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LEGISLATIVE RESEARCH COMMISSION
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NOTE: The April meeting will be held in Room A, Capitol Annex Basement, Tuesday, April 1, 1980, starting at 10 a.m.

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

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

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

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

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Public Hearings Scheduled

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

A public hearing will be held at 10 a.m. EST April 7, 1980 in the Auditorium of the Capital Plaza Tower, Mero Street, Frankfort, Kentucky on the following regulations:

- 401 KAR 2:050. Hazardous waste definitions. [6 Ky.R. 473]
- 401 KAR 2:055. Provisions, generally. [6 Ky.R. 476]
- 401 KAR 2:060. Hazardous waste permits. [6 Ky.R. 477]
- 401 KAR 2:065. Inspections, hearings and penalties. [6 Ky.R. 479]
- 401 KAR 2:070. Record keeping, operating standards and reporting procedures. [6 Ky.R. 481]
- 401 KAR 2:075. Identification and listing of hazardous waste. [6 Ky.R. 484]
- 401 KAR 2:080. Fees. [6 Ky.R. 485]

DEPARTMENT OF FISH AND WILDLIFE RESOURCES

A public hearing will be held at 10 a.m. EST April 18, 1980 in the ground floor auditorium of the Capital Plaza Tower, Mero Street, Frankfort, Kentucky on the following regulation:

- 301 KAR 2:109. Seasons for deer hunting; gun and archery. [6 Ky.R. 510]

Proposed Amendments

DEPARTMENT OF FINANCE

Division of Occupations and Professions
Board of Licensure for Nursing Home Administrators
(Proposed Amendment)

201 KAR 6:010. Licensure.

RELATES TO: KRS Chapter 216A

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS Chapter 216A authorizes the Kentucky Board of Licensure for Nursing Home Administrators to regulate the practice of nursing home administration in Kentucky, including the adoption of standards for licensure. The purpose of this regulation is to establish uniform requirements for the licensing of nursing home administrators.

Section 1. Requirements for Issuance of License. An applicant for a license as a nursing home administrator shall in addition to meeting the requirements provided by KRS 216A.080:

(1) Establish a bona fide residency or express an intent to reside in Kentucky, unless employed by a health care facility located in Kentucky.

(2) [(a)] Have satisfactorily completed a course of study for, and have been awarded a baccalaureate degree; and have six (6) months of continuous management experience in a health care facility within three (3) years from the date of application. Said management experience shall include at least partial responsibility for personnel management, budget preparation and fiscal management, and public relations; or

(3) [(b)] Have satisfactorily completed an associate degree program or a minimum of sixty (60) [at least sixty-four (64)] college semester hours with concentration in health services, social services, or business, and one (1) year of continuous management experience in a health care facility within three (3) years from the date of application. Said management experience shall include at least partial responsibility for personnel management, budget preparation and fiscal management and public relations.

(4) For purposes of meeting the educational requirements above, appropriate vocational/technical programs will be accepted with the following stipulations:

(a) The courses/training be health, business or social services related.

(b) Programs requiring appropriate designation such as licensure, registration, certification, etc., will be approved only after the applicant has received that designation by the appropriate credentialing body.

(c) Applicants with a one (1) year program must also have at least thirty-two (32) college credit hours, at least half of which must be in general subjects such as english, math, science, psychology, etc.

(d) Applicants with a two (2) year program must also have at least sixteen (16) college credit hours in general subjects such as english, math, science, psychology, etc.

(5) [(3)] Pay a license fee of \$100 at the time of application, seventy-five dollars (\$75) of which shall be refunded in the event the applicant is not subsequently licensed.

Section 2. Examination Subjects. Every applicant for a license as a nursing home administrator shall successfully

pass a written examination which shall include, but need not be limited to, the following subjects:

- (1) Applicable standards of environmental health and safety;
- (2) Local health and safety regulations;
- (3) General administration;
- (4) Psychology of patient care;
- (5) Principles of patient care;
- (6) Personal and social care;
- (7) Therapeutic and supportive care and services in long-term care;
- (8) Departmental organization and management; and
- (9) Community interrelationships.

Section 3. Temporary Permits. (1) The board may issue a temporary permit to an individual to practice the art of nursing home administration when the applicant:

- (a) Has made written application to the board on the forms provided;
 - (b) Is at least twenty-one (21) years of age;
 - (c) Intends to become employed by a health care facility located in Kentucky;
 - (d) Has met the minimum education requirements for licensure contained in Section 1(3), (4) herein [of at least sixty-four (64) college semester hours] and has had at least six (6) months of management experience in a health care facility within three (3) years preceding the date of application, such experience, including at least partial responsibility for personnel management, budget preparation, and fiscal management and public relations; or
 - (e) Has been awarded a baccalaureate degree from an accredited college or university;
 - (f) Has furnished the board a letter of recommendation from the facility owner or supervisor where he intends to work, with sufficient information to support the fact that an emergency situation exists; and
 - (g) Has paid the temporary permit fee of fifty dollars (\$50).
- (2) Temporary permits shall be issued in the name of the applicant to be employed at a specific facility for a period of six (6) months.
- (3) A refund of twenty-five dollars (\$25) may be made to the holder of a temporary permit, in the event such permittee receives a nursing home administrators license issued during the first ninety (90) days of the permit period.
- (4) A temporary permit may not be extended or renewed beyond the initial period of six (6) months and may not be transferred from one (1) facility to another nor from one (1) individual to another.

Section 4. Renewal, Expiration and Reinstatement of Licenses. (1) All licenses shall be renewed every two (2) years from date of issue or from date of last renewal. It is the responsibility of the licensee, prior to such date of renewal to have:

- (a) Made written application for renewal on the prescribed forms;
- (b) Paid a biennial renewal fee of \$100;
- (c) Submitted evidence, satisfactory to the board, of attendance or completion of a continuing education program of study approved by the board which contained either a minimum of four (4) [six (6)] college semester hours or fifty (50) clock hours, all of which must have been achieved during the immediate preceding biennial period. Any clock hours obtained during the last thirty (30) days of any renewal period, in excess of the number of hours required for renewal purposes, may be credited toward the new renewal period during the renewal process.

(2) The board may make exceptions, grant waivers or provide extensions to the requirements in subsection (1) above when extenuating circumstances are sufficiently evidenced by the licensee to warrant such action.

(3) Expired licenses may be reinstated within a period of sixty (60) days from date of expiration, provided all conditions are met. Failure on the part of the licensee to pay the biennial licensure fee and show evidence of completing the required continuing education credits during the sixty (60) day grace period shall automatically cause such license to terminate. Thereafter, a candidate for relicensure shall make application to the board and meet current licensure requirements.

Section 5. Endorsement. The board may license by endorsement, without examination, a nursing home administrator currently licensed by examination by the proper authorities of any other state upon payment of a fee of \$100, and provided the applicant demonstrates to the board:

- (1) That he is familiar with state and local health and safety regulations relating to nursing homes;
- (2) That his license has not been revoked or suspended in any other state; and
- (3) That he meets current educational and experience requirements contained in Section 1.

Section 6. Refusal, Suspension, and Revocation of Licenses. The board may suspend, revoke, or refuse to issue or renew a license of a nursing home administrator, or may reprimand or otherwise discipline a licensee after due notice and an opportunity to be heard at a formal hearing, upon substantial evidence that such applicant or licensee:

- (1) Has violated any of the provisions of the law pertaining to the licensing of nursing home administrators or the rules and regulations of the board pertaining thereto;
- (2) Has willfully or repeatedly violated any of the provisions of the law, code, rules, or regulations of the licensing or supervising authority or agency of the state or political subdivision thereof having jurisdiction of the operation and licensing of nursing homes;
- (3) Has been convicted of a felony involving moral turpitude;
- (4) Has practiced fraud, deceit, or misrepresentation in securing or procuring a nursing home administrator license;
- (5) Is incompetent to engage in the practice of nursing home administration or to act as a nursing home administrator;
- (6) Has practiced fraud, deceit, or misrepresentation in his capacity as a nursing home administrator;
- (7) Has committed acts of misconduct in the operation of a nursing home under his jurisdiction;
- (8) Is addicted or dependent upon the use of alcohol, controlled substances or other drugs; or
- (9) Has wrongfully transferred or surrendered possession, either temporarily or permanently, his license to any other person.

Section 7. Complaints and Hearing Procedures. Any person, public officer, or association, or the board may prefer charges against any licensee:

- (1) Such charges shall be in writing and shall be submitted to the board.
- (2) The board, or any person or persons appointed by it for the said purpose, may hold a preliminary hearing to

determine whether a formal hearing on the charges is necessary.

(3) The board may dismiss the charges and take no action thereon, by formal hearing or otherwise, in which event the charges and the order dismissing the charges shall be filed with the board.

(4) If the board decides that the charges shall be heard formally, the board may hear the charges or designate a hearing officer to hear the charges and set a time and place for a hearing.

(5) A copy of the charges, together with notice of the time and place of the hearing, shall be served on the accused at least thirty (30) days before the date fixed for the hearing.

(6) Upon the conclusion of the hearing, the board may revoke the license of the accused, or suspend such license for a fixed period, or reprimand, or take other disciplinary action, or dismiss the charges.

(7) An order of suspension made by the board may contain such provisions as to reinstatement of the license as the board shall direct.

Section 8. Conduct of Hearing. At any hearing conducted pursuant to this regulation, any party to the proceedings may appear personally and with counsel and shall be given the opportunity to introduce evidence and witnesses and to cross-examine witnesses:

(1) At any formal hearing conducted pursuant to this regulation, if a party shall appear without counsel, the board or person designated as a hearing officer shall advise such party of his right to be represented by counsel; and that if he desires to proceed without counsel that he may call witnesses, cross-examine witnesses, and introduce evidence in his behalf.

(2) Appearances shall be noted on the official record of hearing.

(3) The board or designated hearing officer may grant adjournments upon request of any party to the proceedings, provided that an adjournment shall not be for an indefinite period of time, but shall be set down for a day certain.

(4) If an adjournment is requested in advance of the hearing date, such request shall be submitted in writing and shall specify the reason for such request.

(5) In considering an application for adjournment of a hearing the board or hearing officer shall consider whether the purpose of the hearing will be affected or defeated by the granting of such adjournment.

(6) The board or designated hearing officer shall issue subpoenas and subpoena duces tecum upon request of any party to the proceedings of any hearing set down by the board.

(7) The board or hearing officer shall not be bound by the strict rules of evidence in the conduct of a hearing, but the determination and recommendations of the hearing officer shall be founded upon sufficient legal evidence to sustain them.

(8) Upon the conclusion of a hearing the board shall take such action upon such written findings and determinations as it deems proper.

Section 9. Display of Licenses. Every person licensed as a nursing home administrator shall display such license and certificate of biennial registration in a conspicuous place in the office or place of business or employment of such licensee.

Section 10. Duplicate Licenses. The board may issue a duplicate license upon payment of a fee of ten dollars (\$10).

Section 11. Inactive Licensure Status. (1) A licensed nursing home administrator in good standing may be placed on inactive status upon request to the board and payment of a biennial fee of twenty dollars (\$20), which is not refundable.

(2) Licensees on inactive status shall be subject to the same renewal provisions as those on active status, except that no continuing education credits are required during the inactive period.

(3) A licensee on inactive status may revert to active status by:

(a) Making written application to the board;

(b) Payment of a biennial licensure fee of \$100;

(c) Successfully passing an examination administered by the board.

(4) The effective date of the return to active status will be the date board approval is granted and will establish a new anniversary date for renewal purposes only, and the original licensure date remains unchanged.

DOUG BORDERS, Chairman

ADOPTED: November 8, 1979

RECEIVED BY LRC: February 20, 1980 at 9 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Director, Division of Occupations and Professions,
P.O. Box 456, Frankfort, Kentucky 40602.

DEPARTMENT OF FINANCE
State Board of Examiners and
Registration of Landscape Architects
(Proposed Amendment)

201 KAR 10:050. Fees.

RELATES TO: KRS 323A.060, 323A.100

PURSUANT TO: KRS 13.082, 323A.060, 323A.210

NECESSITY AND FUNCTION: The board is authorized by KRS 323A.060 to fix by rules the fees for services and this regulation is intended to establish such fees.

Section 1. Fees. *The following shall be the fees to be charged by the board and no such fee shall be refundable:*
(1) **Renewal fees:** Thirty-five dollars (\$35). The secretary shall notify all license holders of the renewal dates on 1 May of each year.

(2) **Duplicate certificate:** Ten dollars (\$10).

(3) **For issuance of original license certificate:** Thirty-five dollars (\$35).

(4) **For restoration of an expired license:** thirty-five dollars (\$35) for each year (or part thereof) since the license expired not to exceed \$100. [Reinstatement: Reinstatement of an expired or revoked license due to non-renewal shall require the payment of the fee specified by KRS 323A.060(1)(c).]

(5) **For reinstatement of a revoked license:** Thirty-five dollars (\$35). [No fee is refundable.]

(6) For issuance of a license on reciprocity basis: Thirty-five dollars (\$35).

(7) For an examination: Fifty dollars (\$50).

(8) For retaking any part of an examination within three (3) years: Five dollars (\$5) per part not to exceed fifty dollars (\$50).

JAMES B. EVANS, Secretary-Treasurer

ADOPTED: February 13, 1980

RECEIVED BY LRC: March 4, 1980 at 1:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Executive Director, State Board of Examiners and Registration of Landscape Architects, P.O. Box 612, Frankfort, Kentucky 40602.

