facts, which shall be served and filed with the motion. Controverting affidavits may likewise be served and filed by the opposing party.

(4) Every motion, the grounds of which depend upon the existence of one or more facts which the movant contends are shown in evidence or are admitted by the pleading of the adverse party, shall contain a reference to the hearing transcript of deposition containing such evidence and to the page thereof, or the pleading containing such admission.

(5) No motion will be considered at any meeting of the board unless same has been served and filed at least five (5) days prior to the date of such meeting, to which three (3) days shall be added to the service when service has been made by mail. A response to such motion will be considered if served and filed at any time prior to the day of such meeting.

Section 5. Board Meetings. Regular meetings of the board will be held weekly each Monday at the offices of the board at Frankfort, unless otherwise ordered by the board. Special meetings will be held, when necessary, upon the call of the chairman of the board, at such times and places as said chairman may designate.

Section 6. Hearings. (1) Hearings of workmen's compensation cases shall be conducted by a hearing officer as defined in Section 1(3). Each hearing shall be conducted in the county where the alleged accident or exposure to occupational disease occurred. A hearing may be held in another county only by agreement of the parties and upon authorization by the board.

(2) Each case shall stand for hearing as soon as practicable after the plaintiff's application is filed. *Promptly following the hearing, the hearing officer conducting the same shall transmit to the board a field order reciting the appearances on behalf of the parties and the general nature of the proceedings conducted. The order shall provide that any party may offer proof by deposition during the sixty (60) days following the date of the hearing; that the defendants shall have thirty (30) days thereafter within which to offer additional evidence; and that the plaintiffs shall have fifteen (15) days thereafter for the introduction of rebuttal evidence. A copy of such order shall be mailed to counsel for each party and to each party who is not represented by counsel. The field order shall be filed with the board's case record, but shall not be entered upon its order book. [At the hearing the plaintiff shall complete his proof as far as possible but shall, upon request, be granted not more than thirty (30) days thereafter in which to conclude proof in chief by depositions, at the expiration of which time plaintiff's taking of proof will stand closed whether so announced or not. The defendant shall complete his case at the initial hearing before the hearing officer as far as possible, but shall upon request, be granted not more than thirty (30) days after the thirty (30) day period allowed plaintiff*

Sub in which to conclude his case by depositions. The plaintiff shall have five (5) days, following the conclusion of defendant's proof, in which to take depositions in rebuttal.] When a party has been joined as plaintiff or defendant after the expiration of the time allotted for taking proof under the terms of this section upon motion the board may allow such party time for the taking of his proof or may direct further hearing before a hearing officer. Except by agreement, no medical deposition may be taken until the case has been heard by a hearing officer unless prior approval has been granted by the board.

(3) At all hearings evidence may be introduced by oral testimony or by deposition as provided by Section 10. Unless otherwise ordered by the board or by the hearing officer conducting the hearing, the plaintiff shall complete his testimony in chief before the defendant is required to introduce testimony. The board will provide an official reporter who will stenographically report and thereafter transcribe upon the typewriter the evidence and proceedings at each hearing without cost to the parties except for any copies thereof which may be ordered by them.

(4) Rulings made by a hearing officer pursuant to KRS 342.230(3) may be reviewed by the board upon written application made by any party prior to final submission of the case, which application shall be served and filed in the manner provided by Section 4 for the service and filing of motions.

(5) Unless otherwise ordered by the board for good cause, the proof introduced at each hearing may relate to all issues in the case, and preliminary hearings upon issues such as limitations or jurisdiction will not be held without a board order.

for completion for deposition, and shall need
(6) *At the hearing all parties shall represent to each other that they have exchanged all medical reports pertaining to the injury or disease and that they shall furnish additional medical reports as they are received. Additionally, a party shall promptly obtain all medical reports he intends to use and shall not intentionally cause delay in the providing of same to the other parties.*

(7) The plaintiff shall also execute an authorization for any party to inspect and obtain all hospital records which shall be valid for 180 days. Any records so obtained shall be made available promptly to all parties for review and copying.

(8) [(6)] Promptly following each hearing, the hearing officer conducting same shall transmit to the board a field order reciting the appearances on behalf of the parties, the general nature of the proceedings conducted, and the time given by him to each party, and to each party who is not represented by counsel. The field order shall be filed with the board's case record but will not be entered upon its order book.

Section 7. Stipulation of Facts and Judicial Notice. (1) Stipulation of facts which are not in issue is mandatory and the refusal without good cause to stipulate facts which are not in issue, within the sound discretion of the board, may result in assessment of the costs of the hearing before the hearing officer against the party who without good cause has refused to stipulate to routine matters not in issue (See KRS 342.310). The assertion of the fact that any party has not had an opportunity to consult with the party whom he represents or has not had sufficient time or opportunity to ascertain the facts will not be necessarily considered "good cause" within the meaning of this rule. Every party to a stipulation shall be considered bound to the same, however, for good cause shown, any party may be relieved

of a stipulation he makes provided such motion is filed with the board prior to the time the case is submitted for opinion and judgment, and the board shall grant additional time for the opposing party or parties to complete their proof so as to prevent prejudice or surprise. *surprise*

(2) The board will take judicial notice that the Act is mandatory except for those employers exempted by KRS 342.650 and those employees rejecting the Act pursuant to KRS 342.395 and 342.400.

(3) Upon the filing of a claim the director shall ascertain whether the employer, or any other person against whom a claim is filed and who is not exempt by KRS 342.650, has secured payment of compensation by either securing insurance coverage or qualifying as a self-insurer pursuant to KRS 342.340. Should the employee or any other person against whom a claim is filed not have insurance coverage or qualify as a self-insurer, the director within twenty (20) days after the filing of the claim shall notify the parties and the uninsured employer's fund that the defendant or any other person against whom a claim has been filed has failed to secure payment or compensation as provided by KRS Chapter 342.

(4) *The hearing officer shall ask the appropriate questions in order to determine the reason for an inability or unwillingness to stipulate. The employer and the plaintiff have the joint responsibility of resolving jurisdictional and pre-hearing payment of compensation issues and explaining why these cannot be stipulated.*

Section 8. Evidence: Rules Applicable. (1) The same rules of evidence that apply in judicial proceedings and that are governed by the common law and the statutes in effect in this commonwealth, apply in all hearings and depositions taken to be used in cases before this board.

(2) An exception to the above rule applies in depositions taken of evaluating physicians who are non-treating physicians, and in those instances the non-treating physician is permitted to use the case history related to him by the patient and the subjective symptomatology related to him by the patient in arriving at and formulating his opinion as to causation and disability.

Section 9. Informal Conferences. At any time before hearing, the board upon its own motion or upon motion of either party, may direct the holding of an informal conference as provided by KRS 342.270(3) in an attempt to assist the parties to adjust their differences, but will not delay the granting of a hearing, over the objection of either party, for such purpose. Such informal conference shall be held at the board's offices in Frankfort or at any other place designated by the board.

Section 10. Depositions and Discovery. The parties may take depositions and obtain discovery in accordance with the provisions of Rules 26 to 37, inclusive, of the Rules of Civil Procedure, except Rules 27, 33, and 36, which are not adopted by the board and which shall not apply to practice before the board.

Section 11. Exceptions. Formal exceptions to rulings or orders of the board or any member or hearing officer thereof are unnecessary.

Section 12. Appearance. Only duly licensed attorneys-at-law may appear or practice before the board, except that any natural person who is a party to any preceding may represent himself only but shall not, either directly or *indirectly* *pro*

directly, represent or appear in behalf of any legal ^{entity} entity other than himself. Any party who elects to represent himself without the aid of counsel shall be held accountable in the same manner, and to the same degree, as qualified counsel.

Section 13. Failure to Appear. (1) Where the plaintiff fails to appear at the hearing of his case and no good cause is shown for his failure to appear, the board may order the case dismissed for lack of prosecution; such dismissal shall be without prejudice.

(2) Where the defendant fails to appear at the hearing of a case and no good cause is shown for his failure to appear, the hearing officer may proceed with the hearing of the case.

Section 14. Continuances, Extensions and Motions to Hold in Abeyance.

(1) Continuances of hearings, whether a request of the board or of the hearing officer, and extensions of time will be granted for good cause, [and] upon motion, supported by affidavit stating facts making a proper showing of such cause, and upon due notice to the adverse parties. [Continuances or extensions merely by consent or agreement will not be granted. The existence of, or the necessity of attending to, other business on the part of counsel will not be considered "good cause" within the meaning of this regulation.]

(2) Extensions of time for introduction of evidence following the hearing shall not be granted except as hereafter provided and except upon a good cause showing of extraordinary circumstances preventing the party moving for extension from obtaining such evidence. The motion for extension of time and supporting affidavit must clearly set forth the following matters:

(a) A showing of timely and diligent efforts by counsel to secure such evidence must be detailed.

(b) The facts which prevent taking of the needed evidence must be detailed.

(c) The date of availability of such needed evidence and the probability of its production must be detailed.

(d) Where possible, supporting documentation giving rise to the need for extension should be filed with such motion.

(e) Where the parties shall agree, one (1) thirty (30) day extension or a lesser period of extension shall be allowed without order of the board by the filing of a joint stipulation, in form as follows:

John Doe

Plaintiff

vs. STIPULATION GRANTING 30 DAY
EXTENSION TO PLAINTIFF

Ajax Corporation

Defendant

Plaintiff is granted 30 additional days to complete evidence in chief to expire at the close of January 16, 1978.

Attorney for Plaintiff

Attorney for Defendant

(Attach Certificate of Service)

(f) Upon filing of such stipulation, the extension will be allowed without order of the board, and the next succeeding allotment of time shall begin to run after the expiration of the time so extended.

(g) In the absence of unusual circumstances, which will make an additional extension necessary, only one (1) thirty (30) day extension shall be granted to each side for completion of evidence in chief and only one (1) fifteen (15) day extension may be granted to plaintiff for completion of evidence in rebuttal. No other allotment of time shall be granted.

[(2) Upon motion, a notice in conformity with this regulation, the director is authorized to enter orders granting two (2) extensions of fifteen (15) days to each party without the approval of the board.]

(3) The granting of an extension of time for completion of proof or for an enlargement of time in order to file a brief shall enlarge the time to all parties plaintiff should extension be granted to a plaintiff, or to all parties defendant should extension be granted to a defendant.

(4) [(3)] The provisions of this section shall apply to motions or applications requesting that proceedings in a case shall be held in abeyance pending settlement or for any other reason.