CABINET FOR DEVELOPMENT
Department of Fish and Wildlife Resources
(Proposed Amendment)

301 KAR 2:045. Upland game birds, furbearers and small game; seasons, limits.

RELATES TO: KRS 150.300, 150.305, 150.330, 150.340, 150.360, 150.365, 150.370, 150.390, 150.400

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: This regulation pertains to the hunting season, bag and possession limits for upland game birds and animals and trapping season for furbearers. This regulation is necessary for the continued protection of the species listed herein, and to insure a permanent and continued supply of the wildlife resource for the purpose of furnishing sport and recreation for present and future residents of the state. The function of this regulation is to provide for the prudent taking of upland game birds, animals and furbearers within reasonable limits based upon an adequate supply. *This amendment is necessary to change the season dates, to specify the restrictions on the use of snares, and allow squirrel hunting by means of falconry.*

Section 1. Closing of Small Game Season During the [Statewide] Deer Gun Seasons, and Exceptions. (1) The entire state will be closed to hunting and trapping for furbearers and all game species except waterfowl, rails, gallinules, woodcock, and snipe during the [statewide] deer gun seasons, except the following areas where hunting and trapping will be allowed:

(a) West Kentucky Wildlife Management Area in McCracken County.

(b) Higginson-Henry Wildlife Management Area in Union County.

(c) Land Between the Lakes Wildlife Management Area in Trigg and Lyon Counties.

(d) Fort Knox Wildlife Management Area in Hardin, Meade and Bullitt Counties.

(e) Fort Campbell Wildlife Management Area in Christian and Trigg Counties.

(f) Yellowbank Wildlife Management Area in Breckinridge County.

(g) Kleber Wildlife Management Area in Owen County.

(h) Clay Wildlife Management Area in Nicholas County.

(2) Falconry hunting will be permitted during the [statewide] deer gun seasons.

Section 2. Hunting and Trapping Seasons. See Section 1 for Exceptions and Closures. (1) Squirrel (gray and fox): opens third Saturday in August, continues through October 31. Opens again on the third Thursday in November, continues through December 31.

(2) Rabbits: opens third Thursday in November, continues through February 15 [January 21].

(3) Quail (Bobwhite): opens third Thursday in November, continues through February 15 [17].

(4) Grouse: opens third Thursday in November, continues through the last day in February.

(5) Furbearers: opens third Thursday in November, continues through January 31. Includes mink, muskrat, beaver, opossum, red fox, raccoon, weasel and skunk. The bobcat is protected year around and may not be trapped or killed.

(6) Traps and snares: all dry land sets are limited to No. 2 or smaller, smooth-jawed steel traps and No. 220 or smaller Conibear-type traps set no closer than ten (10) feet apart. *The use of snares with a self-locking device is prohibited.*

(7) Taking raccoon and opossum: Raccoon and opossum may not be taken from a vehicle or boat with the aid of artificial light at any time or any place except by trapping.

(8) Falconry hunting: the wildlife listed in this section may be pursued and taken by a licensed falconer with any legal hunting raptor from November 1 through the last hunting date listed for each species, *except that squirrels may be taken starting the third Saturday in August.*

Section 3. Bag and Possession Limits. Possession limit applies to transporting after two (2) or more days shooting but does not permit double bag limit to be taken or possessed in the field.

Game	Bag Limits	Possession Limits
Squirrel (gray and fox)	6	12
Rabbit	4	8
Quail (Bobwhite)	8	16
Grouse or native pheasant	4	8
Furbearers (except raccoon by means other than trapping)	No Limits	No Limits
Raccoon (by means other than trapping)	1*	No Limits**

* One (1) per hunter, with no more than three (3) per party of three (3) or more hunters while hunting.

** No possession limit on raccoons, except that no hunter or party of hunters shall possess more than the daily bag limit while hunting in the field.

Section 4. Trapping Licenses. The following trapping licenses are required: (1) Resident landowner or tenant trapping license: This license authorizes either the landowner or his dependent children to take wild animals by trapping upon their farmlands. Either the tenant or his dependent children residing upon the owner's lands have the same privilege.

(2) Resident statewide trapping license: This license authorizes the holder thereof to take wild animals by trapping upon his lands or lands of another person with written consent of the landowner.

(3) Nonresident statewide trapping license: This license authorizes the holder thereof to take wild animals by trap-

ping upon his lands or lands of another person with written consent of the landowner.

Section 5. Shooting Hours. Shooting hours on the above species shall be from one-half (½) hour before sunrise to one-half (½) hour after sunset, except for raccoon and opossum which may be taken at any time during day or night.

Section 6. Squirrel Hunting Weapons. No person while in the act of hunting squirrels, may use or possess a breech-loading rifle of .240 caliber or larger, or a shotgun with slugs or buckshot. Squirrels may be taken with any type of muzzle-loading weapon *and by means of longbows or compound bows*.

Section 7. Prohibited Ammunition. No person while in the act of hunting any of the game species listed in this regulation may have in his or her possession any buckshot or shotgun slugs.

CARL E. KAYS, Commissioner
MIKE BOATWRIGHT, Chairman

ADOPTED: March 3, 1980

APPROVED:

JAMES K. NAVOLIO

RECEIVED BY LRC: March 12, 1980 at 1:20 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: The Commissioner, Department of Fish and Wildlife Resources, 592 East Main Street, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Administration and Finance
(Proposed Amendment)

702 KAR 1:010. Facilities survey.

RELATES TO: KRS 157.420(3)

PURSUANT TO: KRS 13.082, 156.070, 156.160

NECESSITY AND FUNCTION: To provide a written plan describing construction and use of school facilities to guide school administrators in meeting the needs of the district.

Section 1. The Superintendent of Public Instruction shall conduct or cause to be conducted a facilities survey of each school district at least every five (5) years, and shall deliver to the local board of education a report which contains an assessment of existing conditions, and a recommended facilities plan which designates an organizational pattern, classification of school centers, and a priority schedule for construction and/or renovation needs.

Section 2. A [Recommendations made in a] facilities survey report *upon adoption by the local board of education* shall become the [adopted] facilities plan for the district unless an appeal is submitted to the Superintendent of Public Instruction within sixty (60) days following receipt of the facilities survey report. Each appeal shall include a proposed full facilities plan with the local board's requested priority listing of construction needs.

Section 3. The Superintendent of Public Instruction shall review and report to the local board of education within a period of thirty (30) days the results of the appeal. The facilities *plan* [survey report] shall remain in effect until any changes have been approved by the Superintendent of Public Instruction.

Section 4. A local board of education may at any time request the Superintendent of Public Instruction to conduct a review of a facilities [survey] plan for the district. Upon the presentation of written evidence that circumstances exist which necessitate temporary or permanent suspension or alteration of the adopted plan, the Superintendent of Public Instruction shall within fifteen (15) days of the receipt of the request determine whether a review is justified and so advise the local board of education. If a review is deemed to be justified, such review shall be within ninety (90) days from date of authorization by the Superintendent of Public Instruction. If a review is deemed unjustified, the local board of education may without request to the Superintendent of Public Instruction employ at local expense a reputable agency to conduct a facilities survey and submit same within ninety (90) days as an appeal pursuant to Section 2.

Section 5. The adopted facilities [survey] plan shall *become the facilities plan of the local school district and shall be implemented* [be implemented by the local board of education] to the extent that the financial ability of the district will permit as determined by the Superintendent of Public Instruction. The scope of any construction project recommended in the facilities *plan* [survey] shall not be changed unless the *plan* [survey] is amended.

RAYMOND BARBER
Superintendent of Public Instruction

ADOPTED: February 12, 1980

RECEIVED BY LRC: February 20, 1980 at 10:15 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Fred Schultz, Secretary, Kentucky State Board for Elementary and Secondary Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Administration and Finance
(Proposed Amendment)

702 KAR 1:035. Group health and life insurance.

RELATES TO: KRS 161.159

PURSUANT TO: KRS 13.082, 65.280, 156.030, [156.130,] 156.070

NECESSITY AND FUNCTION: To provide the basis for departmental administration of the Group Health and Life Insurance Program for certificated and non-certificated employees of local boards of education and interlocal educational cooperatives.

Section 1. Group health coverage shall consist of a single contract or the single contract dollar equivalent applied to any alternate plans of coverage contained in the

master contract between the Commonwealth and the carrier.

Section 2. Group life insurance coverage shall consist of benefit amounts as specified in the master contract between the Commonwealth and the carrier.

Section 3. For the purposes of administration of the above referenced statutes:

(1) A regular, full-time non-certified employee is one who is employed with the expectation that they are to be employed for the full school term (or the remainder of the school term) as defined in KRS 158.070, and whose assignments require a minimum of eighty (80) hours per school month as defined in KRS 158.060.

(2) A regular, full-time certified employee is one who is employed with the expectation that they are to perform their duties for the full school term (or the remainder of the school term) as defined in KRS 158.070 but in no instance will such employment require less than seventy percent (70%) of the school day/or school month as defined in KRS 158.060.

(3) An interlocal educational cooperative is one composed of two (2) or more local boards of education in order to make educational programs and services more efficiently and effectively available to such local boards of education on a multi-district basis and further such cooperative is one governed by an interlocal cooperation agreement as described by KRS 65.210 to 65.300.

Section 4. Each local board of education or interlocal educational cooperative shall provide accurate employment data on covered employees on a month to month basis on such forms and such detail as may be specified by the Superintendent of Public Instruction. [, and each local school district superintendent and interlocal educational cooperative director shall certify individually and collectively on a monthly basis those eligible employees who are covered under the terms of the above referenced statutes and this regulation.]

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: February 12, 1980

RECEIVED BY LRC: February 20, 1980 at 10:15 a.m.

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

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Administration and Finance
(Proposed Amendment)

702 KAR 1:040. Procedure for suspending certificate after breach of contract.

RELATES TO: KRS 161.780

PURSUANT TO: KRS 13.082, 156.030, [156.130]
156.070, 156.160

NECESSITY AND FUNCTION: To provide procedures by which the Superintendent of Public Instruction

may suspend the certificate of a *certified person* [teacher or superintendent] because of a breach of contract for personal services.

Section 1. When a local school district desires redress as provided in KRS 161.780, the board of education shall submit by registered mail a written complaint to the Superintendent of Public Instruction, with a copy of such complaint to the *certified person* [teacher or superintendent] affected, requesting the suspension of the certificate held by the *certified person* [teacher] in question and setting forth the facts of the case. The complaint shall be accompanied by a true copy of the contract which was signed by the *certified person* [teacher] in question and an extract from the minutes of the local board of education showing the action of employment of the *certified person* [teacher].

Section 2. Upon receipt of the request for certificate suspension, the Superintendent of Public Instruction shall notify the *certified person* [teacher] by certified [or registered] mail of the complaint and give the *certified person* [teacher] an opportunity to request a hearing in which the *certified person* [teacher] may show cause why the certificate should not be suspended. In the event the *certified person* [teacher] desires such a hearing, the Superintendent of Public Instruction shall be so notified within fifteen (15) days of the date of the notification to the *certified person* [teacher].

Section 3. Upon the request of a *certified person* [teacher] for a hearing upon the complaint of a local board of education, the Superintendent of Public Instruction will convene a hearing in his offices in Frankfort for the purpose of investigating all facts surrounding the written complaint. Within ten (10) days following the hearing, he will submit to both the *certified person* [teacher] and the local board of education his findings and final action regarding the complaint.

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: February 12, 1980

RECEIVED BY LRC: February 20, 1980 at 10:15 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Fred Schultz, Secretary, Kentucky State Board for
Elementary and Secondary Education, 17th Floor, Capital
Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Administration and Finance
(Proposed Amendment)

702 KAR 1:080. Transfer of annexed property; hearing.

RELATES TO: KRS 160.045 [160.445]

PURSUANT TO: KRS 13.082, 156.030, [156.130]
156.070, 156.160, 156.220

NECESSITY AND FUNCTION: Provides for an orderly hearing to resolve differences between local boards of education with regard to the transfer or annexation of property.

Section 1. Upon receipt of a petition of a board of education by reason of the provisions of KRS 160.045, the Superintendent of Public Instruction, or his designated representative, shall conduct an impartial investigation of the facts and conditions attendant to the proposed annexation and provide each affected board of education a report which sets forth the factual findings of his investigation and his recommendations based upon those findings.

Section 2. In the event either affected board of education appeals the decision of the Superintendent of Public Instruction to the *State Board for Elementary and Secondary Education* at its next regularly scheduled meeting [State Board of Education], the Superintendent of Public Instruction shall file notice of such appeal by certified [registered] mail on the respective boards of education fixing [and fix] the time and place of the hearing of the appeal. [a hearing by the State Board of Education on the appeal will be held.]

Section 3. Each board of education, at least ten (10) days prior to the hearing on the appeal, shall present to the *State Board for Elementary and Secondary Education* [State Board of Education] and the other affected local board of education, a brief which shall set forth arguments for or against the transfer of property.

Section 4. Oral arguments and rebuttals will be heard by the *State Board for Elementary and Secondary Education* [State Board of Education]. Each affected board of education shall be represented by one (1) person who may be an attorney, the superintendent of schools, or a board member.

(1) Arguments shall be limited to thirty (30) minutes and rebuttals to ten (10) minutes for each board of education.

(2) Interested persons will be permitted to present arguments for or against approval of transfer, but rebuttals will not be permitted by any person other than the representative designated by the board of education. The time for arguments by interested persons shall be specified by the *Chairman of the State Board for Elementary and Secondary Education* [State Board of Education] at the time of the hearing.

(3) Any member of the *State Board for Elementary and Secondary Education* [State Board of Education] shall have the privilege of questioning the representatives of boards of education or any interested persons who present arguments for or against approval of transfer.

Section 5. After the hearing is completed, but before any action is taken, the Superintendent of Public Instruction, or a member of his staff [acting in his behalf, under the provisions of KRS 156.130], shall make, [at the same board meeting at which the hearing is held but] subsequent to completion of the hearing, recommendations concerning his findings and investigation of the proposed annexation to the *State Board for Elementary and Secondary Education* [State Board of Education]. These recommendations shall be read in the presence of all interested persons and copies of the written recommendations shall be given to the parties involved in the dispute.

Section 6. The *State Board for Elementary and Secondary Education* [State Board of Education] shall by appropriate action approve or reject the transfer of property involved. This action shall not be subject to rehearing. However, the matter may be again brought before the

State Board for Elementary and Secondary Education [State Board of Education] for a new hearing if new facts warrant after all steps provided in KRS 160.045 have been followed and new efforts have been made to solve the problem locally.