Section 15. Briefs. (1) The plaintiff may file a brief on the merits of the case within fifteen (15) days after the submission of the case as provided by Section 16. The defendant may file a brief in opposition thereto within fifteen (15) days after the filing of plaintiff's brief or within the like period, after the expiration of plaintiff's briefing time, whichever shall first occur. Plaintiff may file a reply brief within five (5) days after the filing of defendant's brief. No other or further briefs shall be filed, unless otherwise ordered by the board.

(2) One (1) copy of all briefs shall be filed. Every brief shall be served and the fact of such service certified in the manner provided by Section 4(3).

(3) It is the declared policy of the board not to consider extraneous matter placed in the briefs, nor to consider statements in briefs that are an exaggeration or overstatement of the law or evidence, and it is grounds to strike the brief when such matter appears therein.

(4) In briefs counsel shall state the case fairly and accurately setting out the stipulations and make a concise, accurate statement of the facts, make an argument exhibiting a clear statement of the issues and containing applicable citations of authority to support all positions.

Section 16. Submission and Decision of Cases. (1) Each case shall stand submitted at the first regular meeting of the board following the expiration of the time allowed for the taking of all proof.

(2) No deposition will be considered unless it has been filed with the board within ten (10) days after submission of the case; but upon motion and for good cause shown within said period the board may grant an extension of time for such filing.

(3) All cases will be decided by the full board. Every decision upon the merits shall contain findings of fact and rulings of law as required by KRS 342.275; but formal opinions will be delivered only in those cases in which the legal questions are novel or important, or the facts are to complicated as to require detailed analysis.

(4) Every final order or award of the board has the effect of overruling all pending motions or objections not otherwise specifically disposed of by such final order.

the Section 17. Oral Argument. The board upon motion may permit oral argument of cases in which novel or important legal questions are presented or teh factual situation is complicated. No such motion shall be made until all briefs have been filed.

Section 18. Petitions for Reconsideration. One (1) copy of each petition for reconsideration of a final order, award or decision, and one (1) copy of each response to such petition, shall be filed.

Section 19. Subsequent Proceedings. Every application for reopening or review of any order or award of the board pursuant to KRS 342.125, and every application pursuant to KRS 342.730(4), shall be in writing, shall be verified or supported by affidavit as required by Section 4(3), shall be styled with the names of the original parties, plaintiff and defendant, as in the proceedings in which the order or award was made, or as substituted parties, shall bear the number of the original proceedings and shall be filed in triplicate.

Section 20. Withdrawal of Records. No paper, exhibit, or other portion of any original record of the board shall be withdrawn by any person except on order of the board.

Section 21. Depositions of Physicians Appointed under KRS 342.121.

(1) An examining physician appointed by the board under the provisions of KRS 342.121 shall not be examined by deposition of his report except by permission of the board.

(2) *Motions to join the special fund shall include a designation of the area of medical specialty for appointment of the physician designated pursuant to KRS 342.121.*

Section 22. Examinations by Disinterested Physicians. When a disinterested physician or surgeon has been appointed by the board pursuant to KRS 342.315, no party shall furnish such physician or surgeon with any copies of reports previously made or depositions given by any physicians or surgeons who have previously rendered by the board in the same cause. Either party may, however, transmit to such physicians or surgeons, through the office of the director, properly identified x-ray photographs by any person. The transmittal shall be accompanied by certification of service upon all parties.

any Section 23. Furnishing Medical Reports to Parties. Any party shall furnish, upon request of any other party, a copy, or copies of the full report of any and all physicians who have examined or treated the employee, or read x-rays in connection with an injuries or disease alleged in a claim filed under the Workmen's Compensation Law. For purposes of this section x-ray readings shall be deemed reports.

Section 24. Payment of Compensation from Uninsured Employers' Fund.

the (1) Payment from the uninsured employers' fund of compensation which has been awarded a claimant in the case where the defendant-employer, or any other party liable for the payment thereof, has not secured payment of compensation as provided for by KRS Chapter 342, shall be made only after the claimant, or any other party in interest, has filed in teh circuit court of the county where the injury occurred an action pursuant to KRS 342.305 to en-

force payment of the award against the defendant-employer, or any other person liable for payment of said action, judgment has been rendered thereon, and there has been default in payment of said judgment by the defendant-employer, or any other party liable for payment thereof, except the uninsured employers' fund.

(2) When the procedure provided in subsection (1) above has been complied with, the claimant may file a motion with the Workmen's Compensation Board together with proof of compliance with the requirement of subsection (1) above, requesting that the Workmen's Compensation Board order payment from the uninsured employers' fund in accordance with KRS 342.760. Upon satisfactory proof of such compliance, the Workmen's Compensation Board shall enter an order directing payment of compensation or any portion thereof from the uninsured employers' fund.

(3) This section shall not be construed as to prohibit the voluntary payment of compensation by an employer, or any other person liable for payment thereof, who has failed to secure payment of compensation as provided for by KRS Chapter 342, the compromise and settlement of a claim or award approved by the board pursuant to KRS 342.265, or the payment of its proportionate share of a claim or award by the Special Fund.

Section 25. Routine Records Admission. Any party may file with the board any routine hospital, Armed Forces and Social Security records. These shall be made part of the record and considered for their statistical content only and any opinion contained therein shall be sticken and not considered. A party may, however, depose the proper agent in the manner as otherwise provided herein in order to have these records admitted as to any opinion contained therein.

JAMES R. YOCOM, Commissioner
GLENN L. SCHILLING, Chairman
Workmen's Compensation Board

ADOPTED: January 29, 1979

APPROVED: DONALD N. RHODY, Secretary

RECEIVED BY LRC: February 15, 1979 at 12:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Joe A. Newberg, Assistant Counsel, U.S. Highway
127, 127 Building, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Mines and Minerals
Division of Miner Training, Education and Certification
(Proposed Amendment)

805 KAR 7:050. Training of miners for new work assignments.

RELATES TO: KRS 351.105

PURSUANT TO: KRS 13.082, 351.106

NECESSITY AND FUNCTION: KRS 351.106 empowers the Commissioner of the Department of Mines and Minerals to promulgate such reasonable regulations as are necessary to establish a program for miner training and examination according to the criteria and standards established by the Board of Miner Training, Education and Certification. This regulation effects the provisions of that law.

Section 1. Training of Miners for New Work Assignments. (1) Each miner receiving new work assignments *requiring the direct operation of mechanical or electrical machinery or equipment in connection with* mobile equipment operations, blasting and drilling operations, rail haulage and conveyor system operations, and roof control shall not perform such work duties until they have completed a program of training as provided in this regulation of a minimum of twenty (20) hours as specified in KRS 351.105.

(2) This minimum total of twenty (20) hours training shall be distributed into a minimum of eight (8) hours of observing the operation, eight (8) hours of a combination of instruction and practice, and four (4) hours in production under supervision.

(3) The training program shall include, but not be limited to the following:

(a) Safe operation procedures for existing, modified, or new equipment or machines: this training shall include instruction in the safe operating procedures related to the equipment or machine. Instruction shall be given by the immediate supervisor or experienced person in an on-the-job environment, and shall be taught from a safe operating procedures checklist developed specifically for the equipment or machine. A copy of the checklist shall be given to each equipment or machine operator at the time of instruction.

(b) Supervised practice during non-production: this training shall include supervised practice in operating equipment or a machine and performing work duties at mines or places where production is not the primary objective. The equipment or machine operator shall practice the operation of the equipment or machine under direct supervision of the immediate supervisor or experienced person until such time as sufficient practice has taken place to ensure the operation of the equipment or machine in a safe manner.

(c) Supervised practice during production: this training shall include supervised operation of the machine or equipment and performing work duties under the direct and immediate supervision of an experienced foreman or experienced equipment or machine operator while production is in progress. An equipment or machine operator shall not operate equipment or a machine without direction and immediate supervision until such operator has demonstrated knowledge of the safe operating procedures for the equipment or machine to the operator of the mine or to the mine foreman.

(d) Any person who controls or directs rail haulage operations at a mine shall before assignment to such duties receive and complete training in safe haulage procedures related to the haulage system, ventilation system, fire-fighting procedures, and the emergency evacuation procedures in effect at the mine. This training may be received as part of the training program provided for in paragraphs (a), (b), and (c) of this subsection.

Section 2. A miner shall not be required to undergo training for a new work assignment for the job to which he is regularly assigned on the effective date of the miner training program as determined by the board pursuant to KRS 351.104(1).

Section 3. A miner qualified under the provisions of this regulation to perform any work assignment shall remain so qualified for the duration of the calendar year wherein the miner became so qualified, and shall continue to be so qualified during any calendar year thereafter

wherein the miner *demonstrated safe operating procedures in performance of the work assignment* [performed the work assignment for five (5) shifts under production] during the preceding calendar year.

Section 4. Any miner who has acquired a total of six (6) months experience in performance of particular work duties shall not be required to undergo training for a new assignment to perform those duties; provided, however, that this exemption from training shall not apply to work experience acquired on or before June 1, 1975.

Section 5. Each operator shall annually submit to the department, in the form *prescribed by the Commissioner* [of an affidavit], a current list of the miners in his employ, the job assignments for which each miner is qualified and the basis for such qualification. This list shall be submitted to the Department within thirty (30) days of the effective date of the miner training program as established by the board pursuant to KRS 351.104(1) and shall thereafter be submitted to the department during the month of January in each succeeding calendar year. A copy of said list shall be posted in a conspicuous place upon the premises of the mine and shall be updated to reflect changes as they occur.]

Section 6. *The provisions of this regulation shall not be construed to alter or deprive any person of any right or duty accruing to that person by virtue of any labor-management contract.*

H. N. KIRKPATRICK, Commissioner

ADOPTED: February 14, 1979

APPROVED: DONALD N. RHODY, Secretary

RECEIVED BY LRC: February 14, 1979 at 2:45 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: H. N. Kirkpatrick, Department of Mines and Minerals, P. O. Box 680, Lexington, Kentucky 40586

PUBLIC PROTECTION AND REGULATION CABINET
Department of Mines and Minerals
Division of Miner Training, Education and Certification
(Proposed Amendment)

805 KAR 7:070. Reporting procedures and record maintenance.

RELATES TO: KRS 351.102, 351.105

PURSUANT TO: KRS 351.105, 351.106

EFFECTIVE: February 7, 1979

NECESSITY AND FUNCTION: KRS 351.102 requires the Board of Miner Training, Education and Certification to establish criteria and standards for a program of training and education for underground coal miners. KRS 351.106 empowers the Commissioner of the Department of Mines and Minerals to promulgate regulations necessary to implement the program of education and training. This regulation sets forth the reporting procedures and record maintenance necessary to implement and administer such program.

Section 1. Reporting requirements. (1) The operator of each underground coal mine may, at his option, make, a

monthly report to the department on forms prescribed by the commissioner.

(2) In the event that an operator makes monthly reports to the department in accordance with the provisions of this regulation, then that operator need not make the reports required by 805 KAR 7:030(3), 805 KAR 7:040(3), and 805 KAR 7:050(5).

(3) Each monthly report shall be mailed to the department no later than fifteen (15) days subsequent to the last day of each month.

(4) A copy of the last monthly report submitted to the department shall be posted in a conspicuous place on the mine premises.

(5) Any operator wishing to make monthly reports to the department in lieu of the reports required by 805 KAR 7:030(3), 805 KAR 7:040(3), and 805 KAR 7:050(5) may do so by giving written notification to the department of his intent to submit monthly reports.

Section 2. Information to be reported monthly. (1) Each monthly report shall contain the following information:

(a) Identification of each person that accumulated a total of sixteen (16) hours of annual retraining since the first day of the prevailing calendar year, during that month;

(b) Identification of each newly-hired miner who received eight (8) hours of mine specific training in accordance with 805 KAR 7:040, during that month;

(c) Identification of each experienced miner re-hired by the operator during that month who had received the mine specific training set forth in 805 KAR 7:040 within the twelve (12) preceding months;

(d) Identification of each miner who has completed [his fifth shift under production during that month after receiving in the current calendar year] twenty (20) hours of training for a new work assignment *during that month* as set forth in 805 KAR 7:050, and the particular work assignment for which the training was received; and

(e) Identification of each miner qualified in the preceding calendar year who *has demonstrated safe operating procedures* [completed his fifth shift under production] in the performance of a particular work assignment [since the first day of the prevailing calendar year] during that month.

[(2) For purposes of this regulation, the accumulation of eight (8) hours in performance of a particular work assignment shall be deemed to be equivalent to the completion of one (1) shift of work.]

(2) [(3)] The operator shall report the information required by this regulation as it pertains to each person employed by the operator during the reported month regardless of whether that person is so employed at the time of submission of the monthly report.

(3) [(4)] If, during any month, none of the events required to be reported occur, then the operator need not submit any report for that month.

Section 3. Record Maintenance. (1) The operator shall maintain upon the mine premises current and accurate records of the following:

(a) The dates on which annual retraining sessions were conducted by the operator, the persons receiving the annual retraining on those dates, and the subjects covered by each annual retraining session;

(b) The name of each miner newly-hired during the prevailing calendar year, the date on which he was hired,

and the date on which he received eight (8) hours of mine specific training; and

(c) The particular work assignments for which each miner is qualified to perform pursuant to 805 KAR 7:050, and the basis for such qualifications.

(2) The operator shall maintain upon the mine premises a copy of all monthly reports submitted to the department during the preceding twelve (12) months.

H. N. KIRKPATRICK, Commissioner

ADOPTED: February 14, 1979

APPROVED: DONALD N. RHODY, Secretary

RECEIVED BY LRC: February 14, 1979 at 2:45 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: H. N. Kirkpatrick, Department of Mines and Minerals, P. O. Box 680, Lexington, Kentucky 40586.

PUBLIC PROTECTION AND REGULATION CABINET Public Service Commission (Proposed Amendment)

807 KAR 2:010. General rules.

RELATES TO: KRS Chapter 278

PURSUANT TO: KRS 13.082, 278.040(2), 278.280(2)

NECESSITY AND FUNCTION: KRS 278.280(2) provides that the commission shall prescribe rules for the performance of any service or the furnishing of any commodity by any utility. This regulation establishes general rules which apply to electric, water, gas, sewage and telephone utilities.

Section 1. General Provisions. (1) The adoption of regulations by the commission shall not preclude the commission from altering or amending the same in whole or in part, or from requiring any other or additional service, equipment, facility, or standards, either upon request, or upon its own motion, or upon the application of any utility. No regulation of the commission shall in any way relieve a utility from any of its duties under the laws of this state.

(2) Whenever standards or codes are referred to in the commission's regulations it is understood that utilities employing competent corps of engineers are not to be prohibited thereby from continuing or initiating experimental work and installations which tend to improve, decrease the cost of, or increase the safety of their service.

Section 2. Definition. (1) In addition to the definitions as set out in KRS 278.010, the following definition shall be used in interpreting the commission's regulations:

(2) The word "customer" means any person, firm, corporation or body politic supplied service by any electric, gas, sewage, water or telephone utility.

Section 3. Reports. (1) Financial and statistical reports: Every utility shall file annually a financial and statistical report upon forms to be furnished by the commission. Said report shall be based upon the accounts set up in conformity with the commission's order adopting uniform classification of accounts for utilities. This report shall be filed on or before March 31, each year. For good cause

shown, the commission may, upon application in writing, allow a reasonable extension of time for such filing.

(2) Report of meters, customers and refunds. Every utility shall make periodical reports on such forms as may be prescribed, of meter tests, number of customers and amount of refunds.

(3) Other reports. Every utility shall make such other reports as the commission may at its discretion from time to time require.

(4) All records and reports shall be retained in accordance with the Uniform System of Accounts unless otherwise specified herein.

Section 4. Service Information. (1) The utility shall, on request, give its customers or prospective customers such information as is reasonably possible in order that they may secure safe, efficient and continuous service. The utility shall inform its customers of any change made or proposed in the character of its service which might affect the efficiency, safety, or continuity of operation.

(2) Prior to making any substantial change in the character of the service furnished, which would affect the efficiency, adjustment, speed or operation of the equipment or appliances of any customer, the utility shall obtain the approval of the commission. The application shall show the nature of the change to be made, the number of customers affected, and the manner in which they will be affected.

(3) The utility shall inform each applicant for service of the type, class and character of service that is available to him at his location.

Section 5. Special Rules or Requirements. (1) No utility shall establish any special rule or requirement without first obtaining the approval of the commission or proper application.

(2) A customer who has complied with the regulations of the commission shall not be denied service for failure to comply with the rules of the utility which have not been made effective in the manner prescribed by the commission.

Section 6. Meter Readings and Information. (1) Information on bills. Each bill rendered periodically by water, gas and electric utilities shall show the class of service, the present and last preceding meter readings, the date of the present reading, the number of units consumed, the meter constant, if any, the net amount for service rendered, all taxes, the adjustments, if any, and the gross amount of the bill. The date after which a penalty may apply to the gross amount must be indicated. Estimated or calculated bills shall be distinctly marked as such. The rate schedule under which the bill is computed shall be furnished under one (1) of the following methods:

(a) By printing rate schedule on the bill.

(b) By publishing in a newspaper of general circulation once each year or when rate is changed.

(c) By mailing to each customer once each year or when rate is changed.

(d) By providing a place on each bill where a customer may indicate his desire for a copy of the applicable rates and furnishing same by return first class mail.

(2) Meter readings. The registration of each meter shall read in the same units as used for billing unless a conversion factor be shown on the billing forms and if the meter does not read direct, the constant shall be plainly marked on the face of the meter dial.

(3) Flat rates. Flat rates for unmetered service shall approximate as close as possible the utility's rates for metered service and the rate schedule shall clearly set out the basis upon which consumption is estimated.

(4) Utilities now using or desiring to adopt mechanical billing or other billing systems of such a nature as to render compliance with all of the terms of subsection (1) of this section impracticable may make application to the commission for relief from part of these terms. For good cause shown, the commission may allow the omission of part of these requirements. Each utility shall submit the form of bill to be used by it to the commission for its approval.

Section 7. Deposits. (1) A utility may require from any customer or applicant for service a minimum cash deposit or other guaranty to secure payment of bills of an amount not to exceed two-twelfths ($2/12$) of the estimated annual bill of such customer or applicant, where bills are rendered monthly or an amount not to exceed three-twelfths ($3/12$) of the estimated annual bill of such customer or applicant where bills are rendered bimonthly or an amount not to exceed four-twelfths ($4/12$) of the estimated bill of such customer or applicant where bills are rendered quarterly.

(2) The utility shall issue to every customer from whom a deposit is received a certificate of deposit, showing the name of the customer, location of initial premises occupied, date and amount of the deposit.

Section 8. Complaints. Upon complaint to the utility by a customer either at its office or in writing, the utility shall make a prompt and complete investigation and advise the complainant thereof. It shall keep a record of all such complaints concerning its utility service which shall show the name and address of the complainant, the date and nature of the complaint, and the adjustment or disposition thereof.

Section 9. Bill Adjustment. (1) Whenever a meter in service is found upon periodic request or complaint test to be more than two percent (2%) fast, additional tests shall be made at once to determine the average error of the meter. Said tests shall be made in accordance with the commission's regulation applicable to the type of meter involved.

(2) If the result of tests on a customer's meter shows an average error greater than two percent (2%) fast, then the customer's bills, for the period during which the meter error is known to have existed, shall be recomputed and the account adjusted on the basis of the test. In the event the period during which the meter error existed is unknown, then the customer's bill shall be recomputed for one-half ($1/2$) of the elapsed time since the last previous test but in no case to exceed twelve (12) months. (See exception in subsection (5) of this section.)

(3) If the result of tests on a customer's meter shows an average error greater than two percent (2%) slow, then the customer's bill, for the period during which the meter error is known to have existed, may be recomputed and the account adjusted on the basis of the test. In the event the period during which the meter error existed is unknown, then the customer's bill may be recomputed for one-half ($1/2$) of the elapsed time since the last previous test but in no case to exceed twelve (12) months.

(4) It shall be understood that when a meter is found to have an error in excess of two percent (2%) fast or slow the figure for calculating the amount of refund or the amount to be collected by the utility shall be that percentage of error as determined by the test; i.e., it is the duty of the utility

ty to maintain the accuracy of its measuring devices as nearly 100 percent as is commercially practicable. Therefore, percent error shall be that difference as between 100 percent and that amount of error as is indicated by the test.

(5) The burden of maintaining measuring equipment so that it will register accurately is upon the utility; therefore, if meters are found upon test to register fast and if time for periodic test has overrun to the extent that one-half ($\frac{1}{2}$) of the time elapsed since the last previous test exceeds twelve (12) months, the refund shall be for the twelve (12) months as specified in subsection (2) of this section and in addition thereto, a like refund for those months exceeding the periodic test period; provided, however, that the commission may relieve the utility from this requirement in any particular case in which it is shown that the failure to make the periodic test was due to causes beyond the utility's control.