Section 7. The *State Board for Elementary and Secondary Education* [State Board of Education] shall, in case of approval of transfer of property;[,] specify the effective date of transfer;[,] determine the ratio of the current assessed value of all property in the district relinquishing the property; specify the amount required to repay the transferred property's proportionate share of said district's current bonded indebtedness; calculate the amount and when payment must be made to the district relinquishing the property; [the effective assessment date used in calculating the amount to be paid to the district losing the property,] and specify pertinent details which will affect the transfer of property.

Section 8. The *State Board for Elementary and Secondary Education* [State Board of Education] will cause to be made a stenographic record of all public hearings and such copies of the transcript thereof as it requires for its own purpose. Participants desiring copies of transcripts may obtain the same from the official reporter upon payment of the cost thereof.

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: February 12, 1980

RECEIVED BY LRC: February 20, 1980 at 10:15 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Fred Schultz, Secretary, Kentucky State Board of Elementary and Secondary Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Administration and Finance
(Proposed Amendment)

702 KAR 1:090. Replacement of instructional fees; funds, distribution and use.

RELATES TO: KRS 156.160(10)

PURSUANT TO: KRS 13.082, 156.030, 156.070 [, 156.130]

NECESSITY AND FUNCTION: To provide guidelines for the distribution and use of funds appropriated for replacement of instructional fees.

Section 1. The state allotment per pupil in average daily attendance shall be obtained by dividing the amount appropriated for replacement of instructional fees by the state total Foundation Program average daily attendance for the first two (2) months of the prior year as certified by the *Superintendent of Public Instruction* [Bureau of Pupil Personnel Services].

Section 2. Each district's allotment for replacement of instructional fees shall be the state allotment per pupil

multiplied by the district's Foundation Program average daily attendance for the first two (2) months of the prior year.

Section 3. Prior to July 1 of each year the Division of Local School District Finance shall notify each local school district of its allotment. The Executive Department for Finance and Administration, on certification of the Superintendent of Public Instruction, shall draw warrants for the entire appropriation on the State Treasurer. Checks shall be issued by the State Treasurer and transmitted to the Department of Education for distribution to each school district when the district has fully complied with the school laws and Kentucky administrative regulations of the State Board for Elementary and Secondary Education.

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: February 12, 1980

RECEIVED BY LRC: February 20, 1980 at 10:15 a.m.

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

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Administration and Finance
(Proposed Amendment)

702 KAR 4:050. Building sites; inspection, approval.

RELATES TO: KRS 162.010

PURSUANT TO: KRS 13.082, 156.070, 156.160

NECESSITY AND FUNCTION: To provide for the location of school buildings in accordance with the program approved by the Superintendent of Public Instruction.

Section 1. The Superintendent of Public Instruction shall cause an inspection to be made of each proposed school building site or site addition. Site approval must be given by the Superintendent of Public Instruction prior to any purchase or commitment to purchase, except that an option-to-purchase which in no way obligates purchaser, may be executed to assure availability of site during this approval procedure. All school sites shall be in agreement with the educational facilities survey recommendations as approved by the Superintendent of Public Instruction and shall have the approval of the Superintendent of Public Instruction prior to initiation of an application for approval of a construction project.

Section 2. The minimum size of school sites shall be as follows:

(1) Elementary school: Five (5) acres plus an additional acre for each 100 or fraction of 100 students of anticipated enrollment.

(2) Middle school, junior high school, and high school: Ten (10) acres plus an additional acre for each 100 or fraction of 100 students of anticipated enrollment.

(3) Any deviation from subsections (1) and (2) above shall be made only after investigation and approval by the Superintendent of Public Instruction.

Section 3. Prior to contracting for the purchase of a school site, it shall be determined by the local board of education that the following conditions can be met and assurances will be given in writing to the Superintendent of Public Instruction prior to his approval to acquire the site [information shall be provided to and approved by the Superintendent of Public Instruction:].

(1) A fee simple title shall be obtained in conformance with KRS 162.010. A copy of the deed and attorney's title certificate shall be furnished the Superintendent of Public Instruction for approval of the title to the site.

(2) Assurances that an adequate water supply and sewage disposal can [shall] be approved by the Department of Natural Resources and Environmental Protection and the Fire Marshal's office having jurisdiction.

(3) Assurances of adequate access to [adequate] public roads or streets to accommodate anticipated school traffic.

(4) A copy of a plat of the site survey showing any easements prepared by a registered land surveyor.

Section 4. A local board of education shall obtain title insurance, in an amount equal to the current appraised value of the property, from an acceptable title insurance company on property acquired for a school site in compliance with KRS 162.010. A copy of the title insurance shall be forwarded with a copy of the fee simple deed to the Superintendent of Public Instruction within sixty (60) days from the date of the deed.

Section 5. [4.] A permanent monument (four (4) by four (4) by eighteen (18) inches deep concrete with a brass pin) shall be set in the boundary line of the site at a point which will provide a starting point for initial and final plot of metes and bounds which will circumscribe the site.

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: February 12, 1980

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TO: Fred Schultz, Secretary, Kentucky State Board for Elementary and Secondary Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Administration and Finance
(Proposed Amendment)

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)

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

Section 1. The [structural] design for construction of each [all] new school building[s], building addition[s] and

remodeling shall be in conformance with applicable building codes and regulations and approved by authorities having jurisdiction, *with special emphasis to energy code requirements. Compliance with the American National Standards Institute document A117.1 (specifications for making buildings and facilities accessible to, and usable by, physically handicapped) shall be required.* The following conditions shall be provided in the design of each [all] new school building[s]:

(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.]

(3) [(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) instructional areas [classrooms] empty into the [this] corridor extension.

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

(5) All roofs shall be sloped, and the required slopes shall be built into the structural system of the buildings; all roofing systems shall be unconditionally warranted for a period of two (2) years by the roofing manufacturers and by the applicators from the date of final inspection and acceptance of the project.

(6) Walkways with a minimum width of twenty-two (22) inches shall be provided on the roof from the roof access point to and around each piece of major mechanical and electrical equipment. [The roof shall have a minimum slope of one-half (½) inch per foot.]

Section 2. *Each exterior door must swing out. Exterior doors from each room housing more than forty-five (45) people shall have panic hardware. Each building housing people shall be provided with no fewer than two (2) exits.* [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) Each [All] exit door[s] shall be either recessed or protected by a canopy, except exit doors from individual instructional areas [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) Each [All exterior exit] door[s] and side light[s], when glazed, shall have either safety laminated glass, tempered glass panel[s], or approved equal[s].

(3) Each [Classroom] door[s] to an instructional area shall be at least three (3) feet by six (6) feet and eight (8) inches. No other door shall be less than two (2) feet and eight (8) inches in width.

(4) Each [Any] door swinging into a corridor shall swing through 180 degrees or be recessed so it does not project into the minimum width of the corridor.

(5) In each [any] room where there is a chance of panic by explosion such as a chemistry room, shop[s], etc., and in each [any] room that houses more than forty-five (45) people [students], such as a library, cafeteria, etc., each exit door[s] 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 fewer [less] than two (2) stairways shall be provided in a multiple story building[s]. The stairways shall be remote from each other.

(1) Each [All] required stairway[s] shall be enclosed and have doors that exit [lead] to the outside without passing through a corridor.

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

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

(4) No door shall open immediately upon a flight of stairs or ramp. 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) Each exterior stairway[s] or ramp[s] used as a primary building exit[s] shall be covered and shielded from weather.

Section 4. Each standard elementary school instructional area [classrooms] shall provide [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) A minimum ceiling height [shall be a minimum] of eight (8) feet and eight (8) inches with mechanical ventilation or [and a minimum of] nine (9) feet and eight (8) inches with natural ventilation.

Section 5. Each standard[s] instructional area for middle school, junior high and high school [classrooms] shall provide [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) A minimum ceiling height [shall be a minimum] of eight (8) feet and eight (8) inches with mechanical ventilation or [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 each [all] exterior instructional area [classrooms]. [Only interior rooms will be approved without a window.]

(1) Each [All] window[s] installed in an instructional area[s] shall have a minimum of fifty (50) percent of operable sash.

(2) Each [All] exterior window[s] shall [insofar as practical] be double glazed or insulated glass.

(3) Operable sections of windows shall be no higher than sixty (60) inches [within the reach of the classroom teacher].

(4) No clerestory window[s] or [and] skylight[s] shall [not] be approved in an instructional [classroom] area[s].

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

(6) In an *instructional area* [classrooms] approved without mechanical ventilation, the area of *operable 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 *each* [all] area[s].

Section 8. *Energy conservation requirements shall be:*
(1) *Each* [All] exterior wall[s] 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 *instructional* [classroom] areas.

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

(4) Records storage room shall be provided in *each* [all secondary] school[s]. 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 *each* [all] school plant[s].

(7) A first aid room with toilet shall be provided in *every* [all] school *plant* [buildings].

(8) A general storage area for equipment and material storage shall be provided in *every* [all] school *building* [plants].

(9) A custodial [storage and] equipment *storage room*[s] shall be provided in *every* [all] school building[s], *with custodial closets provided in each major area*.

(10) Ceiling heights of *each* [all] special instructional area[s] 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.

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: February 12, 1980

RECEIVED BY LRC: February 20, 1980 at 10:15 a.m.

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

PUBLIC PROTECTION AND REGULATION CABINET Utility Regulatory Commission (Proposed Amendment)

807 KAR 25:010. Rules of procedure.

RELATES TO: KRS Chapter 278

PURSUANT TO: KRS 13.082, 278.310(2)

NECESSITY AND FUNCTION: KRS 278.310(2) provides that all hearings and investigations before the commission or any commissioner shall be governed by rules adopted by the commission. This regulation prescribes requirements with respect to formal and informal proceedings before the commission.

Section 1. General Offices and Hearings. (1) The commission will be in continuous session for the performance of administrative duties.

(2) Meetings of the commission for the consideration of all matters requiring formal hearings will be held on such days, at such hours and at such places as the commission may designate.

(3) Notice of hearing will be given by the secretary to parties to proceedings before the commission, except when a hearing is not concluded on the day appointed therefor and verbal announcement is made by the presiding commissioner or hearing examiner of an adjourned date. Verbal announcements so made shall be deemed due notice of continued hearing.

Section 2. Secretary to Furnish Information. (1) Upon request, the secretary of the commission will advise any party as to the form of a petition, complaint, answer, application or other paper desired to be filed; and he will make available from the commission's files, upon request, any document or record pertinent to any matter before the commission.

(2) The secretary may reject for filing any document which on its face does not comply with the rules and regulations of the commission.

Section 3. General Matters Pertaining to All Formal Proceedings. (1) Address of the commission. All communications should be addressed to "Utility Regulatory Commission, Frankfort, Kentucky."

(2) Case numbers and styles. Each matter coming formally before the commission will be known as a case and will receive a number and style, descriptive of the subject matter. Such number and style shall be placed on all subsequent papers in such case.

(3) Form of papers filed. All pleadings and applications filed with the commission in formal proceedings shall be printed or typewritten on one (1) side of the paper only, and typewriting shall be double spaced.

(4) Signing of pleadings. Every pleading of a party represented by an attorney shall be signed by at least one (1) attorney of record in his individual name and shall state his address. Except when otherwise specifically provided by statute, pleadings need not be verified or accompanied by affidavit.

(5) Amendment. At its discretion, the commission may allow any complaint, application, answer or other paper to be amended or corrected or any omission supplied therein.

(6) Witnesses and subpoenas:

(a) Upon the application of any party to a proceeding, subpoenas requiring the attendance of witnesses for the purpose of taking testimony may be signed and issued by a member of the commission.

(b) Subpoenas for the production of books, accounts, papers or records (unless directed to issue by the commission on its own authority) will be issued only at the discretion of the commission, or any commissioner, upon application in writing, stating as nearly as possible the books, accounts, papers or records desired to be produced.

(7) Service of process. When any party has appeared by attorney, service upon such attorney will be deemed proper service upon the party.

(8) Parties and intervention. In any formal proceeding, any corporation, association, body politic or person authorized by law to become a party to a proceeding before the commission, may by timely motion request that he or it be granted leave to intervene. The motion shall set forth the grounds for the request, including the status and interest of the movant. If the commission, after opportunity has been given to the party or parties to such proceeding to be heard on such intervention, be of the opinion that the movant is entitled to be made a party, it shall so order. Leave thus granted will entitle the intervenor to have notice of and to appear at the taking of testimony, to produce and cross-examine witnesses and to be heard in person or by counsel in the proceeding.

Section 4. Hearings and Rehearings. (1) When hearings will be granted. Except as otherwise determined in specific cases, the commission will grant a hearing in the following classes of cases:

(a) When an order to satisfy a complaint or to make answer thereto has been made and the corporation or person complained of has not satisfied the complaint to the satisfaction of the commission.

(b) When application has been made in a formal proceeding.

(2) Publication of notice. Upon the filing of any application the commission may, in its discretion, give all other corporations or persons who may be affected thereby an opportunity to be heard by service upon them of a copy of the petition or by publication of the substance thereof, at the expense of the applicant, for such length of time and in such newspaper or newspapers as the commission may designate. In such cases the form of notice will be prepared by the secretary of the commission, and a proof of the publication thereof must be filed at or before the hearing.

(3) Investigation on commission's own motion. The commission may at any time, on its own motion, make investigations and order hearings into any act or thing done or omitted to be done by the public utility, which the commission may believe is in violation of any provision of law or of any order or regulation of the commission. It may also through its own experts or employees, or otherwise, obtain such evidence as it may consider necessary or desirable in any formal proceeding in addition to the evidence presented by the parties.

(4) Conferences with commission staff. In order to provide opportunity for settlement of a proceeding or any of the issues therein, an informal conference with the commission staff may be arranged through the secretary of the commission either prior to, or during the course of hearings in any proceeding, at the request of any party.

(5) Conduct of hearings. Hearings will be conducted before the commission or a commissioner or before a person designated by the commission to conduct a specific hearing.