(6) Each utility shall make a reasonable attempt to determine if the amount of consumption for the current billing period for each customer is unduly excessive. If a comparison of consumption indicates a necessity therefor, a test of the customer's meter shall be made, and if the meter is found to register incorrectly to the customer's prejudice more than two percent (2%), the utility shall recalculate the customer's bills in accordance with the foregoing provisions.

(7) When a meter is tested and it is found necessary to make a refund or back bill a customer, the customer shall be notified in substantially the following form:

On _____, 19____, the meter bearing
identification No. _____ installed in your building
located at _____
(Street and Number)
in _____ was tested
(City)
at _____ and found to
(On premises or elsewhere)
register _____.
(Percent fast or slow)
The meter was tested on _____
(Periodic, Request, Complaint)
test.

Based upon this we herewith _____
(Charge or Credit)
you with the sum of \$ _____, which amount
has been noted on your regular bill.

Section 10. Customer's Discontinuance of Service. (1) Any customer desiring service discontinued or changed from one address to another shall give the utility three (3) days' notice in person or in writing, provided such notice does not violate contractual obligations.

(2) Upon request that service be reconnected at any premises subsequent to the initial installation or connection to its service lines, the utility may, subject to subsection (3) of this section, charge the applicant an amount not to exceed the actual average cost as approved by this commission of making such reconnection.

(3) Any utility desiring to establish a reconnection charge under the provisions of subsection (2) above, shall

submit for commission approval a formal application setting out:

(a) The actual average cost of making such reconnections, and

(b) The effect of such charges on the utility's revenues.

Section 11. Discontinuance of Service. (1) The utility may refuse or discontinue to serve an applicant or customer under the following conditions:

(a) For noncompliance with its rules and regulations. However, no utility shall discontinue or refuse service to any customer or applicant for violation of its rules or regulations without first having made a reasonable effort to induce the customer or applicant to comply with its rules and regulations as filed with the commission. After such effort on the part of the utility, service may be discontinued or refused only after the customer shall have been given at least *ten (10) days'* [forty-eight (48) hours] written notice of such intention, mailed to his last known address.

(b) When a dangerous condition is found to exist on the customer's or applicant's premises, the service may be cut off without notice or refused, provided that the utility shall notify the customer or applicant immediately of the reasons for the discontinuance or refusal and the corrective action to be taken by the applicant or customer before service can be restored.

(c) When a customer or applicant refuses or neglects to provide reasonable access to the premises for the purpose of installation, operation, meter reading, maintenance or removal of utility property the utility may discontinue or refuse service only after the customer or applicant shall have been given at least fifteen (15) days written notice of such intention.

(d) A utility shall not be required to furnish service to any applicant [or customer] when such applicant [or customer] is indebted to the utility for service furnished until such applicant [or customer] shall have paid such indebtedness.

(e) A utility may refuse or discontinue service to a customer or applicant if the customer or applicant does not comply with state, municipal or other codes, rules and regulations applying to such service.

(2) The utility may discontinue service under the following conditions:

(a) For nonpayment of bills. However, no utility shall discontinue service to any customer for nonpayment of bills (including delayed charges) without first having made a reasonable effort to induce the customer to pay same. The customer shall be given at least *ten (10) days'* [forty-eight (48) hours] written notice, but the cut-off shall not be effected before *thirty (30)* [twenty (20)] days after the mailing date of the original bill. *Such termination notice shall be exclusive of and separate from the original bill.* If, prior to discontinuance of service, there is delivered to the utility office, or to its employee empowered to discontinue service, *payment of the amount in arrears, then discontinuance of service shall not be made, or where a written certificate is filed signed by a physician, a registered nurse or a public health officer stating that, in the opinion of the person making the certification [certifier] discontinuance of service will aggravate an existing illness or infirmity on the affected premises, service shall not be discontinued until the affected resident can make other living arrangements or until thirty (30) [ten (10)] days elapse from the time of the utility's notification to the customer in writing of the existence of local, state and federal programs providing for the payment of utility bills under certain conditions and of*

the offices to contact for such possible assistance. Service shall not be discontinued where the customer and the utility have reached agreement on a partial payment plan pursuant to paragraph (b) herein. The written notice for any discontinuance of service shall advise the customer of his rights under paragraphs (a) and (b) herein and of his right to dispute the reasons for such discontinuance. [receipt of said certification; whichever first occurs.]

(b) Every gas and electric utility subject to the jurisdiction of the Public Service Commission shall have an employee available during regular working hours to answer questions regarding a customer's bill and to resolve disputes over the amount of such bill. Such employee shall be authorized to negotiate partial payment plans of an outstanding bill and accept payments where the customer has shown good faith in attempting to meet his financial obligations to the utility. Said employee shall be authorized by the utility to consider and shall consider proposals by the customer for a partial payment plan and retention of service. Each jurisdictional gas and electric utility shall develop a budget payment plan whereby a customer may elect to pay a fixed amount each month on a yearly basis in lieu of monthly billings based on actual usage. The provisions of this section relating to partial payments and budget plans shall apply only to a utility's residential customers. It shall be the responsibility of the utility to disseminate information to its customers regarding the availability of such budget payment plans. If the commission finds, upon application, that a budget plan for residential customers would materially impair or damage the utility's credit or operations, then it may grant the utility an exemption from the requirements of the budget plan. No exemption may extend beyond one (1) year without another application by the utility and a finding by the commission that said exemption should be allowed.

(c) [(b)] For fraudulent or illegal use of service. When the utility has discovered evidence that by fraudulent or illegal means a customer has obtained unauthorized service or has diverted the service for unauthorized use or has obtained service without same being properly measured, the service to the customer may be discontinued upon forty-eight (48) hours' written [without] notice. The utility shall not be required to restore service until the customer has complied with all rules of the utility and regulations of the commission and the utility has been reimbursed for the estimated amount of the service rendered and the cost to the utility incurred by reason of the fraudulent use.

(3) It shall be the duty of the utility before making service connections to a new customer to ascertain the condition of the meter and service facilities for such customer in order that prior fraudulent use of the facilities, if any, will not be attributed to the new customer, and the new customer shall be afforded the opportunity to be present at such inspection. The utility shall not be required to render service to such customer until all defects in the customer-owned portion of the service, if any, shall have been corrected.

(4) Reconnection. For all cases of refusal or discontinuance of service as herein defined, where the cause for refusal or discontinuance has been corrected and all rules and regulations of the utility and the commission have been complied with, the utility shall promptly render service to the customer or applicant.

(5) When advance notice is required, such notice may be given by the utility by mailing by United States mail, postage prepaid, to the last known address of the applicant or customer.

Section 12. Special Charges. (1) A utility may make a reasonable charge for each of the following trips:

(a) To read a meter when the customer has failed to read the meter for three (3) consecutive billing periods. This pertains only to those utilities whose customers ordinarily read their own meters.

(b) To collect a delinquent bill. This trip may be made only after written notice has been sent to the customer stating that if the bill is not paid by a certain date, the service will be disconnected.

(c) To reconnect a service that has been disconnected for non-payment of bills or for violation of the utility's rules and regulations. This charge may include the cost of disconnecting the service.

(2) The charges, however, shall be applied uniformly throughout the entire area served by the utility, shall be incorporated in the utility's rules and regulations, shall be subject to the approval of the commission, and shall yield only enough revenue to pay the expenses incurred in rendering these services.

Section 13. Meter Testing. (1) All electric, gas and water utilities furnishing metered service shall provide meter standards and test facilities as more specifically set out under 807 KAR 2:050, 807 KAR 2:025, and 807 KAR 2:040.

(2) A utility may have all or part of its testing of meters performed by another utility or agency approved by the commission for such purpose. Each utility having tests made by another agency or utility shall notify the commission of said arrangements in detail to include make, type and serial number of standards used to make said checks or tests.

(3) No utility shall place in service any basic measurement standard required by these rules unless it has been calibrated by the Public Service Commission's Meter Standards Laboratory. All utilities or agencies making tests or checks for utility purposes shall notify the commission promptly of the adoption or deletion of any basic standards requiring calibration by the commission.

(4) Each electric, gas and water utility or agency doing meter testing for a utility shall have in its employ metermen certified by this commission. These certified metermen shall perform such tests as may be necessary to determine the accuracy of the utility's meters and to adjust the utility's meters to the degree of accuracy required by the regulations of the commission.

(5) A utility or agency desiring to have its employees certified as metermen shall submit the names on the commission's form entitled "Application for Appointment of Metermen" and after compliance with the requirements as noted in this form, the applicant may be certified as a meterman and furnished with a card authorizing him to perform meter tests.

Section 14. Access to Property. The utility shall at all reasonable hours have access to meters, service connections and other property owned by it and located on customer's premises for purposes of installation, maintenance, meter reading, operation or removal of its property at the time service is to be terminated. Any employee of the utility whose duties require him to enter the customer's premises shall wear a distinguishing uniform or other insignia, identifying him as an employee of the utility, or carry on his person a badge or other identification which will identify him as an employee of the utility, the same to be shown by him upon request.

Section 15. Meter Test Records. (1)(a) Test cards. A complete record of all meter tests and adjustments and data sufficient to allow checking of test calculations shall be recorded by the meterman. Such record shall include: Information to identify the unit and its location; the date of tests, the reason for such tests; readings before and after the test; a statement of "as found" and "as left" accuracies sufficiently complete to permit checking of the calculations employed; indications showing that all required checks have been made; a statement of repairs made, if any; the identifying number of the meter; the type and capacity of the meter; and the constant of the meter.

(b) The complete record of tests of each meter shall be continuous at least two (2) periodic tests and in no case less than two (2) years.

(2) (a) History cards. Each utility shall keep numerically arranged and properly classified card records giving for each meter owned and used by the utility for any purpose the identification number, date of purchase, name of manufacturer, serial number, type, rating, and the name and address of each customer on whose premises the meter has been in service with date of installation and removal. These card records shall also give condensed information concerning all tests and adjustments including dates and general results of such adjustments. The card records shall be of such character that a system can be used that will record the date of the last test and indicate the proper date for the next periodic test required by the applicable regulation of the commission.

(b) When the records required above are kept in a readily available form posting to the history card is not necessary.

(3) Sealing of meters. Upon completion of adjustment and test of any meter under the provisions of the regulations of the commission, the utility shall affix thereto a suitable seal in such a manner that adjustments or registration of the meter cannot be tampered with without breaking the seal. The seal shall be of a type acceptable to the commission.