(6) Stipulation of facts. By a stipulation in writing, filed with the secretary, the parties to any proceeding or investigation by the commission may agree upon the facts or any portion of the facts involved in the controversy, which

stipulation shall be regarded and used as evidence at the hearing.

(7) Testimony. All testimony given before the commission will be given under oath or affirmation.

(8) Objections and exceptions. When objections are made to the admission or exclusion of evidence before the commission, the grounds relied upon shall be stated briefly. Formal exceptions are unnecessary and will not be taken to rulings therein.

(9) Transcript of evidence. The commission will cause to be made a stenographic record of all public hearings, and such copies of the transcript thereof as it requires for its own purposes. Participants desiring copies of such transcripts may obtain the same from the official reporter upon payment of the fees fixed therefor.

(10) Briefs and petitions for rehearing. All briefs and petitions for rehearing in any proceeding must be accompanied with notice, showing service upon all other parties or their attorneys, and, in addition to the filed original, ten (10) copies of each such document shall be furnished for the use of the commission.

(11) Filing of briefs. All briefs must be filed within the time fixed, and the commission may refuse to consider any brief filed thereafter. Applications for extensions of time to file briefs must be made to the commission in writing.

(12) Form of briefs. All briefs filed with the commission shall be in the form prescribed by the commission.

Section 5. Documentary Evidence. (1) If documentary evidence is offered, the commission, in lieu of requiring the originals to be filed may, in its discretion, accept certified, or otherwise authenticated, copies of such documents or such portions of the same as may be relevant, or may require such evidence to be transcribed as a part of the record.

(2) Where relevant and material matter offered in evidence by any party is embraced in a book, paper or document containing other matter not material or relevant the party must plainly designate the matter so offered. If such immaterial matter unnecessarily encumbers the record, such book, paper or document will not be received in evidence, but may be worded for identification, and if properly authenticated, the relevant and material matter may be read into the record, or if the commission, or commissioner conducting the hearing, so directs, a true copy of such matter in proper form shall be received as an exhibit, and like copies delivered by the parties offering same to opposing parties, or their attorneys, appearing at the hearing, who shall be offered opportunity to examine such book, paper or document, and to offer evidence in like manner other portions thereof if found to be material and relevant.

(3) Whenever practicable the sheets of each exhibit and the lines of each sheet shall be numbered and if the exhibit consists of two (2) or more sheets, the first sheet or title page shall contain a brief statement of what the exhibit purports to show, with reference by sheet and line to illustrative or typical examples contained in the exhibit. Wherever practicable, rate comparisons and other such evidence shall be condensed into tables.

(4) Except as may be expressly permitted in particular instances, the commission will not receive in evidence or consider as a part of the record any book, paper or other document for consideration in connection with the proceeding after the close of the testimony.

(5) Upon motion of any party to a proceeding, any case in the commission's files or any document on file with the commission, at the discretion of the commission may be made a part of the record by "reference only." By

reference only, the case or document made a part of the record will not be physically incorporated into the record. Upon action in the Franklin Circuit Court, excerpts from any case or part only of any document may be made, at the instance of any party, a part of the record before such court.

Section 6. Financial Exhibit. Whenever in these rules it is provided that a financial exhibit shall be annexed to the application, the said exhibit shall cover operations for a twelve (12) month period, said period ending not more than ninety (90) days prior to the date the application is filed. The said exhibit shall disclose the following information in the order indicated below:

- (1) Amount and kinds of stock authorized.
- (2) Amount and kinds of stock issued and outstanding.
- (3) Terms of preference of preferred stock whether cumulative or participating, or on dividends or assets or otherwise.
- (4) Brief description of each mortgage on property of applicant, giving date of execution, name of mortgagor, name of mortgagee, or trustee, amount of indebtedness authorized to be secured thereby, and the amount of indebtedness actually secured, together with any sinking fund provisions.
- (5) Amount of bonds authorized, and amount issued, giving the name of the public utility which issued the same, describing each class separately, and giving date of issue, face value, rate of interest, date of maturity and how secured, together with amount of interest paid thereon during the last fiscal year.
- (6) Each note outstanding, giving date of issue, amount, date of maturity, rate of interest, in whose favor, together with amount of interest paid thereon during the last fiscal year.
- (7) Other indebtedness, giving same by classes and describing security, if any, with a brief statement of the devolution or assumption of any portion of such indebtedness upon or by person or corporation if the original liability has been transferred, together with amount of interest paid thereon during the last fiscal year.
- (8) Rate and amount of dividends paid during the five (5) previous fiscal years, and the amount of capital stock on which dividends were paid each year.
- (9) Detailed income statement and balance sheet.

Section 7. Applications. (1) Contents of application. All applications must be by petition in writing. The petition must set forth the full name and post office address of the applicant, and must contain fully the facts on which the application is based, with a request for the order, authorization, permission or certificate desired and a reference to the particular provision of law requiring or providing for same.

(2) Number of copies. At the time the original application is filed, ten (10) additional copies must also be filed, and where parties interested in the subject matter of the application are named therein, there shall be filed an additional copy for each named party and such other additional copies as may be required by the secretary.

(3) Articles of incorporation. If the applicant is a corporation, a certified copy of its articles of incorporation, and all amendments thereto, if any, shall be annexed to the application. If applicant's articles of incorporation and amendments thereto, if any, have already been filed with the commission in some prior proceeding, it will be sufficient if this fact is stated in the application and reference is made to the style and case number of the prior proceeding.

Section 8. Applications for Certificates of Public Convenience and Necessity. (1) Application to bid on a franchise pursuant to KRS 278.020(3). Upon application to the commission by the utility for a certificate of convenience and necessity authorizing applicant to bid on a franchise, license or permit offered by any governmental agency, the applicant shall submit with its application, the following:

- (a) A copy of its articles of incorporation. (See Section 7(3).)
- (b) The name of the governmental agency offering the franchise.
- (c) The type of franchise offered.
- (d) A statement showing the need and demand for service. Should the applicant be successful in acquiring said franchise, license or permit, it shall file a copy thereof with the commission.

(2) New construction or extension. When application is made by the utility, person, firm, or corporation for a certificate that the present or future public convenience or necessity requires, or will require, the construction or extension of any plant, equipment, property or facility, the applicant, in addition to complying with Section 7, shall submit the following data, either in the application or as exhibits attached thereto:

- (a) The facts relied upon to show that the proposed new construction is or will be required by public convenience or necessity.
- (b) Copies of franchises or permits, if any, from the proper public authority for the proposed new construction or extension, if not previously filed with the commission.
- (c) A full description of the proposed location, route, or routes of the new construction or extension, including a description of the manner in which same will be constructed, and also the names of all public utilities, corporations, or persons with whom the proposed new construction or extension is likely to compete.
- (d) Three (3) maps to suitable scale (preferably not more than two (2) miles per inch) showing the location or route of the proposed new construction or extension, as well as the location to scale of any like facilities owned by others located anywhere within the map area with adequate identification as to the ownership of such other facilities.
- (e) The manner in detail in which it is proposed to finance the new construction or extension.
- (f) An estimated cost of operation after the proposed facilities are completed.

(g) All other information necessary to afford the commission a complete understanding of the situation.

(3) Extensions in the ordinary course of business. No certificate of public convenience and necessity will be required for extensions that do not create wasteful duplication of plant, equipment, property or facilities, or conflict with the existing certificates or service of other utilities operating in the same area and under the jurisdiction of the commission that are in the general area in which the utility renders service or contiguous thereto, and that do not involve sufficient capital outlay to materially affect the existing financial condition of the utility involved, or will not result in increased charges to its customers.

(4) Renewal applications. Insofar as procedure is concerned, applications for a renewal of a certificate of convenience and necessity will be treated as an original application.

Section 9. Application or Notice for Authority to Adjust Rates. (1) When the utility seeks to adjust any rate, toll, charge, or rental, so as to alter any classification, contract, practice, rule or regulation as to result in any change

in any rate, toll, charge, or rental, the applicant, in addition to complying with the provisions of Section 7, shall submit the following data either in the application or attached thereto as exhibits:

(a) Financial exhibit. (See Section 6.)

(b) A schedule of the present rates, tolls, charges, or rentals, in effect, and the changes which it is desired to make, shown in comparative form.

(c) A description of applicant's property, including a statement of the net original cost of the property (estimated if not known) and the cost thereof to applicant.

(d) A statement in full of the reason why the adjustment is required.

(e) A statement setting forth estimates of the effect that the new rate or rates will have upon the revenues of the utility, the total amount of money resulting from the increase or decrease, the percentage of increase or decrease, and the effect upon average consumer bills.

(f) *A statement certifying that the utility's annual reports, including the report for the most recent calendar year, are on file with the commission in accordance with 807 KAR 25:020, Section 3(1).*

(2) In all cases involving a general increase in rates, in addition to the information required in subsection (1) above, complete financial data for the twelve (12) months corresponding to the test period used by the utility in its case shall be submitted at the hearing or prior thereto unless such information is contained in reports on file with the commission. Such data shall include:

(a) Total amount of interest charged to construction.

(b) An analysis of customer's bills in such detail that the revenues from the present and proposed rates can be readily determined.

(c) Details of any apportionment used.

(d) Monthly revenues and operating expenses.

Section 10. Application for Authority to Issue Securities, Notes, Bonds, Stocks or Other Evidences of Indebtedness. (1) When application is made by the utility for an order authorizing the issuance of securities, notes, bonds, stocks or other evidences of indebtedness payable at periods of more than two (2) years from the date thereof, under the provisions of KRS 278.300, said application, in addition to complying with the requirements of Section 7, shall contain:

(a) A general description of applicant's property and the field of its operation, together with a statement of the original cost of the same and the cost to the applicant, if it is impossible to state the original cost, the facts creating such impossibility shall be stated.

(b) The amount and kinds of stock, if any, which the utility desires to issue, and, if preferred, the nature and extent of the preference; the amount of notes, bonds or other evidences of indebtedness, if any, which the utility desires to issue, with terms, rate of interest and whether and how to be secured.

(c) The use to be made of the proceeds of the issue of such securities, notes, bonds, stocks or other evidence of indebtedness with a statement indicating how much is to be used for the acquisition of property, the construction, completion, extension or improvement of facilities, the improvement of service, the maintenance of service and the discharge or refunding of obligations.

(d) The property in detail which is to be acquired, constructed, improved or extended with its cost, a detailed description of the contemplated construction, completion, extension or improvement of facilities set forth in such a manner that an estimate of cost may be made, a statement

of the character of the improvement of service proposed, and of the reasons why the service should be maintained from its capital. Whether any contracts have been made for the acquisition of such property, or for such construction, completion, extension or improvement of facilities, or for the disposition of any of the securities, notes, bonds, stocks or other evidence of indebtedness which it proposes to issue or the proceeds thereof and if any contracts have been made, copies thereof shall be annexed to the petition.

(e) If it is proposed to discharge or refund obligations, a statement of the nature and description of such obligations including their par value, the amount for which they were actually sold, the expenses associated therewith, and the application of the proceeds from such sales. If notes are to be refunded, the petition must show the date, amount, time, rate of interest, and payee of each and the purpose for which their proceeds were expended.

(f) Such other facts as may be pertinent to the application.

(2) The following exhibits must be filed with the application:

(a) Financial exhibit. (See Section 6.)

(b) Copies of trust deeds or mortgages, if any, unless they have already been filed with the commission, in which case reference should be made, by style and case number, to the proceeding in which the trust deeds or mortgages have been filed.

(c) Maps and plans of the proposed property and constructions together with detailed estimates in such form that they can be checked over by the commission's engineering division. Estimates must be arranged according to the uniform system of accounts prescribed by the commission for the various classes of utilities.

Section 11. Formal Complaints. (1) Contents of complaint. Each complaint shall be headed "Before the Utility Regulatory Commission," shall set out the names of the complainant and the name of the defendant, and shall state:

(a) The full name and post office address of the complainant.

(b) The full name and post office address of the defendant.

(c) Fully, clearly, and with reasonable certainty, the act or thing done or omitted to be done, of which complaint is made, with a reference, where practicable, to the law, order, or section, and subsections, of which a violation is claimed, and such other matters, or facts, if any, as may be necessary to acquaint the commission fully with the details of the alleged violation. The complainant shall set forth definitely the exact relief which is desired. (See Section 14(1).)

(2) Signature. The complaint shall be signed by the complainant or his attorney, if any, and if signed by such attorney, shall show his post office address. Complaints by corporations or associations, or any other organization having the right to file a complaint, must be signed by its attorney and show his post office address. No oral or unsigned complaints will be entertained or acted upon by the commission.

(3) Number of copies required. At the time the complainant files his original complaint, he must also file copies thereof equal in number to ten (10) more than the number of persons or corporations to be served.

(4) Procedure on filing of complaint:

(a) Upon the filing of such complaint, the commission will immediately examine the same to ascertain whether it establishes a prima facie case and conforms to this regula-

tion. If the commission is of the opinion that the complaint does not establish a prima facie case or does not conform to this regulation, it will notify the complainant or his attorney to that effect, and opportunity may be given to amend the complaint within a specified time. If the complaint is not so amended within such time or such extension thereof as the commission, for good cause shown, may grant, it will be dismissed.

(b) If the commission is of the opinion that such complaint, either as originally filed or as amended, does establish a prima facie case and conforms to this regulation, the commission will serve an order upon such corporations or persons complained of under the hand of its secretary and attested by its seal, accompanied by a copy of said complaint, directed to such corporation or person and requiring that the matter complained of be satisfied, or that the complaint be answered in writing within ten (10) days from the date of service of such order, provided that the commission may, in particular cases, require the answer to be filed within a shorter time.

(5) Satisfaction of the complaint. If the defendant desires to satisfy the complaint, he shall submit to the commission, within the time allowed for satisfaction or answer, a statement of the relief which he is willing to give. Upon the acceptance of this offer by the complainant and the approval of the commission, no further proceedings need be taken.