Section 16. Pole Identification. (1) Each utility owning poles or other structures supporting the company's wires, shall mark every pole or structure located within the built-up community with the initials or other distinguishing mark by which the owner of every such structure may be readily determined. For the purpose of this rule the term "built-up community" shall mean urban areas and those areas immediately adjacent thereto.

(2) Identification marks may be of any type but must be of a permanent material and shall be of such size and so spaced and hereafter maintained so as to be easily read from the surface of the ground at a distance of six (6) feet from the structure.

(3) When utility's structures are located outside of a built-up community only every tenth structure need be so marked.

(4) All junction structures shall bear the identification mark and structure number of the owner.

(5) Poles need not be marked if they are clearly and unmistakably identifiable as the property of the utility.

(6) Each utility shall either number their structures and maintain a numbering system or use some other method of identification so that each structure in the system may be easily identified.

(7) The requirements herein shall apply to all existing structures and those hereafter erected and to all changes in ownership.

Section 17. System Maps and Records. (1) Each utility

shall have on file at its principal office located within the state and shall file upon request with the commission a map or maps of suitable scale of the general territory it serves or holds itself ready to serve showing the following:

(a) Operating districts.

(b) Rate districts.

(c) Communities served.

(d) Location and size of transmission lines, distribution lines and service connections.

(e) Location and layout of all principal items of plant.

(f) The date of construction of all items of plant by year and month.

(2) In each division or district office there shall be available such information relative to the utility's system as will enable the local representative to furnish necessary information regarding the rendering of service to existing and prospective customers.

(3) In lieu of showing the above information on maps a card record or suitable means may be used. For all construction the records shall also show the date of construction by month and year.

Section 18. Location of Records. All records required by the regulations of the commission shall be kept in the principal office of the utility or other acceptable safe storage place, and shall be made available to representatives, agents or employees of the commission upon reasonable notice and at all reasonable hours.

Section 19. Request Tests. Each utility shall make a test of any meter upon written request of any customer provided such request is not made more frequently than once each twelve (12) months. The customer shall be given the opportunity of being present at such request tests. If such tests show that the meter was not more than two percent (2%) fast, the utility may make a reasonable charge for the test, the amount of such charge to be set out in the utility's rules and regulations filed with the commission, and subject to the approval of the commission.

Section 20. Complaint Tests. (1) Any customer of the utility may request a meter test by written application to the commission accompanied by payment of such fee for the test as prescribed below. Such request may not be made more frequently than once each twelve (12) months. Upon receipt of such request, the commission will notify the utility to leave the customer's meter in place until completion of such test.

(2) If a meter tested upon complaint of a customer is found to register not more than two percent (2%) fast, the cost of such test shall be borne by the customer. However, if the meter shall be found to register more than two percent (2%) fast, the cost of such test shall be borne by the utility and the amount of the deposit made by the customer shall be refunded.

(3) The charges fixed by the commission for making such tests are as follows:

(a) Electric. Direct current and single phase alternating current watt hour meters operating on circuits of not more than 250 volts:

Amperes Rated Capacity	Fee
30 and under	\$ 2
Over 30 to 100	4
Each additional 50 amperes or factor thereof	1

Polyphase a.c. watt hour meters and single phase or direct current watt hour meters operating on circuits of over 250 volts with or without instrument transformers:

Kilowatts Rated Capacity	Fee
5 KW and Under	\$ 2
Over 5 to 25	4
Over 25 to 100	8
Over 100 to 500	16

Plus one-half ($\frac{1}{2}$) of the cost of transportation of the commission representative between the office of the commission and the point of test.

(b) Gas. Displacement type meters operating on distribution system pressures:

Capacity in Cu. Ft. Per Hour	Fee
1000 cu. ft. per hour and under	\$ 4
Over 1000 to 10,000	8
Over 10,000 to 100,000	12

Plus one-half ($\frac{1}{2}$) of the cost of transportation of the commission representative between the office of the commission and the point of test.

(c) Water:

Size	Fee
Outlet 1 inch or less	\$ 4
Outlet over 1 inch to 2 inches	6
Outlet over 2 inch to 3 inches	8
Outlet over 3 inch to 4 inches	10

Plus one-half ($\frac{1}{2}$) of the cost of transportation of the commission's representative between the office of the commission and the point of test.

(d) For meters of a size or capacity not shown herein, the commission will fix a suitable fee upon application.

Section 21. Safety Program. Each utility shall adopt and execute a safety program, fitted to the size and type of its operations. As a minimum, the safety program shall:

- (1) Require employees to use suitable tools and equipment in order that they may perform their work in a safe manner.
- (2) Instruct employees in safe methods of performing their work.
- (3) Instruct employees who, in the course of their work are subject to the hazard of electrical shock, asphyxiation or drowning, in accepted methods of artificial respiration.

Section 22. Inspection of Systems. (1) Each utility shall adopt procedures for inspection to assure safe and adequate operation of its facilities and compliance with Public Service Commission rules. These procedures shall be filed with the commission.

(2) Each electric utility shall make systematic inspections of its system in the manner set out below for the purpose of insuring that the commission's safety requirements are being met. Such inspections shall be made as often as necessary but in no event less frequently than is set forth below for various classes of facilities and types of inspection.

(a) At intervals not to exceed six (6) months:

1. Production facilities regularly operated and manned; continuous surveillance, monitoring and inspection as a part of operating procedure.

2. Unmanned production facilities including peaking units not on standby status; units shall be operated and inspected and all monitoring devices shall be checked to determine that there is no evidence of abnormality.

3. Substations where the primary voltage is sixty-nine (69) KV or greater, examination for the purpose of discovering damage to or deterioration of components including structures and fences; checking of all gauges and monitoring devices.

4. Underground network transformers and network protectors in vaults located in buildings or under sidewalks, examination for leaks, condition of case, connections, temperature and overloading.

5. Electric lines operating at sixty-nine (69) KV or greater (including insulators, conductors and supporting facilities).

(b) At intervals not to exceed one (1) year:

1. Production facilities maintained on a standby status; also inspection and examination prior to any start up, except remotely controlled facilities.

2. Substations where the primary voltage is less than sixty-nine (69) KV but is fifteen (15) KV or greater.

(c) At intervals not to exceed two (2) years: Electric lines operating at voltages of less than sixty-nine (69) KV (including insulators, conductors and supporting facilities).

(d) Other facilities:

1. Utility buildings inspected for compliance with safety codes at intervals not greater than one (1) year.

2. Construction equipment inspected for defects, wear and operational hazards at intervals not greater than quarterly.

(e) On the receipt of a report of a potentially hazardous condition made by a qualified employee or public official or by a customer.

1. All portions of the system (including those listed above) which are the subject of the report.

2. Appropriate records shall be kept by each utility to identify the inspections made, deficiencies found and action taken to correct such deficiencies.

(3) Each gas utility shall make systematic inspections of its system for the purpose of insuring that the commission's safety requirements are being met. Such inspections shall be made as often as necessary but in no event less frequently than is prescribed or recommended in the Department of Transportation, Part 192 Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards, for the various classes of facilities as defined in said standards, in accordance with the inspection procedures described therein.

(4) The following maximum time intervals are prescribed for (i) certain inspections provided for in Department of Transportation, Part 192 Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards, with respect to which intervals are not specified and (ii) certain additional inspections not provided for in such code.

(a) At intervals not to exceed one (1) year or at intervals specified by the U. S. Department of Transportation, Office of Pipeline Safety Operations:

1. Production wells, storage wells and well equipment; visual inspection and examination of all exterior components.

2. Pressure limiting stations, relief devices and pressure regulating stations, including vaults.

3. The curb box on service shall be inspected for accessibility.

4. Valves, the use of which may be necessary for the safe operation of a gas distribution system, shall be checked and serviced, including lubrication where necessary, at sufficiently frequent intervals (at least once each year) to assure their satisfactory operation. Inspection shall include checking of alignment to permit use of a key or wrench and cleaning from the valve box or vault any debris which would interfere with or delay the operation of the valve. A similar inspection shall be made of distribution curb valve boxes one year after installation where the alignment may be subject to movement and at meter change intervals thereafter.

(b) Other facilities:

1. Utility buildings inspected for compliance with safety codes at least annually.

2. Construction equipment inspected for defects, wear and operational hazards at least quarterly.

(c) At intervals not to exceed the periodic meter test intervals: Individual residential customer service regulators, vents and relief valve vents shall be checked for satisfactory operation.

(d) One (1) year after installation and thereafter at meter change intervals: All necessary curb valves on the service line shall be inspected for operable condition.

(e) On the receipt of a report of a potentially hazardous condition made by a qualified employee or public official or by a customer:

1. All portions of the system (including those listed above) which are the subject of the report.

2. Appropriate records shall be kept by each utility to identify the inspections made, deficiencies found and action taken to correct such deficiencies.

(5) (a) Each telephone utility shall make systematic inspections of its system in the manner set out below for the purpose of insuring that the commission's safety requirements are being met. Such inspections shall be made as often as necessary but in no event less frequently than is set forth below for various classes of facilities and types of inspection.

1. Aerial plant: Inspection for electrical hazards, proper clearance for electric facilities and climbing safety—Every two (2) years.

2. Underground plant: Inspection for presence of gas, proper clearance from electric facilities and safe working conditions—At least annually.

3. Station equipment and connections: Inspection for external electrical hazards damaged instruments or wiring, appropriate protection from lightning and safe location of equipment and wiring—When on customer's premises.

4. Utility buildings: Inspection for compliance with safety codes—At least annually.

5. Construction equipment: Inspection for defects, wear and operational hazards—At least quarterly.

(b) On the receipt of a report of a potentially hazardous condition made by a qualified employee or public official or by a customer:

1. All portions of the system (including those listed above) which are the subject of the report.

2. Appropriate records shall be kept by each utility to identify the inspections made, deficiencies found and action taken to correct such deficiencies.

(6) (a) Each water utility shall make systematic inspections of its system in the manner set out below for the purpose of insuring that the commission's safety requirements are being met. Such inspections shall be made as often as necessary but in no event less frequently than is set forth below for various classes of facilities and types of inspection.

pose of insuring that the commission's safety requirements are being met. Such inspections shall be made as often as necessary but in no event less frequently than is set forth below for various classes of facilities and types of inspection.

1. Source of supply:

a. Dams, physical and structural, annually.

b. Intake structures, physical and structural, annually.

c. Traveling screens, physical and structural and safety of operation, annually.