(6) Answer to complaint. If satisfaction be not made as aforesaid, the corporation or person complained of must file an answer to the complaint, with certificate of service on other parties endorsed thereon, within the time specified in the order or such extension thereof as the commission, for good cause shown, may grant. The answer must contain a specific denial of such material allegations of the complaint as controverted by the defendant and also a statement of any new matter constituting a defense. If the answering party has no information or belief upon the subject sufficient to enable him to answer an allegation of the complaint, he may so state in his answer and place his denial upon that ground. (See Section 14(2).)

Section 12. Informal Complaints. (1) Informal complaints must be made in writing. Matters thus presented are, if their nature warrants, taken up by correspondence with the utility complained against in an endeavor to bring about satisfaction of the complaint without formal hearing.

(2) No form of informal complaint is prescribed, but in substance it must contain the essential elements of a complaint, including the name and address of complainant, the correct name and post office address of the utility against whom complaint is made, a clear and concise statement of the facts involved, and the relief requested.

(3) In the event of failure to bring about satisfaction of the complaint because of the inability of the parties to agree as to the facts involved, or from other causes, the proceeding is held to be without prejudice to the complainant's right to file and prosecute a formal complaint whereupon the informal proceedings will be discontinued.

Section 13. Deviations from Rules. In special cases, for good cause shown, the commission may permit deviations from these rules.

Section 14. Forms. (1) In all practice before the commission the following forms shall be followed insofar as practicable:

- (a) Formal complaint.
- (b) Answer.
- (c) Application.
- (d) Notice of adjustment of rates.

(2) Forms of Formal Complaint.

Before the Utility Regulatory Commission

(Insert name of complainant))	No. _____ (To be inserted by the secretary of the commission)
Complainant)	
vs.)	
(Insert name of each defendant))	
Defendant)	

COMPLAINT

The complaint of (here insert full name of each complainant) respectfully shows:

- (a) That (here state name, occupation and post office address of each complainant).
- (b) That (here insert full name, occupation and post office address of each defendant).
- (c) That (here insert fully and clearly the specific act or thing complained of, such facts as are necessary to give a full understanding of the situation, and the law, order, or rule, and the section or sections thereof, of which a violation is claimed).

WHEREFORE, complaint asks (here state specifically the relief desired).

Dated at _____, 19____, Kentucky, this _____ day of _____.

(Name of each complainant)

(Name and address of attorney, if any)

(3) Form of Answer to Formal Complaint.

Before the Utility Regulatory Commission

(Insert name of each complainant))	No. _____ (To be inserted by the secretary of the commission)
Complainant)	
vs.)	
(Insert name of each defendant))	
Defendant)	

ANSWER

The above-named defendant, for answer to the complaint in the proceeding, respectfully states:

- (a) That (here follow specific denials of such material allegations as are controverted by the defendant and also a statement of any new matter constituting a defense. Continue lettering each succeeding paragraph).

WHEREFORE, the defendant prays that the complaint be dismissed (or other appropriate prayer).

(Name of defendant)

(Name and address of attorney, if any)

(4) Form of Application.

Before the Utility Regulatory Commission

In the matter of the application of (here insert name of each applicant) for (here insert desired order, authorization, permission or certificate, thus: "Order authorizing issue of stocks and bonds"))
) No. (To be inserted by the secretary of the commission)

APPLICATION

The petition of (here insert name of each applicant) respectfully shows:

- (a) That applicant is engaged in the business of (here insert nature of business and territorial extent thereof).
- (b) That the post office address of each applicant is _____.
- (c) That (here state fully and clearly the facts required by these rules, and any additional facts which applicant desires to state).

WHEREFORE, applicant asks that the Utility Regulatory Commission of the Commonwealth of Kentucky make its order authorizing applicant to (here state specifically the action which the applicant desires the commission to take).

Dated at _____, Kentucky, this _____ day of _____, 19____.

 (Name of applicant)

 (Name and address of attorney, if any)

(5) Form of Notice to the Commission of Adjustment of Rates.

Before the Utility Regulatory Commission

In the matter of adjustment of rates of the (state name of corporation).)
) No. _____
) (To be inserted by the secretary of the commission).

The (here insert name of company) informs the commission that it is engaged in the business of (set out character of business) in (set out place of operation) and does hereby propose to adjust its rates, effective the _____ day of _____, 19____, in conformity with the attached schedule.

(See Section 9 of this regulation for required information.)

 (Name and address of company)

 (Name and address of attorney)

RICHARD S. TAYLOR, Chairman

ADOPTED: March 14, 1980

APPROVED: H. FOSTER PETTIT, Secretary

RECEIVED BY LRC: March 14, 1980 at 1:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Secretary, Utility Regulatory Commission, 730 Schenkel Lane, P. O. Box 615, Frankfort, Kentucky 40602.

**PUBLIC PROTECTION AND REGULATION CABINET
 Energy Regulatory Commission
 (Proposed Amendment)**

807 KAR 50:005. Rules of procedure.

RELATES TO: KRS Chapter 278

PURSUANT TO: KRS 13.082, 278.310(2)

NECESSITY AND FUNCTION: KRS 278.310(2) provides that all hearings and investigations before the commission or any commissioner shall be governed by rules adopted by the commission. This regulation prescribes requirements with respect to formal and informal proceedings before the commission.

Section 1. General Offices and Hearings. (1) The commission will be in continuous session for the performance of administrative duties.

(2) Meetings of the commission for the consideration of all matters requiring formal hearings will be held on such days, at such hours and at such places as the commission may designate.

(3) Notice of hearing will be given by the secretary to parties to proceedings before the commission, except when a hearing is not concluded on the day appointed therefor and verbal announcement is made by the presiding commissioner or hearing examiner of an adjourned date. Verbal announcements so made shall be deemed due notice of continued hearing.

Section 2. Secretary to Furnish Information. (1) Upon request, the secretary of the commission will advise any party as to the form of a petition, complaint, answer, application or other paper desired to be filed; and he will make available from the commission's files, upon request, any document or record pertinent to any matter before the commission.

(2) The secretary may reject for filing any document which on its face does not comply with the rules and regulations of the commission.

Section 3. General Matters Pertaining to All Formal Proceedings. (1) Address of the commission. All communications should be addressed to "Energy Regulatory Commission, Frankfort, Kentucky."

(2) Case numbers and styles. Each matter coming formally before the commission will be known as a case and will receive a number and style, descriptive of the subject matter. Such number and style shall be placed on all subsequent papers in such case.

(3) Form of papers filed. All pleadings and applications filed with the commission in formal proceedings shall be printed or typewritten on one (1) side of the paper only, and typewriting shall be double spaced.

(4) Signing of pleadings. Every pleading of a party represented by an attorney shall be signed by at least one (1) attorney of record in his individual name and shall state his address. Except when otherwise specifically provided by statute, pleadings need not be verified or accompanied by affidavit.

(5) Amendment. At its discretion, the commission may allow any complaint, application, answer or other paper to be amended or corrected or any omission supplied therein.

(6) Witnesses and subpoenas:

(a) Upon the application of any party to a proceeding, subpoenas requiring the attendance of witnesses for the purpose of taking testimony may be signed and issued by a member of the commission.

(b) Subpoenas for the production of books, accounts, papers or records (unless directed to issue by the commission on its own authority) will be issued only at the discretion of the commission, or any commissioner, upon application in writing, stating as nearly as possible the books, accounts, papers or records desired to be produced.

(7) Service of process. When any party has appeared by attorney, service upon such attorney will be deemed proper service upon the party.

(8) Parties and intervention. In any formal proceeding, any corporation, association, body politic or person authorized by law to become a party to a proceeding before the commission, may by timely motion request that he or it be granted leave to intervene. The motion shall set forth the grounds for the request, including the status and interest of the movant. If the commission, after opportunity has been given to the party or parties to such proceeding to be heard on such intervention, be of the opinion that the movant is entitled to be made a party, it shall so order. Leave thus granted will entitle the intervenor to have notice of and to appear at the taking of testimony, to produce and cross-examine witnesses and to be heard in person or by counsel in the proceeding.

Section 4. Hearings and Rehearings. (1) When hearings will be granted. Except as otherwise determined in specific cases, the commission will grant a hearing in the following classes of cases:

(a) When an order to satisfy a complaint or to make answer thereto has been made and the corporation or person complained of has not satisfied the complaint to the satisfaction of the commission.

(b) When application has been made in a formal proceeding.

(2) Publication of notice. Upon the filing of any application the commission may, in its discretion, give all other corporations or persons who may be affected thereby an opportunity to be heard by service upon them of a copy of the petition or by publication of the substance thereof, at the expense of the applicant, for such length of time and in such newspaper or newspapers as the commission may designate. In such cases the form of notice will be prepared by the secretary of the commission, and a proof of the publication thereof must be filed at or before the hearing.

(3) Investigation on commission's own motion. The commission may at any time, on its own motion, make investigations and order hearings into any act or thing done or omitted to be done by the public utility, which the commission may believe is in violation of any provision of law or of any order or regulation of the commission. It may also through its own experts or employees, or otherwise, obtain such evidence as it may consider necessary or desirable in any formal proceeding in addition to the evidence presented by the parties.

(4) Conferences with commission staff. In order to provide opportunity for settlement of a proceeding or any of the issues therein, an informal conference with the commission staff may be arranged through the secretary of the commission either prior to, or during the course of hearings in any proceeding, at the request of any party.

(5) Conduct of hearings. Hearings will be conducted before the commission or a commissioner or before a person designated by the commission to conduct a specific hearing.

(6) Stipulation of facts. By a stipulation in writing, filed with the secretary, the parties to any proceeding or investigation by the commission may agree upon the facts or any portion of the facts involved in the controversy, which

stipulation shall be regarded and used as evidence at the hearing.

(7) Testimony. All testimony given before the commission will be given under oath or affirmation.

(8) Objections and exceptions. When objections are made to the admission or exclusion of evidence before the commission, the grounds relied upon shall be stated briefly. Formal exceptions are unnecessary and will not be taken to rulings therein.

(9) Transcript of evidence. The commission will cause to be made a stenographic record of all public hearings, and such copies of the transcript thereof as it requires for its own purposes. Participants desiring copies of such transcripts may obtain the same from the official reporter upon payment of the fees fixed therefor.

(10) Briefs and petitions for rehearing. All briefs and petitions for rehearing in any proceeding must be accompanied with notice, showing service upon all other parties or their attorneys, and, in addition to the filed original, ten (10) copies of each such document shall be furnished for the use of the commission.

(11) Filing of briefs. All briefs must be filed within the time fixed, and the commission may refuse to consider any brief filed thereafter. Applications for extensions of time to file briefs must be made to the commission in writing.

(12) Form of briefs. All briefs filed with the commission shall be in the form prescribed by the commission.

Section 5. Documentary Evidence. (1) If documentary evidence is offered, the commission, in lieu of requiring the originals to be filed may, in its discretion, accept certified, or otherwise authenticated, copies of such documents or such portions of the same as may be relevant, or may require such evidence to be transcribed as a part of the record.

(2) Where relevant and material matter offered in evidence by any party is embraced in a book, paper or document containing other matter not material or relevant the party must plainly designate the matter so offered. If such immaterial matter unnecessarily encumbers the record, such book, paper or document will not be received in evidence, but may be worded for identification, and if properly authenticated, the relevant and material matter may be read into the record, or if the commission, or commissioner conducting the hearing, so directs, a true copy of such matter in proper form shall be received as an exhibit, and like copies delivered by the parties offering same to opposing parties, or their attorneys, appearing at the hearing, who shall be offered opportunity to examine such book, paper or document, and to offer evidence in like manner other portions thereof if found to be material and relevant.

(3) Whenever practicable the sheets of each exhibit and the lines of each sheet shall be numbered and if the exhibit consists of two (2) or more sheets, the first sheet or title page shall contain a brief statement of what the exhibit purports to show, with reference by sheet and line to illustrative or typical examples contained in the exhibit. Wherever practicable, rate comparisons and other such evidence shall be condensed into tables.

(4) Except as may be expressly permitted in particular instances, the commission will not receive in evidence or consider as a part of the record any book, paper or other document for consideration in connection with the proceeding after the close of the testimony.

(5) Upon motion of any party to a proceeding, any case in the commission's files or any document on file with the commission, at the discretion of the commission may be made a part of the record by "reference only." By

reference only, the case or document made a part of the record will not be physically incorporated into the record. Upon action in the Franklin Circuit Court, excerpts from any case or part only of any document may be made, at the instance of any party, a part of the record before such court.

Section 6. Financial Exhibit. Whenever in these rules it is provided that a financial exhibit shall be annexed to the application, the said exhibit shall cover operations for a twelve (12) month period, said period ending not more than ninety (90) days prior to the date the application is filed. The said exhibit shall disclose the following information in the order indicated below:

- (1) Amount and kinds of stock authorized.
- (2) Amount and kinds of stock issued and outstanding.
- (3) Terms of preference of preferred stock whether cumulative or participating, or on dividends or assets or otherwise.
- (4) Brief description of each mortgage on property of applicant, giving date of execution, name of mortgagor, name of mortgagee, or trustee, amount of indebtedness authorized to be secured thereby, and the amount of indebtedness actually secured, together with any sinking fund provisions.
- (5) Amount of bonds authorized, and amount issued, giving the name of the public utility which issued the same, describing each class separately, and giving date of issue, face value, rate of interest, date of maturity and how secured, together with amount of interest paid thereon during the last fiscal year.
- (6) Each note outstanding, giving date of issue, amount, date of maturity, rate of interest, in whose favor, together with amount of interest paid thereon during the last fiscal year.
- (7) Other indebtedness, giving same by classes and describing security, if any, with a brief statement of the devolution or assumption of any portion of such indebtedness upon or by person or corporation if the original liability has been transferred, together with amount of interest paid thereon during the last fiscal year.
- (8) Rate and amount of dividends paid during the five (5) previous fiscal years, and the amount of capital stock on which dividends were paid each year.
- (9) Detailed income statement and balance sheet.