2. Purification:

a. Sedimentation basins filters and clear wells, physical and structural and safety of operation, annually.

b. Chemical feed equipment, for proper and safe operation, annually.

c. Pumping equipment including electric power wiring and controls, for proper and safe operation, annually.

d. Hydrants, for proper and safe operation annually.

e. Utility buildings, inspection for compliance with safety codes, annually.

f. Construction equipment, inspection for defects, wear and operational hazards, quarterly.

g. Mains and valves, leaks, annually.

(b) On the receipt of a report of a potentially hazardous condition made by a qualified employee or public official or by a customer:

1. All portions of the system (including those listed above), which are the subject of the report.

2. Appropriate records shall be kept by each utility to identify the inspections made, deficiencies found and action taken to correct such deficiencies.

Section 23. Reporting of Accidents. Each utility shall notify the commission of any accident which results in death or serious injury to any person or substantial property damage. Prompt notice of fatal accidents shall be given to the commission by telephone or telegraph.

Section 24. Deviations from Rules. In special cases, for good cause shown, the commission may permit deviations from these rules.

RICHARD S. TAYLOR, Chairman

ADOPTED: January 26, 1979

APPROVED: DONALD N. RHODY, Secretary

RECEIVED BY LRC: January 26, 1979 at 9:30 a.m.

PUBLIC HEARING: A public hearing will be held on this regulation March 9, 1979, at 10 a.m. in the hearing room of the Public Service Commission, 730 Schenkel Lane, Frankfort, Kentucky 40601.

Proposed Regulations

DEPARTMENT OF ENERGY Bureau of Energy Management

115 KAR 1:010. Energy audits.

RELATES TO: KRS 152A.110

PURSUANT TO: KRS 152A.180

NECESSITY AND FUNCTION: KRS 152A.110(1) requires that the Department of Energy shall have the responsibility for conducting energy audits of state-owned buildings, and implementation of the Kentucky Energy Conservation Plan. Pursuant to this mandate and in conjunction with federal energy audit programs, this regulation designates the requirements for a Class A Energy Information Audit under the Federal Energy Conservation and Production Act of 1977. The Class A Energy Information Audit is a voluntary program through which energy and cost savings are likely to result from the implementation of a particular action by an office building owner or operator. This regulation establishes the contents of a Class A Energy Information Audit for office buildings within the state; sets reasonable cost limitations for the services provided by a qualified auditor; establishes qualifications for auditors; and establishes projections of federal energy prices to be used in calculating energy costs.

Section 1. Definitions. As used in this regulation: (1) "ANSI standard" means a standard prescribed by the American National Standards Institute.

(2) "Appliance" means an energy consuming article or device designed for household use, the primary purpose of which is labor saving or personal convenience and which, although connected to public utilities servicing a building, is not attached to the building in such a way that it would be considered part of the building or building system; for example, room air-conditioners, room heat pumps, room heaters, refrigerators, refrigerator-freezers, clothes washers and dryers, dishwashers, kitchen ranges and ovens, and television sets. Energy consuming articles or devices not classified as an appliance and considered part of a building or building system include, but are not limited to, water heaters, central heat pumps, central air-conditioners, and central heating units.

(3) "Approved" means, with respect to an energy measure, any modification which is included on the list of energy measures in "Approved Modifications," filed herein by reference. Copies may be obtained from the Department's offices, Capital Plaza Tower, Frankfort, Kentucky 40601.

(4) "ASTM standard" means a standard prescribed by the American Society for Testing and Materials.

(5) "Attributed life" means, with respect to an energy conservation measure, the time period which is equal to either the useful life or fifteen (15) years, whichever is less or, with respect to a renewable-resource energy measure, the time period which is equal to either the useful life or twenty-five (25) years, whichever is less.

(6) "Auditor" means a person who meets the qualifications set forth in Section 3 of this regulation and who performs the energy audit.

(7) "British thermal unit" means the amount of heat required to raise the temperature of one (1) pound of water from fifty-nine and five tenths (59.5) to sixty and five tenths (60.5) degrees Fahrenheit at one (1) atmosphere of pressure.

(8) "BTU" means British thermal unit or units.

(9) "Building" means any structure which includes provisions for a heating or cooling system, or both, or a hot water system, and which was constructed prior to August 14, 1976.

(10) "Building envelope" means all external building surfaces, such as walls, doors, windows, roof, and floors in contact with the ground, which are affected by weather.

(11) "Class A energy audit" means an on-site visit at the building by an auditor conducted in accordance with the provisions of Section 2 of this regulation.

(12) "Compressor hours" means the average number of hours which an air conditioning compressor must operate to provide the cooling needed for space conditioning for a cooling zone.

(13) "Cooling degree days" means the annual arithmetic sum of the negative differences of the average daily outside temperature, in degrees Fahrenheit, subtracted from sixty-five (65) degrees Fahrenheit.

(14) "Department" means the Kentucky Department of Energy.

(15) "Depletable energy resource" means a fossil fuel or nuclear fission fuel.

(16) "Distillate fuel" means those light and middle fuel oil derivatives from petroleum, such as kerosene, home heating oil, range oil, stove oil, diesel fuel, kerosene-type jet fuel, including Number 1, 2, 3 and 4 fuel oils.

(17) "Dual-purpose power plant" means an equipment configuration which produces both electricity and useful thermal energy and which consumes, exclusive of the fuel required to produce the useful thermal energy, less than 7,500 Btu of fuel per kilowatt-hour of electricity produced.

(18) (a) "Energy conservation measure" means a modification which has been determined by means of an energy audit or by the department by regulation, to be likely to improve the efficiency of energy use and to reduce energy costs in an amount sufficient to enable a person to recover the total cost of purchasing and installing such measure, without regard to any tax benefit or federal financial assistance applicable thereto, within the period of:

1. The useful life of the modification involved; or
2. Fifteen (15) years after the purchase and installation of the modification, whichever is less.

(b) The term does not include the purchase or installation of any appliance, any conversion from one fuel or source of energy to another which the department, by regulation, determines is ineligible on the basis that such type of conversion is inconsistent with national policy with respect to energy conservation or reduction of imports of fuels, or any measure or type of measure which does not have as its primary purpose an improvement in efficiency of energy use.

(19) "Energy measure" means an energy conservation measure or a renewable-resource energy measure.

(20) "Heating degree days" means the annual arithmetic sum of the positive differences of the average daily outside temperature, in degrees Fahrenheit, subtracted from sixty-five (65) degrees Fahrenheit.

(21) "HVAC" means heating, ventilating, and air conditioning.

(22) "IEEE standard" means a standard prescribed by the Institute for Electrical and Electronic Engineers.

(23) "Licensed architect" means an architect licensed to practice in Kentucky pursuant to the provisions of KRS Chapter 323.

(24) "Liquefied petroleum gas" means propane, butane, propane/butane mixes, ethylene and ethane.

(25) "LPG" means liquefied petroleum gas.

(26) "Modification" means a change which can be purchased and installed in a building and which can result in energy and cost savings.

(27) "Nondepletable energy resource" means a type of energy resource other than a depletable energy resource.

(28) "R-value" means a measurement of the ability of insulation to resist the flow of heat, expressed in English units at the mean temperature of the insulation under design conditions.

(29) "Registered professional engineer" means an engineer registered to practice in Kentucky pursuant to the provisions of KRS Chapter 322.

(30) "Renewable-resource energy measure" means a modification which has been determined by means of an energy audit or by the department, by regulation, to:

(a) Involve changing, in whole or in part, the fuel or source of energy used to meet the requirements of such building or plant from a depletable source of energy; and

(b) Be likely to reduce energy costs in an amount not less than the total cost of purchasing and installing such measure, without regard to any tax benefit or federal financial assistance applicable thereto, within the period of:

1. The useful life of the modification involved; or

2. Twenty-five (25) years after purchase and installation of the modification, whichever is less. The terms does not include the purchase or installation of any appliance.

(31) "Residual fuel" means Number 5 and 6 fuel oils, heavy diesel, Navy diesel, Bunker C and all other fuel oils which have a fifty (50) percent boiling point over 700 degrees Fahrenheit in the American Society for Testing Materials D-86 standard distillation test, as reapproved in 1972.

(32) "Useful life" means that period of time for which a modification used under specified conditions is able to fulfill its intended function, and which does not exceed the period of remaining use of the building.

Section 2. Requirements and Contents of Audits. (1) General requirements for an office building Class A energy audit shall consist of an on-site visit at the building by an auditor and an evaluation by an auditor of the building's energy consumption and energy systems, consisting of an estimation of the energy and cost savings likely to result from the implementation of the operational and maintenance considerations and an analysis of the energy and cost savings likely to result from the purchase and installation of at least one (1) modification.

(2) Contents for an office building Class A energy audit shall include an energy consumption description containing:

(a) Actual energy consumption by type of fuel by month for the preceding twelve (12) months, except that where ac-

tual energy consumption data are not available, estimates of actual energy consumption and an explanation of the derivation of the estimates;

(b) Cost of energy by type of fuel for the preceding twelve (12) months from information to be furnished by the building owner;

(c) Building profile as determined from building, electrical and mechanical plans furnished by owner:

1. Location, climatic context, and immediate site conditions;

2. Configuration, envelope, construction and condition, daily hours of use; and

3. Heating, ventilating, air conditioning, hot water and lighting systems.

(3) Where applicable, an energy audit shall include an estimation of the cost of implementation and resulting energy and cost savings for each of the operational and maintenance considerations listed in the department's "Operational and Maintenance Consideration" list, filed herein by reference. Copies may be obtained from the department's offices, Capital Plaza Tower, Frankfort, Kentucky 40601. The energy and resulting cost savings shall be estimated for the succeeding twelve (12) month period using current energy prices. The energy conversion factors in subsection (7) of this section shall be used to determine total Btu energy savings.

(4) The audit shall contain an analysis of the energy and cost savings likely to result from the purchase and installation of at least one (1) modification selected from "Approved Modifications." Selected modification shall be subject to the following conditions:

(a) The cost of the purchase and installation of the modification will be recovered during its attributed life, by its projected energy cost savings; modification will result in an increase in the energy efficiency index computed as required by subsection (8) of this section;

(b) Its implementation would not result in an increase, expressed in Btu, at the building in the consumption of petroleum products, natural gas, or a combination of the two (2).

(c) Exception: If a petroleum products consumption increase will result from the installation of dual-purpose power plant equipment and the department determines this modification would produce an off-setting reduction elsewhere in the consumption of petroleum products, natural gas, or a combination of the two (2).

(5) Each audit shall identify and describe the proposed modification(s) and shall include, when appropriate:

(a) Method of application to the office building;

(b) Performance specifications;

(c) Useful life; and

(d) For a modification under consideration as a renewable-resource energy measure, a description of the process by which the modification will convert one or more nondepletable energy resources to useful energy.

(6) Each audit shall identify and describe future energy consumption for each year of the attributed life of the modification, by type of energy in terms of both physical units, such as kilowatt-hours of electricity or barrels of distillate fuel, and equivalent Btu of energy resources consumed using the conversion factors specified in subsection (7) of this section under each of the following conditions:

(a) Without implementation of the modification identified in subsection (5) of this section, but including operational and maintenance considerations identified in subsection (3) of this section, anticipated to be implemented by a building owner/operator, if any; and

(b) With implementation of the modification identified in subsection (5) of this section but including savings associated with operational and maintenance changes in the system which the proposed modification is designed to replace shall not be included.

(7) For the purpose of subsection (6) of this section, the following conversion factors shall be used to convert physical units of energy used at the building site to equivalent Btu of energy resources consumed:

- (a) Electricity: 10,500 Btu per kilowatt-hour;
- (b) Natural gas: 1,030 Btu per cubic foot;
- (c) Distillate: 5.825 million Btu per barrel;
- (d) Residual fuel: 6.287 million Btu per barrel;
- (e) Coal: 22.5 million Btu per standard short ton; and
- (f) LPG: 4.01 million Btu per barrel.

(8) Each audit shall identify and describe whether or not the energy efficiency index for a modification under evaluation as an energy conservation measure, computed with respect to subsection (6)(b) of this section exceeds the energy efficiency index computed with respect to subsection (6)(a) of this section. The index is computed by dividing the number of Btu used in a building's operation by the size of the building, expressed in terms of net square feet.

(9) Each audit shall identify and describe whether the number of Btu of depletable energy resources estimated to be consumed by a modification under evaluation as a renewable-resource energy measure, computed with respect to subsection (6)(b) of this section is less than the number of Btu of depletable energy resources estimated to be consumed for subsection (6)(a) of this section.

(10) Costs and savings shall be presented in terms of constant dollars using the same base year as in the most current projection of fuel prices by one (1) of the two (2) methods set forth in the tables for "Methods for Determining Projected Energy Prices," filed herein by reference. Copies may be obtained from the department's offices, Capital Plaza Tower, Frankfort, Kentucky 40601.

(11) An audit shall determine if a modification will reduce energy costs sufficiently to recover purchase and installation costs within the attributed life of the modification if the net present value is either zero (0) or a positive value. The net present value of implementing the modification shall be computed by subtracting the present value of purchase and installation costs calculated in accordance with paragraph (a) of this subsection from the present value of energy cost savings calculated in accordance with paragraph (b) of this subsection.

(a) The present value of purchase and installation cost shall be calculated by:

1. Establishing the costs of purchasing and installing the modification, including the annual principal and interest payments on debt incurred, converted to base year dollars using the adjustment factors set forth in the table "Factors to Adjust Future Principal and Interest Payments to Base Year Equivalent Values," filed herein by reference. Copies may be obtained from the department's offices, Capital Plaza Tower, Frankfort, Kentucky 40601. Provided, however, that principal amount of indebtedness shall be used instead where it exceeds the sum of such adjusted principal and interest costs, and the costs of engineering design, less any salvage value of the existing equipment replaced by the modification;

2. Establishing future purchase and installation costs for normal replacement of significant components and parts of the modification, less the normal replacement costs of the equipment replaced by the modification and significant components of the equipment;

3. Deriving the yearly costs of operating the modification less the costs that would be incurred for operating the equipment replaced by the modification for the attributed life of the modification;

4. Computing the present value of the purchase and installations costs for each year of the attributed life of the modification by multiplying the costs derived in paragraph (a), subparagraphs 1, 2, and 3 of this subsection by the factors set forth in the table "Discount Factors," filed herein by reference. Copies may be obtained from the department's offices, Capital Plaza Tower, Frankfort, Kentucky 40601; and

5. Establishing the present value of the purchase and installation costs of the attributed life of the modification by adding together the yearly costs computed in paragraph (a), subparagraph 4, of this subsection.

(b) The present value of energy costs savings, assuming no change in building size, shall be calculated by:

1. Determining fuel prices by type of fuel for each year of the attributed life of the modification using one (1) of the methods for projecting energy prices provided in the tables for "Methods for Determining Projected Energy Prices;"

2. Establishing annual fuel costs for each year of attributed life of the modification by multiplying the fuel prices determined in paragraph (b), subparagraph 1, of this subsection by future energy consumption for each year, with and without the modification as referred to in subsection (6)(b) of this section and subsection (9) above, respectively, except that the Btu conversion factor to be used for electricity in the tables for "Methods for Determining Projected Energy Prices," shall be 3412 usable Btu per kilowatt-hour;

3. Computing the net annual fuel costs for each year of the attributed life of the modification by subtracting the annual fuel costs with the modification, as provided in paragraph (b), subparagraph 2, of this subsection;

4. Computing the present value of energy cost savings for each year of the attributed life of the modification by multiplying the values derived in paragraph (b), subparagraph 3, of this subsection by the factors set forth in the table for "Discount Factors," filed herein by reference.

5. Establishing the present value of energy costs savings for the attributed life of the modification by adding together the yearly savings computed in paragraph (b), subparagraph 4, of this subsection.

(12) The contents of an audit shall be reduced to writing in the form of an audit report which shall contain the information and supporting documentation required by this section.

Section 3. Auditors. (1) In order to be a qualified energy auditor a person shall have completed a Class A energy auditor orientation course sponsored by the department; be a registered professional engineer or a licensed architect to conduct audits on buildings having 10,000 square feet or less; or be a registered professional engineer or a licensed architect utilizing a registered professional engineer to evaluate engineered systems such as HVAC, domestic hot water, electrical and other appropriate systems requiring engineering skills to conduct audits on buildings having more than 10,000 square feet.

(2) The department shall certify as a qualified energy auditor any persons meeting the qualifications as set forth in subsection (1) of this section. The name of all energy auditors so certified will be placed on a list which will be made available to persons seeking to have a Class A energy

names

audit performed. Any person seeking certification as a qualified energy auditor shall furnish to the department proof of registration or licensure from the appropriate professional board pursuant to subsection (1) of this section and proof of completion of a Class A energy auditor training course pursuant to subsection (1) of this section. The department may grant provisional certification to any person who meets the qualifications for an energy auditor in all respects except for completion of a Class A energy auditor training course sponsored by the department. Persons granted provisional certification will be expected to complete the Class A energy auditor training course at the earliest opportunity.

(3) Prior to submitting an audit report, the auditor shall disclose in writing to the person for whom the audit is to be performed any significant financial interest held by the auditor, the auditor's spouse, or any child of the auditor, in a partnership, corporation, sole proprietorship, or other business enterprise engaged in the manufacturing, including manufacturing of major components, marketing installing, or servicing, of the modification which is the subject of an audit, or in the ownership or operation of the building which is the subject of an audit. The financial disclosure form is entitled "Financial Disclosure Form," herein filed by reference. Copies may be obtained from the department's offices, Capital Plaza Tower, Frankfort, Kentucky 40601. A financial interest shall be significant for the purposes of this section if it is one (1) of the following:

(a) Employment, including employment as a consultant by a partnership, corporation, sole proprietorship, or other business enterprise engaged in the manufacturing, marketing, installing, or servicing of the modification which is the subject of an audit or in the ownership or operation of the building which is the subject of the audit;

(b) Ownership of ten (10) or more percent of the stock including options to purchase stock, or other securities issued by a corporation, or of a ten (10) percent or more financial interest in any other business enterprise engaged in the manufacturing, marketing, installing, or servicing of a modification which is the subject of an audit or in the ownership or operation of the building which is the subject of an audit.

(c) A position as a director or officer of a corporation or partner in a partnership or active principal in a consortium or any other business enterprise engaged in the manufacturing, marketing, installing, or servicing of a modification which is the subject of an audit or in the ownership or operation of the building which is the subject of an audit;

(d) Participation in the profit-sharing program of a partnership, corporation, or other business enterprise engaged in the manufacturing, marketing, installing or servicing of a modification which is the subject of an audit or in the ownership or operation of the building which is the subject of an audit; or

(e) Ownership of patent rights or other industrial property, interests or the receipt of royalties therefrom for the manufacturing, installing, or servicing of a modification which is the subject of an audit.

(4) Within thirty (30) days of the completion of each Class A energy audit the energy auditor shall certify to the department that the audit was conducted in accordance with the provisions of this regulation. The audit certification form, entitled "Audit Certification Form," is filed herein by reference. Copies may be obtained from the department's offices, Capital Plaza Tower, Frankfort, Kentucky 40601.

Section 4. Audit Costs. (1) The Class A energy audit shall be conducted at a cost which is less than ten (10) percent of the buildings total energy costs for the preceding twelve (12) months, when such energy costs were less than \$40,000, except that, for buildings having a total annual energy cost less than \$7,500, an allowable minimum audit cost shall be \$750; \$4,000 or five (5) percent of the building's total energy costs for the preceding twelve (12) months, whichever is greater, when such energy costs were equal to or greater than \$40,000 but less than \$1,000,000; or \$50,000 or two and one-half (2.5) percent of the building's total energy cost for the preceding twelve (12) months, whichever is greater, when such energy costs were equal to or greater than \$1,000,000.

(2) Subject to review and approval by the department the cost limitations set forth in subsection (1) of this section may be exceeded upon a determination by the department that the building or buildings exhibit unique or unusually complex characteristics relating to energy use.

Section 5. Sanctions. Any energy auditor who fails to comply with the provisions of this regulation shall have his or her certification revoked by the department.

DAMON W. HARRISON, Commissioner

ADOPTED: January 10, 1979

APPROVED: DAVID D. DRAKE, Secretary

RECEIVED BY LRC: January 26, 1979 at 11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: John Stapleton, Deputy Commissioner, Bureau of Energy Management, Capital Plaza Tower, Frankfort, Kentucky 40601.

DEPARTMENT OF FINANCE Kentucky Board of Auctioneers

201 KAR 3:035. Real estate sales by auction.

RELATES TO: KRS 330.020(2)

PURSUANT TO: KRS 13.082, 330.050(8)

NECESSITY AND FUNCTION: To define the interaction of the real estate licensing statutes and the auctioneer licensing statutes as they relate to persons holding one license or the other but not both.