Section 7. Applications. (1) Contents of application. All applications must be by petition in writing. The petition must set forth the full name and post office address of the applicant, and must contain fully the facts on which the application is based, with a request for the order, authorization, permission or certificate desired and a reference to the particular provision of law requiring or providing for same.

(2) Number of copies. At the time the original application is filed, ten (10) additional copies must also be filed, and where parties interested in the subject matter of the application are named therein, there shall be filed an additional copy for each named party and such other additional copies as may be required by the secretary.

(3) Articles of incorporation. If the applicant is a corporation, a certified copy of its articles of incorporation, and all amendments thereto, if any, shall be annexed to the application. If applicant's articles of incorporation and amendments thereto, if any, have already been filed with the commission in some prior proceeding, it will be sufficient if this fact is stated in the application and reference is made to the style and case number of the prior proceeding.

Section 8. Applications for Certificates of Public Convenience and Necessity. (1) Application to bid on a franchise pursuant to KRS 278.020(3). Upon application to the commission by the utility for a certificate of convenience and necessity authorizing applicant to bid on a franchise, license or permit offered by any governmental agency, the applicant shall submit with its application, the following:

- (a) A copy of its articles of incorporation. (See Section 7(3).)
- (b) The name of the governmental agency offering the franchise.
- (c) The type of franchise offered.
- (d) A statement showing the need and demand for service. Should the applicant be successful in acquiring said franchise, license or permit, it shall file a copy thereof with the commission.

(2) New construction or extension. When application is made by the utility, person, firm, or corporation for a certificate that the present or future public convenience or necessity requires, or will require, the construction or extension of any plant, equipment, property or facility, the applicant, in addition to complying with Section 7, shall submit the following data, either in the application or as exhibits attached thereto:

- (a) The facts relied upon to show that the proposed new construction is or will be required by public convenience or necessity.
- (b) Copies of franchises or permits, if any, from the proper public authority for the proposed new construction or extension, if not previously filed with the commission.
- (c) A full description of the proposed location, route, or routes of the new construction or extension, including a description of the manner in which same will be constructed, and also the names of all public utilities, corporations, or persons with whom the proposed new construction or extension is likely to compete.
- (d) Three (3) maps to suitable scale (preferably not more than two (2) miles per inch) showing the location or route of the proposed new construction or extension, as well as the location to scale of any like facilities owned by others located anywhere within the map area with adequate identification as to the ownership of such other facilities.
- (e) The manner in detail in which it is proposed to finance the new construction or extension.
- (f) An estimated cost of operation after the proposed facilities are completed.

(g) All other information necessary to afford the commission a complete understanding of the situation.

(3) Extensions in the ordinary course of business. No certificate of public convenience and necessity will be required for extensions that do not create wasteful duplication of plant, equipment, property or facilities, or conflict with the existing certificates or service of other utilities operating in the same area and under the jurisdiction of the commission that are in the general area in which the utility renders service or contiguous thereto, and that do not involve sufficient capital outlay to materially affect the existing financial condition of the utility involved, or will not result in increased charges to its customers.

(4) Renewal applications. Insofar as procedure is concerned, applications for a renewal of a certificate of convenience and necessity will be treated as an original application.

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in any rate, toll, charge, or rental, the applicant, in addition to complying with the provisions of Section 7, shall submit the following data either in the application or attached thereto as exhibits:

(a) Financial exhibit. (See Section 6.)

(b) A schedule of the present rates, tolls, charges, or rentals, in effect, and the changes which it is desired to make, shown in comparative form.

(c) A description of applicant's property, including a statement of the net original cost of the property (estimated if not known) and the cost thereof to applicant.

(d) A statement in full of the reason why the adjustment is required.

(e) A statement setting forth estimates of the effect that the new rate or rates will have upon the revenues of the utility, the total amount of money resulting from the increase or decrease, the percentage of increase or decrease, and the effect upon average consumer bills.

(f) *A statement certifying that the utility's annual reports, including the report for the most recent calendar year, are on file with the commission in accordance with 807 KAR 50:015, Section 3(1).*

(2) In all cases involving a general increase in rates, in addition to the information required in subsection (1) above, complete financial data for the twelve (12) months corresponding to the test period used by the utility in its case shall be submitted at the hearing or prior thereto unless such information is contained in reports on file with the commission. Such data shall include:

(a) Total amount of interest charged to construction.

(b) An analysis of customer's bills in such detail that the revenues from the present and proposed rates can be readily determined.

(c) Details of any apportionment used.

(d) Monthly revenues and operating expenses.

Section 10. Application for Authority to Issue Securities, Notes, Bonds, Stocks or Other Evidences of Indebtedness. (1) When application is made by the utility for an order authorizing the issuance of securities, notes, bonds, stocks or other evidences of indebtedness payable at periods of more than two (2) years from the date thereof, under the provisions of KRS 278.300, said application, in addition to complying with the requirements of Section 7, shall contain:

(a) A general description of applicant's property and the field of its operation, together with a statement of the original cost of the same and the cost to the applicant, if it is impossible to state the original cost, the facts creating such impossibility shall be stated.

(b) The amount and kinds of stock, if any, which the utility desires to issue, and, if preferred, the nature and extent of the preference; the amount of notes, bonds or other evidences of indebtedness, if any, which the utility desires to issue, with terms, rate of interest and whether and how to be secured.

(c) The use to be made of the proceeds of the issue of such securities, notes, bonds, stocks or other evidence of indebtedness with a statement indicating how much is to be used for the acquisition of property, the construction, completion, extension or improvement of facilities, the improvement of service, the maintenance of service and the discharge or refunding of obligations.

(d) The property in detail which is to be acquired, constructed, improved or extended with its cost, a detailed description of the contemplated construction, completion, extension or improvement of facilities set forth in such a

manner that an estimate of cost may be made, a statement of the character of the improvement of service proposed, and of the reasons why the service should be maintained from its capital. Whether any contracts have been made for the acquisition of such property, or for such construction, completion, extension or improvement of facilities, or for the disposition of any of the securities, notes, bonds, stocks or other evidence of indebtedness which it proposes to issue or the proceeds thereof and if any contracts have been made, copies thereof shall be annexed to the petition.

(e) If it is proposed to discharge or refund obligations, a statement of the nature and description of such obligations including their par value, the amount for which they were actually sold, the expenses associated therewith, and the application of the proceeds from such sales. If notes are to be refunded, the petition must show the date, amount, time, rate of interest, and payee of each and the purpose for which their proceeds were expended.

(f) Such other facts as may be pertinent to the application.

(2) The following exhibits must be filed with the application:

(a) Financial exhibit. (See Section 6.)

(b) Copies of trust deeds or mortgages, if any, unless they have already been filed with the commission, in which case reference should be made, by style and case number, to the proceeding in which the trust deeds or mortgages have been filed.

(c) Maps and plans of the proposed property and constructions together with detailed estimates in such form that they can be checked over by the commission's engineering division. Estimates must be arranged according to the uniform system of accounts prescribed by the commission for the various classes of utilities.

Section 11. Formal Complaints. (1) Contents of complaint. Each complaint shall be headed "Before the Energy Regulatory Commission," shall set out the names of the complainant and the name of the defendant, and shall state:

(a) The full name and post office address of the complainant.

(b) The full name and post office address of the defendant.

(c) Fully, clearly, and with reasonable certainty, the act or thing done or omitted to be done, of which complaint is made, with a reference, where practicable, to the law, order, or section, and subsections, of which a violation is claimed, and such other matters, or facts, if any, as may be necessary to acquaint the commission fully with the details of the alleged violation. The complainant shall set forth definitely the exact relief which is desired. (See Section 14(1).)

(2) Signature. The complaint shall be signed by the complainant or his attorney, if any, and if signed by such attorney, shall show his post office address. Complaints by corporations or associations, or any other organization having the right to file a complaint, must be signed by its attorney and show his post office address. No oral or unsigned complaints will be entertained or acted upon by the commission.

(3) Number of copies required. At the time the complainant files his original complaint, he must also file copies thereof equal in number to ten (10) more than the number of persons or corporations to be served.

(4) Procedure on filing of complaint:

(a) Upon the filing of such complaint, the commission will immediately examine the same to ascertain whether it establishes a prima facie case and conforms to this regulation. If the commission is of the opinion that the complaint does not establish a prima facie case or does not conform to this regulation, it will notify the complainant or his attorney to that effect, and opportunity may be given to amend the complaint within a specified time. If the complaint is not so amended within such time or such extension thereof as the commission, for good cause shown, may grant, it will be dismissed.

(b) If the commission is of the opinion that such complaint, either as originally filed or as amended, does establish a prima facie case and conforms to this regulation, the commission will serve an order upon such corporations or persons complained of under the hand of its secretary and attested by its seal, accompanied by a copy of said complaint, directed to such corporation or person and requiring that the matter complained of be satisfied, or that the complaint be answered in writing within ten (10) days from the date of service of such order, provided that the commission may, in particular cases, require the answer to be filed within a shorter time.

(5) Satisfaction of the complaint. If the defendant desires to satisfy the complaint, he shall submit to the commission, within the time allowed for satisfaction or answer, a statement of the relief which he is willing to give. Upon the acceptance of this offer by the complainant and the approval of the commission, no further proceedings need be taken.

(6) Answer to complaint. If satisfaction be not made as aforesaid, the corporation or person complained of must file an answer to the complaint, with certificate of service on other parties endorsed thereon, within the time specified in the order or such extension thereof as the commission, for good cause shown, may grant. The answer must contain a specific denial of such material allegations of the complaint as controverted by the defendant and also a statement of any new matter constituting a defense. If the answering party has no information or belief upon the subject sufficient to enable him to answer an allegation of the complaint, he may so state in his answer and place his denial upon that ground. (See Section 14(2).)

Section 12. Informal Complaints. (1) Informal complaints must be made in writing. Matters thus presented are, if their nature warrants, taken up by correspondence with the public utility complained against in an endeavor to bring about satisfaction of the complaint without formal hearing.

(2) No form of informal complaint is prescribed, but in substance it must contain the essential elements of a complaint, including the name and address of complainant, the correct name and post office address of the utility against whom complaint is made, a clear and concise statement of the facts involved, and the relief requested.

(3) In the event of failure to bring about satisfaction of the complaint because of the inability of the parties to agree as to the facts involved, or from other causes, the proceeding is held to be without prejudice to the complainant's right to file and prosecute a formal complaint whereupon the informal proceedings will be discontinued.

Section 13. Deviations from Rules. In special cases, for good cause shown, the commission may permit deviations from these rules.

Section 14. Forms. (1) In all practice before the commission the following forms shall be followed insofar as practicable:

- (a) Formal complaint.
- (b) Answer.
- (c) Application.
- (d) Notice of adjustment of rates.

(2) Forms of Formal Complaint.

Before the Energy Regulatory Commission

(Insert name of complainant)	}	No. _____	(To be inserted by the secretary of the commission)
Complainant			
vs.			
(Insert name of each defendant)	}		
Defendant			

COMPLAINT

The complaint of (here insert full name of each complainant) respectfully shows:

- (a) That (here state name, occupation and post office address of each complainant).
- (b) That (here insert full name, occupation and post office address of each defendant).
- (c) That (here insert fully and clearly the specific act or thing complained of, such facts as are necessary to give a full understanding of the situation, and the law, order, or rule, and the section or sections thereof, of which a violation is claimed).

WHEREFORE, complainant asks (here state specifically the relief desired).

Dated at _____, Kentucky, this _____ day of _____, 19____.

(Name of each complainant)

(Name and address of attorney, if any)

(3) Form of Answer to Formal Complaint.

Before the Energy Regulatory Commission

(Insert name of each complainant)	}	No. _____	(To be inserted by the secretary of the commission)
Complainant			
vs.			
(Insert name of each defendant)	}		
Defendant			

ANSWER

The above-named defendant, for answer to the complaint in the proceeding, respectfully states:

- (a) That (here follow specific denials of such material allegations as are controverted by the defendant and also a statement of any new matter constituting a defence. Continue lettering each succeeding paragraph).

WHEREFORE, the defendant prays that the complaint be dismissed (or other appropriate prayer).

(Name of defendant)

(Name and address of attorney, if any)

(4) Form of Application.

Before the Energy Regulatory Commission

In the matter of the application)
 of (here insert name of each)
 applicant) for (here insert) No. _____
 desired order, authorization,) (To be inserted by
 permission or certificate, thus:) the secretary of
 "Order authorizing issue of) the commission)
 stocks and bonds"))

APPLICATION

The petition of (here insert name of each applicant) respectfully shows:

- (a) That applicant is engaged in the business of (here insert nature of business and territorial extent thereof).
- (b) That the post office address of each applicant is _____.
- (c) That (here state fully and clearly the facts required by these rules, and any additional facts which applicant desires to state).

WHEREFORE, applicant asks that the Energy Regulatory Commission of the Commonwealth of Kentucky make its order authorizing applicant to (here state specifically the action which the applicant desires the commission to take).

Dated at _____, 19____, Kentucky, this ____ day of _____.

 (Name of applicant)

 (Name and address of attorney, if any)

(5) Form of Notice to the Commission of Adjustment of Rates.

Before the Energy Regulatory Commission

In the matter of adjustment) No. _____
 of rates of the (state name) (To be inserted by
 of corporation).) the secretary of
) the commission).

The (here insert name of company) informs the commission that it is engaged in the business of (set out character of business) in (set out place of operation) and does hereby propose to adjust its rates, effective the ____ day of _____, 19____, in conformity with the attached schedule.

(See Section 9 of this regulation for required information.)

 (Name and address of company)

 (Name and address of attorney)

PERRY WHITE, Chairman

ADOPTED: March 14, 1980

APPROVED: H. FOSTER PETTIT, Secretary

RECEIVED BY LRC: March 14, 1980 at 1:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
 TO: Secretary, Energy Regulatory Commission, 730
 Schenkel Lane, P. O. Box 615, Frankfort, Kentucky
 40602.

Proposed Regulations

CABINET FOR DEVELOPMENT Department of Fish and Wildlife Resources

301 KAR 2:109. Seasons for deer hunting; gun and archery.

RELATES TO: KRS 150.025, 150.170, 150.176, 150.305, 150.330, 150.340, 150.360, 150.370, 150.390, 150.400

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: This regulation pertains to the deer gun and archery seasons in specified counties and on wildlife management areas. This regulation is necessary to set deer hunting season dates, to specify the counties and management areas open to deer hunting, and to prescribe the methods by which deer may be legally taken. The function of this regulation is to provide for the prudent taking of deer within reasonable limits, and to insure a permanent and continuing supply of deer to furnish sport and recreation for present and future residents of the state.

Section 1. Deer Gun Season, Zones, Dates, and Legal Deer. Deer gun hunting is permitted in the following zones on the dates listed, except as specified in subsection (5) of this section, and Section 3.

(1) Zone No. 1: Open to either sex deer gun hunting for three (3) consecutive days beginning the second Saturday in November and for three (3) consecutive days beginning the

first Saturday in December. Counties in this zone are that portion of Barren west of I-65, all of Edmonson, and that portion of Hart west of I-65 and south of Highway 88.

(2) Zone No. 2: Open to antlered deer gun hunting for three (3) consecutive days beginning the second Saturday in November and for three (3) consecutive days beginning the first Saturday in December. On the third day of the December hunt, antlerless deer may also be taken. Counties in this zone are that portion of Ballard north and west of U.S. Highway 60, Butler, Carroll, Christian, Crittenden, Gallatin, Graves, Logan, McCracken, Ohio and Todd.

(3) Zone No. 3: Open to antlered deer gun hunting for three (3) consecutive days beginning the second Saturday in November and for three (3) consecutive days beginning the first Saturday in December. Counties in this zone are Adair, Allen, Anderson, that portion of Ballard south of U.S. Highway 60, that portion of Barren south of I-65, Boone, Boyd, Boyle, Bracken, Breckinridge, Bullitt, Caldwell, Calloway, Campbell, Carlisle, Carter, Casey, Cumberland, Fleming, Franklin, Fulton, Grant, Grayson, Green, Greenup, Hancock, Hardin, Harrison, that portion of Hart north of Highway 88 and west of I-65 and all portions east of I-65, Henderson, Henry, Hickman, Hopkins, Larue, Lawrence, Lewis, Livingston, Marion, Mason, McCreary, McLean, Meade, Metcalfe, Monroe, Muhlenberg, Nelson, Oldham, Owen, Pendleton, Pulaski, Robertson, Russell, Scott, Shelby, Spencer, Taylor, Trigg, Trimble, Union, Warren, Washington, Wayne and Webster.

(4) Zone No. 4: Open to antlered deer gun hunting for three (3) consecutive days beginning the second Saturday in November. Counties in this zone are Bath, Bell, Bourbon, Breathitt, Clark, Clay, Clinton, Daviess, Elliott, Fayette, Garrard, Harlan, Jackson, Jefferson, Jessamine, Kenton, Laurel, Lee, Leslie, Letcher, Lyon, Madison, Marshall, Menifee, Mercer, Montgomery, Morgan, Nicholas, Owsley, Pike, Powell, Rockcastle, Rowan, Simpson, Whitley, Wolfe and Woodford.

(5) Zone No. 5: Counties, wildlife management areas and parks closed to all deer hunting:

(a) Counties: Estill, Floyd (see exception in Section 3), Johnson, Knott, Knox, Lincoln, Magoffin, Martin and Perry.

(b) Wildlife management areas: Cane Creek Wildlife Management Area, including all private inholdings, in Laurel County; Central Kentucky Wildlife Management Area in Madison County; Clay Wildlife Management Area in Nicholas County; Grayson Lake Wildlife Management Area in Carter and Elliott Counties; Mill Creek Wildlife Management Area, including all private inholdings, in Jackson County; Robinson Forest Wildlife Management Area in Breathitt, Perry and Knott Counties.

(c) Deer hunting is prohibited within the boundaries of all national parks.

Section 2. Deer Archery Season, Areas, Dates and Legal Deer. Zones 1 through 4 are open to either sex archery deer hunting with longbows, compound bows and crossbows during specified periods as follows, except as specified in Section 3:

(1) The deer hunting season for longbows and compound bows only opens October 1 and continues through December 20 with no archery hunting allowed during the six (6) day deer gun hunting season.

(2) The deer hunting season for crossbows only is December 21 through December 31.

Section 3. Exceptions to Deer Hunting Regulations on Wildlife Management Areas. There will be deer hunting on the following wildlife management areas. All deer gun, archery and crossbow regulations apply unless otherwise specified herein.

(1) Ballard Wildlife Management Area located in Ballard County:

(a) Area open during all regular deer gun, archery and crossbow hunting dates: only the wooded area south of Terrell Landing Road designated by signs reading "Wildlife Management Area For Public Hunting."

(b) For the remainder of the area, only the following seasons apply:

1. Archery season for either sex deer on October 25 and 26 for longbows and compound bows only.

2. Gun season for either sex deer on November 1, 2, and 3.

3. Hunters must check in and out through a designated check station. Hunters may drive their vehicles onto the area but are confined to gravel roads only.

4. No scouting will be permitted after October 14. Hunters are restricted to their assigned hunting areas.

5. Applications for area deer hunts: only one (1) day of hunting is allowed per hunter. Applications will be received by letter only if postmarked during the period August 1 through August 31. Letters of application are limited to no more than three (3) hunters. More than one (1) application will disqualify the applicant. Applications must contain the name, address and age of each applicant and method of

hunting (gun or bow). Each application must be accompanied by a stamped self-addressed envelope. A drawing will be conducted during the first two (2) weeks of September and all successful and unsuccessful applicants will be notified. Applicants do not have a choice of hunting dates and they will be assigned during the drawing. Mail applications to: Deer Drawing, Ballard Wildlife Management Area, R.R. #1, LaCenter, Kentucky 42056.

6. No other deer hunting is permitted.

(2) Beaver Creek Wildlife Management Area located in McCreary and Pulaski Counties:

(a) Archery season for either sex deer on October 1 through October 7 for longbows and compound bows only. Free area permits must be obtained in person before hunting, or by writing the District Ranger, U.S. Forest Service, R.R. #2, Box 507, Somerset, Kentucky 42501. There is no limit on the number of permits available.

(b) Gun season for antlered deer only on October 25 and 26 and November 1 and 2. Hunters will be selected by a drawing.

(c) All gun hunters must check in at a designated check station the day before the hunt or after 4:30 a.m. on the day of the hunt.

(d) Gated roads will be opened the day before each hunt for scouting but no weapons will be allowed on the area except on hunting days.

(e) Applications for area gun deer hunts: hunters will be allowed to hunt during only one (1) of the two (2) day hunting periods. Application forms for the drawing may be obtained prior to August 31 by writing to: Deer Hunt, Daniel Boone National Forest, 100 Vaught Road, Winchester, Kentucky 40391. A stamped self-addressed envelope must be included. Completed application forms must be mailed to the same address and postmarked no later than August 31 in order to be eligible for the drawing. Application forms are limited to no more than three (3) hunters. More than one (1) application will disqualify an applicant.

(f) No other deer hunting is permitted.

(3) Dewey Lake Wildlife Management Area located in Floyd County. Archery season for either sex deer on October 1 through October 31 for longbows and compound bows only. No other deer hunting is permitted.

(4) Higginson-Henry Wildlife Management Area located in Union County:

(a) Archery season for either sex deer on October 1 through October 31, November 20 through November 30 and December 10 through December 20 for longbows and compound bows only. There is no area permit required and no limit on the number of archers.

(b) Gun season for antlered deer only on November 18 and 19. Gun hunters will be selected by a drawing.

(c) Permitted firearms: muzzle-loading and breech-loading shotguns and muzzle-loading rifles that conform with those stated in Section 7 of this regulation.

(d) Checking in and out: gun hunters must check in and out daily at a designated check station. Archery hunters are not required to check in but must check out only if a deer is taken.

(e) Applications for area gun deer hunt: hunters will be allowed to hunt during both days. Applications will be received by letter only if postmarked during the period August 1 through August 31. Letters of application are limited to no more than three (3) hunters. More than one (1) application will disqualify the applicant. Letters of application must contain the name, address and age of each applicant. Each application must be accompanied by a

stamped self-addressed envelope. Both successful and unsuccessful applicants will be notified. Mail applications to: Deer Drawing, Higginson-Henry Wildlife Management Area, Route #5, Morganfield, Kentucky 42437.

(f) No other deer hunting will be permitted.

(5) Kleber Wildlife Management Area located in Owen County. Archery season for either sex deer on October 1 through October 31 for longbow and compound bow only. No other deer hunting will be permitted.

(6) Knob State Forest Wildlife Management Area located in Nelson County. Gun deer hunters may use only shotguns conforming to those stated in Section 7 of this regulation.

(7) Meade Forest Wildlife Management Area located in Lewis County:

(a) Muzzle-loading firearms season for antlered deer only on October 25 and 26.

(b) Permitted firearms: Muzzle-loading rifles of .38 caliber or larger, muzzle-loading handguns of .44 caliber or larger, and muzzle-loading shotguns of ten (10) gauge maximum and twenty (20) minimum firing a single projectile.

(8) Pioneer Weapons Wildlife Management Area located in Bath and Menifee Counties:

(a) Archery season for either sex deer on October 1 through October 31, November 12 through November 30, and December 10 through December 31 for longbows, compound bows and crossbows.

(b) Gun season for antlered deer only for four (4) consecutive days beginning the second Saturday in November and for four (4) consecutive days beginning the first Saturday in December.

(c) Permitted firearms: only muzzle-loading rifles of .38 caliber or larger, muzzle-loading handguns of .44 caliber or larger, and muzzle-loading shotguns of ten (10) gauge maximum and twenty (20) gauge minimum firing a single projectile.

(d) No other deer hunting will be permitted.

(9) Redbird Wildlife Management Area located in Leslie and Clay Counties:

(a) Archery season for either sex deer on October 1 through October 7 for longbows and compound bows only. Free area permits must be obtained in person before hunting from the District Ranger at the U.S. Forest Service, Peabody, Kentucky headquarters, or by writing District Ranger, U.S. Forest Service, Box 1, Big Creek, Kentucky 40914. There is no limit on the number of permits to be issued.

(b) Muzzle-loading firearms season for antlered only on October 25 and 26.

(c) Gun season for antlered deer only on November 1 and 2.

(d) Muzzle-loading firearms permitted: muzzle-loading rifles of .38 caliber or larger, muzzle-loading handguns of .44 caliber or larger, and muzzle-loading shotguns of ten (10) gauge maximum and twenty (20) gauge minimum firing a single projectile.

(e) All gun hunters must check in at a designated check station the day before the hunt or after 4:30 a.m. on the day of the hunt.

(f) Gated roads will be opened the day before each hunt for scouting, but no weapons will be allowed on the area except on the day of the hunt.

(g) Applications for area gun deer hunts: hunters will be allowed to hunt during only one (1) of the two (2) day hunting periods. Application forms for the drawing may be obtained prior to August 31 by writing to: Deer Hunt, Daniel Boone National Forest, 100 Vaught Road, Winchester, Kentucky 40391. A stamped self-addressed envelope must be included. Completed application forms must be returned to the same address and postmarked no later than August 31 in order to be eligible for the drawing. Application forms are limited to no more than three (3) hunters. More than one (1) application will disqualify the applicant.

(h) No other deer hunting will be permitted.

(10) West Kentucky Wildlife Management Area located in McCracken County:

(a) Archery season for either sex deer on October 1 through October 25 on tracts 1, 2, 3, 4, 5 and 6. December 14 through December 20 on tracts 4, 5 and 6. Longbows and compound bows only.

(b) Gun season for either sex deer on tracts 1, 2, 3, 4, 5 and 6. November 1 for hunters possessing a Kentucky hunting license number ending with the digit 1, 3 and 5. November 22 for hunters possessing a Kentucky hunting license number ending with the digit 0, 2, 4, and 6. December 13 for hunters possessing a Kentucky hunting license number ending with the digit 7, 8 and 9. Kentucky residents sixty-five (65) or older, possessing a lifetime hunting license, may hunt during only one (1) of the three (3) dates.

(c) Permitted firearms: shotguns only that conform with those stated in Section 7 of this regulation.

(d) Checking in and out: all deer hunters must check in and out daily at the designated check station.

(e) No other deer hunting will be permitted.

(11) Yellowbank Wildlife Management Area located in Breckinridge County:

(a) Archery season for either sex deer on October 1 through October 31, November 17 through November 30, and December 10 through December 20 for longbows and compound bows only. There is no area permit required and no limit on the number of archers.

(b) Gun season for either sex deer on November 1 and 2, and November 15 and 16. Gun hunters will be selected by a drawing.

(c) Checking in and out: gun hunters must check in and out daily at a designated check station. Archery hunters need not check in but must check out only when a deer is taken.

(d) Applications for area gun deer hunt: hunters will be allowed to hunt during only one (1) of the two (2) day hunting periods. Applications will be received by letter only if postmarked during the period August 1 through August 31. Letters of application are limited to no more than three (3) hunters. More than one (1) application will disqualify the applicant. Letters of application must contain the name, address and age of each applicant and first and second choice of hunting dates. Each application must be accompanied by a stamped self-addressed envelope. Both successful and unsuccessful applicants will be notified. Mail applications to: Deer Drawing, Yellowbank Wildlife Management Area, Route #1, Stephensport, Kentucky 40170.

(e) No other deer hunting will be permitted.

Section 4. Legal Deer, Hunting Hours and Bag Limits.

(1) An antlered deer is defined as having one (1) antler at least four (4) inches in length, measured from the skin to the tip of the antler.

(2) Hunting hours: one-half (½) hour before sunrise to one-half (½) hour after sunset prevailing local time.