Section 1. Pursuant to an Opinion of the Attorney General, OAG-759 dated October 20, 1965, which held that a licensed real estate broker may not sell real estate at auction without an auctioneer's license; and a licensed auctioneer may not sell real estate at auction without a real estate broker's license, it shall be considered improper dealing for an auctioneer to engage in any practice to obtain or negotiate a contract for the sale of real estate at auction, or advertise, or conduct a sale of real estate at auction without a license issued by the Kentucky State Real Estate Commission. However, nothing contained in this regula-

tion shall prevent a licensed real estate broker and a licensed auctioneer from participating jointly in such transactions for the sale of real estate at auction.

CHARLES H. SWITZER, Chairman
ADOPTED: August 22, 1978
APPROVED: ROY STEVENS, Secretary
RECEIVED BY LRC: January 19, 1979 at 3 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Secretary-Counselor, Kentucky Board of Auctioneers, 1210 Kentucky Home Life Building, Louisville, Kentucky 40502.

DEPARTMENT OF FINANCE
Kentucky Board of Auctioneers

201 KAR 3:045. Recordkeeping and accounting.

RELATES TO: KRS 330.110(5)
PURSUANT TO: KRS 13.082, 330.050(8)
NECESSITY AND FUNCTION: To protect the public through adequate record keeping and accounting.

Section 1. (1) Any principal or apprentice auctioneer licensed by the Kentucky Board of Auctioneers shall be required to provide a receipt or receipts to all individuals or businesses placing merchandise with him for sale by him at auction. Every apprentice and principal auctioneer shall keep a copy of each receipt given for merchandise as provided herein, and shall give a true copy of said receipts to the owner of the property accepted for sale at auction.

(2) A principal auctioneer shall further render an accounting and settlement with the seller of any property sold at auction within thirty (30) days after the conclusion of such sale unless there is a legal requirement that funds held in escrow by that principal auctioneer be held longer than said thirty (30) days.

CHARLES H. SWITZER, Chairman
ADOPTED: August 22, 1978
APPROVED: ROY STEVENS, Secretary
SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Secretary-Counselor, Kentucky Board of Auctioneers, 1210 Kentucky Home Life Building, Louisville, Kentucky 40202.

DEPARTMENT OF FINANCE
Kentucky Board of Auctioneers

201 KAR 3:055. Apprenticeship residency requirements.

RELATES TO: KRS 330.070(1)
PURSUANT TO: KRS 13.082, 330.050(8)
NECESSITY AND FUNCTION: To insure a bonafide apprenticeship.

Section 1. In the absence of a showing of special circumstances satisfactory to the board, no principal auc-

tioneer shall sponsor an apprentice whose residence is located outside a fifty (50) mile radius of the principal auctioneer's main or branch office.

CHARLES H. SWITZER, Chairman
ADOPTED: August 22, 1978
APPROVED: ROY STEVENS, Secretary
RECEIVED BY LRC: January 19, 1979 at 3 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Secretary-Counselor, Kentucky Board of Auctioneers, 1210 Kentucky Home Life Building, Louisville, Kentucky 40202.

DEPARTMENT OF FINANCE
Division of Occupations and Professions
Real Estate Commission

201 KAR 11:001. Repeal of obsolete regulations.

RELATES TO: KRS 324.094, 324.010, 324.160
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: 201 KAR 11:033 has been superseded by KRS 324.160(2); KRS 324.094 has been repealed; and, 201 KAR 11:155 has been superseded by KRS 324.010; thereby necessitating repeal of the following.

Section 1. 201 KAR 11:033, 201 KAR 11:052, 201 KAR 11:150 and 201 KAR 11:155 are hereby repealed.

JOHN A. CELLETTI, Chairman
ADOPTED: January 11, 1979
APPROVED: ROY STEVENS, Secretary
RECEIVED BY LRC: February 12, 1979 at 1 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING
TO: General Counselor, Kentucky Real Estate Commission, 100 E. Liberty Street, Suite 204, Louisville, Kentucky 40202.

PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Registry of Election Finance

801 KAR 1:007. Committees; definition, responsibilities.

RELATES TO: KRS Chapter 121
PURSUANT TO: KRS 13.082, 121.120
NECESSITY AND FUNCTION: KRS 121.120(3) provides for the Registry to adopt rules and regulations to effectuate the purpose and provisions of the Act. The function of this regulation is to clarify the definition of "committee" and to define the reporting responsibilities of nonresident committees.

Section 1. Any combination of two (2) or more persons acting jointly which makes a contribution to a candidate, his agent, or political committee shall be conclusively presumed to have been organized in part for the purpose of furthering political candidacies and shall, therefore, be required to register and report in accordance with KRS

121.170, 121.180 and related provisions of the Campaign Finance Act.

Section 2. Nonresident committees may file with the Registry copies of reports required to be filed with other state or federal agencies showing the source of funds and contributions to Kentucky candidates in lieu of reports filed on forms furnished by the Kentucky Registry of Election Finance, if the report provides the information required by Chapter 121 of the Kentucky Revised Statutes,

which copies shall be filed not later than the due dates required by the jurisdiction receiving the original report.

FOSTER OCKERMAN, Chairman

ADOPTED: December 20, 1978

APPROVED: DONALD N. RHODY, Secretary

RECEIVED BY LRC: January 31, 1979 at 1:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: John W. Craig, Executive Director, Kentucky
Registry of Election Finance, 1604 Louisville Road,
Frankfort, Kentucky 40601.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of February 7, 1979 Meeting

(Subject to subcommittee approval at its next meeting on March 7, 1979.)

The Administrative Regulation Review Subcommittee held its regularly scheduled meeting on Wednesday, February 7, 1979, at 10 a.m., in Room B of the Capitol Annex. The minutes of the January 3, 1979 meeting were approved. Present were:

Members: Representative William T. Brinkley, Chairman; Senator Donald L. Johnson and Representative Albert Robinson.

Guests: Sidney Simandle, Michael L. Luscher, Paul E. Jones and Bill Ramsey, Department of Education; Charles Henry, Department of Transportation; James R. Smith, Department of Housing; Marleen B. Ingle and Richard F. Casey, Kentucky Higher Education Assistance Authority; Thomas E. Little, Department of Military Affairs; Eugene D. Attkisson, Department of Parks; William Musick, Kentucky Retirement Systems; H. N. Kirkpatrick, Steve Huddleston, William E. Clayton and James P. Berry, Department of Mines and Minerals; Lynn Mitchell, William Crowe, Edward E. Crews, Vincent A. Basilice, Joyce Bell, Albert C. Benkert, Joe Anderson, Lucille Orlando, Rick Crawford and Ryan Halloran, Department for Human Resources; Susan Stewart, Department of Public Information; Thomas J. Calme, Campbell County Fiscal Court; James Olive, Maria S. Zaboronak, Angela A. Patrick and Rebecca Taylor, Administrative Interns; John D. Hinkle, Kentucky Retail Federation.

Press: Sy Ramsey, Associated Press.

LRC Staff: Mabel D. Robertson, Garnett Evins, Deborah Herd and Joe Hood.

The following regulations were deferred until the March 7, 1979 meeting:

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Services

Child Welfare

905 KAR 1:131. Design and construction of juvenile detention centers.

905 KAR 1:133. Operation of juvenile detention facilities.

**DEPARTMENT OF HOUSING,
BUILDINGS AND CONSTRUCTION**

Energy Conservation and Efficiency

815 KAR 50:010. New building construction energy code. (This regulation was deferred at the request of the issuing agency.)

DEPARTMENT OF FINANCE

Division of Occupations and Professions

Board for Licensing Hearing Aid Dealers

201 KAR 7:070. License renewal.

201 KAR 7:075. Continuing education requirements.

The following regulation was withdrawn at the request of the issuing agency.

DEPARTMENT OF FINANCE

Division of Occupations and Professions

Board of Optometric Examiners

201 KAR 5:035. Advertising.

On motion of Senator Johnson, seconded by Representative Robinson, the following regulation was rejected for noncompliance with statutory authority.

DEPARTMENT FOR HUMAN RESOURCES

Bureau for Social Insurance

Unemployment Insurance

904 KAR 5:190. Payments to fund in lieu of contributions.

On motion of Senator Johnson, seconded by Representative Robinson the following regulations were approved and ordered filed.

**KENTUCKY HIGHER EDUCATION
ASSISTANCE AUTHORITY**

KHEAA Grant Programs

11 KAR 5:035. Application by recipients of AFDC.

KENTUCKY EMPLOYEES RETIREMENT SYSTEM

General Rules

105 KAR 1:010. Contributions and interest rates. (As amended)

DEPARTMENT OF MILITARY AFFAIRS

National Guard

106 KAR 1:030. Rescue organizations.

DEPARTMENT OF FINANCE

Board of Dentistry

201 KAR 8:140. Continuing education compliance.

201 KAR 8:285. Hygienist's continuing education points for license renewal.

DEPARTMENT OF PARKS

Parks and Campgrounds

304 KAR 1:040. Campgrounds.

DEPARTMENT OF TRANSPORTATION

Bureau of Highways

Traffic

603 KAR 5:096. Highway classifications.

DEPARTMENT OF EDUCATION

Bureau of Administration and Finance

School District Finance

702 KAR 3:170. Educational television equipment purchases.

Buildings and Grounds

702 KAR 4:060. Construction criteria. (As amended)

Pupil Transportation

702 KAR 5:040. District board's responsibilities.

702 KAR 5:050. Supervision and discipline of pupils.

Bureau of Instruction**Instructional Services**

704 KAR 3:180. Criteria for the unit of school psychometrist.

Teacher Certification

704 KAR 20:207. Special education diagnostician.

DEPARTMENT OF MINES AND MINERALS**Miner Training, Education and Certification**

805 KAR 7:030. Annual retraining program. (Amended after hearing.)

805 KAR 7:060. Program approval.

805 KAR 7:070. Reporting procedures and record maintenance. (Amended after hearing.)

DEPARTMENT FOR HUMAN RESOURCES**Bureau of Administration and Operations****Controlled Substances**

901 KAR 1:025. Schedule III substances.

901 KAR 1:032. Schedule V substances.

Bureau for Health Services**Certificate of Need and Licensure Board**

902 KAR 20:035. Personal care homes; construction and alterations. (As amended)

902 KAR 20:055. Intermediate care facilities; construction and alteration. (As amended)

The meeting was adjourned at 12:15 p.m., to meet again on March 7, 1979, at 10 a.m. in Room 327 of the Capitol.