(3) Bag and possession limit: the limit is two (2) deer per hunter per year. Only one (1) deer may be taken by firearms outside the following designated special deer

areas: Fort Knox, Fort Campbell, Land Between the Lakes, Bluegrass Ordnance Depot, and Ballard Wildlife Management Area. Under no circumstances shall any individual be permitted to take more than two (2) deer anywhere in the state.

Section 5. Hunting License, Deer Permits, Deer Tags and Check Station Requirements For Gun, Archery and Crossbow Hunters.

(1) Hunting license and deer permit: all persons taking or attempting to take deer must have in possession a valid Kentucky hunting license and a valid deer hunting permit, unless exempted by KRS 150.170(3), (5) or (6) (the resident owner of farmlands, his wife or dependent children; resident tenants or their dependent children residing upon said farmlands; residents sixty-five (65) years or older; and resident servicemen on furlough of more than three (3) days in their county of legal residence). All non-residents are required to possess an annual non-resident hunting license and a deer permit.

(2) Free deer tag: any person eligible to hunt without a hunting license or deer permit may contact the nearest conservation officer before hunting deer and obtain a free deer tag. This tag should be attached to the deer before it is removed from the land where it was harvested.

(3) Leaving head attached: any person harvesting or possessing a deer must leave the head attached to the body until the carcass is removed from the field and processed.

(4) Mandatory deer check stations: any person harvesting a deer during any deer hunting season, must have it checked at the deer check station nearest to where the deer was harvested, or by the nearest available conservation officer, no later than 9 a.m. prevailing local time on the day following the day of harvest. Any person possessing a deer and an unsigned or unstamped deer permit after that time is in violation of this regulation. The hunter must fill out the stub attached to the deer permit, and this stub will be detached and retained by the check station operator or conservation officer. A list of statewide check stations is attached to each deer permit. Hunters harvesting a deer on wildlife management areas listed in this and other regulations must conform to check station requirements on those areas.

(5) Tagging deer carcass and head:

(a) Deer carcass: as soon as a deer is taken, the hunter must attach the carcass tag portion of the deer permit to the deer. This tag must be tied with a string threaded through a slit cut in the hock of a hind leg and must remain attached to the deer until the carcass is processed and packaged. The hunter must detach the stub marked "A Tag" and, before moving the carcass, punch a clearly visible hole through the space provided to indicate the weapon used to take the deer.

(b) Taxidermist tag: deer heads or other parts separated from the carcass for mounting by a taxidermist must have the taxidermy tag properly filled out and attached to the separated part.

(6) Second deer permit: a hunter who has taken one (1) deer may purchase a second deer permit, which shall be valid only when accompanied by a properly punched, stamped or signed "A Tag" portion of the first deer permit. If this portion of the first deer permit is punched to indicate that the first deer was taken by gun, the second deer permit is valid only for bow or crossbow hunting, except that two (2) deer may be taken by gun if one (1) is taken on one of the designated special deer areas listed in Section 4, subsection (3), of this regulation.

Section 6. Prohibited Methods and Conditions For Gun and Archery Deer Hunting.

(1) Residents of any state which does not grant Kentucky residents the right to hunt deer may not hunt deer in Kentucky.

(2) Persons under eighteen (18) years of age may not hunt deer with a gun unless accompanied by an adult.

(3) Deer may not be taken with the aid of dogs or any domestic animal, or by the use of a boat or any type of a land vehicle.

(4) Deer may not be taken at any time while the deer is in the act of swimming.

(5) Anyone hunting deer with a gun must wear a visible vest, or coat, or coveralls, or cap or hat of hunter orange color. The entire vest, coat, coveralls, cap or hat must be of the hunter orange color. Any one (1) of these items may be worn to comply with this regulation.

(6) Tree stands: on department-owned and operated wildlife management areas and the Daniel Boone National Forest, the use of any nails, spikes, screw-in devices, wire or tree climbers are prohibited for attaching tree stands or for climbing trees. Only portable tree stands and climbing devices that do not injure trees may be used. Portable stands may be placed in trees no more than two (2) weeks before opening day of each hunting period, and must be removed within one (1) week following the last day of each hunting period. All portable tree stands must be marked with the owner's name and address. Existing permanent tree stands may not be used.

(7) Rattling of antlers or sticks as a method of attracting deer is permitted.

(8) Use of lights: no person or persons shall cast the rays of a spotlight, jacklight or other artificial lighting device on any highway or in any field, woodland or forest, while having in his or her possession, or under his or her control, a firearm or other implement by which a deer could be killed, even though such deer is not shot at, injured or killed. This shall not apply when the headlights of a motor vehicle in normal operation on a highway are cast upon a field, woodland or forest in the normal course of travel, nor shall it apply to landowners or tenants engaged in normal or necessary activity upon their lands.

Section 7. Firearms Restrictions for Gun Deer Hunting.

(1) The following firearms that are fired from the shoulder are permitted during gun deer hunting seasons: center-fire rifles of .240 caliber or larger (with the exceptions of the .30 caliber carbine and .256 caliber rifle); muzzle-loading rifles of the .38 caliber or larger; and muzzle-loading and breech-loading shotguns of ten (10) gauge maximum and twenty (20) gauge minimum firing a single projectile.

(2) Handguns: handguns with barrel lengths of 3.90 inches or greater are permitted. Only the following cartridges may be used: .30 Herret; .357 magnum; .357 Herret; .357 automag; .41 magnum; .41 automag; .44 magnum; .44 automag; .45 automag; and any other cartridge using a bullet of at least 110 grains weight and developing at least 500 foot-pounds of muzzle energy. No full metal-jacketed bullets of any caliber may be used.

(3) The following firearms are prohibited in deer hunting: any caliber or cartridge that does not meet the requirements given in subsections (1) and (2) of this section; any fully automatic weapon or weapon capable of firing more than one (1) round with one (1) trigger pull; any military issue M-1 .30 caliber carbine or its equivalent caliber sold commercially; any .256 caliber rifle.

(4) Fully jacketed military type ammunition and tracer bullet ammunition are prohibited in deer hunting. Shotgun ammunition must contain a single slug per shell case, and buckshot or any type of shot shells are prohibited.

Section 8. Equipment Restrictions for Statewide Archery and Crossbow Deer Hunting.

(1) Longbows and compound bows may not be fitted with any device capable of holding an arrow at full draw without aid from the hunter.

(2) Arrows must be barbless without chemical treatment or chemical attachments, with broadhead points at least seven-eighths (7/8) inch wide.

(3) Crossbows must have a minimum pull weight of 100 pounds and a working safety device. Minimum bolt weight is 380 grains with a barbless broadhead point at least seven-eighths (7/8) inch wide, with no chemical treatments or chemical attachments.

(4) Archery hunters are prohibited from carrying any type of firearms while hunting deer.

Section 9. 301 KAR 2:107 is hereby repealed.

CARL E. KAYS, Commissioner
MIKE BOATWRIGHT, Chairman

ADOPTED: March 3, 1980

APPROVED: JAMES K. NAVOLIO, Secretary

RECEIVED BY LRC: March 12, 1980 at 1:20 p.m.

PUBLIC HEARING: A public hearing on this proposed regulation is scheduled for April 18, 1980 at 10 a.m. EST in the ground floor auditorium of the Capital Plaza Tower, Mero Street, Frankfort, Kentucky. For additional information or submission of written comments, contact Carl E. Kays, Commissioner, Department of Fish and Wildlife Resources, 592 East Main Street, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department for Occupational Education
Bureau of Rehabilitation Services

706 KAR 1:020. Independent living plan.

RELATES TO: KRS 163.110, 163.120, 163.130, 163.160

PURSUANT TO: KRS 13.082, 156.112, 156.116, 163.140

NECESSITY AND FUNCTION: Title VII P.L. 93-112, as amended, requires the submission of an Interim Three (3) Year State Plan for Independent Living Rehabilitation Services, to the Secretary, Department of Health, Education and Welfare. The plan must be approved in order for a state to be eligible for grants.

Section 1. Pursuant to the authority vested in the Kentucky State Board for Occupational Education by KRS 156.116 the Kentucky State Plan for Independent Living Rehabilitation Services incorporated in P.L. 93-112, as amended, for the period October 1, 1979 through September 30, 1982 is presented herewith for filing with

Legislative Research Commission, and incorporated by reference.

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: March 4, 1980

RECEIVED BY LRC: March 11, 1980 at 9 a.m.

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

EDUCATION AND ARTS CABINET
Department for Occupational Education
Bureau of Rehabilitation Services

706 KAR 1:030. Procedures for suspension or expulsion.

RELATES TO: KRS 163.140, 163.160

PURSUANT TO: KRS 156.112, 163.160

NECESSITY AND FUNCTION: Federal statutes require the state rehabilitation programs to establish procedures for determination of denial of rehabilitation services to any eligible recipient. Such procedures must provide for final state administrative review by the Assistant Superintendent for Rehabilitation Services. (29 USC 722 as amended by P.L. 95-602.)

Section 1. All students enrolled at the Eastern Kentucky Comprehensive Rehabilitation Center shall comply with the lawful regulations for the government of that school. The following conduct shall constitute grounds for suspension or expulsion.

- (1) Willful disobedience or defiance of the staff.
- (2) Habitual use of profanity or vulgarity.
- (3) Physical abuse of another person.
- (4) The threat or use of violence.
- (5) The use or possession of alcohol or controlled substances.
- (6) Stealing, destruction or defacing of center or private property.
- (7) The carrying or use of weapons or dangerous instruments.
- (8) Refusal to participate in planned program of services (medication, therapy, training, etc.).
- (9) Other incorrigible conduct on center property as well as off center property, at center-sponsored activities, or on other occasions while under the control and authority of the center.

Section 2. For the purposes of this regulation suspension shall mean a dismissal from the center for a period not to exceed twenty (20) school days. Expulsion shall mean a dismissal from the center for a period of time in excess of twenty (20) school days.

Section 3. (1) The center director may suspend a student but shall report such action in writing immediately to the parent or guardian and to the referring counselor. A student shall not be suspended until after the following due process procedures have been provided:

(a) The student, parent or guardian, and referring counselor have been given oral or written notice of the charges against the student.

(b) The student has been given an explanation of the evidence of the charge or charges if the student denies the charge.

(c) The student has been given an opportunity to present his or her version of the facts relating to the charge.

(2) These due process procedures shall precede any suspension from the center unless immediate suspension is essential to protect persons or property or to avoid disruption of the ongoing center process. In such cases, the due process procedures as previously mentioned shall follow the suspension as soon as possible, but no later than five (5) school days after the suspension.

Section 4. The center director may expel a student for misconduct as set forth in Section 1 above, but such action shall not be taken until the following procedures have been provided:

(1) The student, parent or guardian, and referring counselor have been given written notice of the charge or charges against the student and the time and place set for a hearing.

(2) The student and parents have the right to appear at the hearing and to be represented by counsel or other representatives to present evidence in behalf of the student and to cross examine the witnesses.

(3) The hearing shall be before a committee of not less than three (3) persons appointed by the Assistant Superintendent for Rehabilitation Services. In the event the Assistant Superintendent is incapacitated, the Superintendent of Public Instruction shall designate an Acting Assistant Superintendent.

Section 5. When a student is expelled pursuant to Section 4 above, the student and the parents shall be advised that they have a right to an administrative review before the Assistant Superintendent for Rehabilitation Services. Upon such a review, the decision of the Assistant Superintendent for Rehabilitation Services shall be in writing and final, subject to the right of the student or parents to request the Secretary of the Department of Health, Education and Welfare to review the decision.

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: March 4, 1980

RECEIVED BY LRC: March 11, 1980 at 9 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: L. W. True, Secretary, Kentucky State Board for Occupational Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Housing, Buildings and Construction

815 KAR 10:020. Fire safety standards.

RELATES TO: KRS Chapter 227

PURSUANT TO: KRS 13.082, 227.300

NECESSITY AND FUNCTION: KRS 227.300 requires the Commissioner of Housing, Buildings and Construction

to promulgate regulations to provide a reasonable degree of safety for human life and insure as far as practicable against fire loss. This regulation establishes the minimum requirements and controls which will be enforced by the State Fire Marshal's Office and local fire officials for the prevention of fire, explosion or panic arising from storage, handling or use of substances, materials or devices or the use of a building.

Section 1. Title and Scope: (1) This regulation shall constitute and may be cited as part of the "Standards of Safety," and except as otherwise specifically provided, all buildings, structures, marine vessels, occupancies, installations, processes and conditions, the transportation by air, land or water, and the storage, handling or use of hazardous materials, shall conform to the standards adopted by this regulation. The State Fire Marshal may delegate in writing the authority and responsibilities of this section to the local fire marshal.

(2) These standards apply to existing buildings, structures, uses, practices, conditions, materials and equipment where safety to life or protection of the public interest requires their enforcement. Any such existing buildings, uses or conditions not in strict compliance with this regulation may be permitted, when in the sole discretion of the State Fire Marshal, they do not constitute a distinct hazard to life or the property of others.

(3) Upon written request from the owner of an existing building or structure the State Fire Marshal may issue a certificate of use and occupancy, provided there are no violations of law or orders of the building official or State Fire Marshal pending, and it is established that the alleged use of the building or structure has heretofore existed.

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

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

(6) Each application for an alternative shall be filed with the State Fire Marshal and shall be accompanied by such evidence, letters, statements, results of tests or other supporting information as may be required to justify the request. The State Fire Marshal shall keep a record of his actions on such applications and a signed copy of his decision shall be provided for the applicant.

Section 2. Definitions: Words defined in this section are intended only for use with the other sections of this regulation. Definitions set forth in any document referenced in this regulation shall be the acceptable definition for use of that document only. Where terms are not defined in this regulation, they shall have their ordinarily accepted meaning or such as the context may imply.

(1) "Alternate" means a system, condition, arrangement, materials or equipment submitted to the Fire Marshal as a substitute for a code requirement.

(2) "Authority having jurisdiction" means the Office of the State Fire Marshal.

(3) "Dwelling or private dwelling" means a single unit providing complete and independent living facilities for

one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

(4) "Fire chief" means the authorized head of a fire department that is recognized by the State Fire Marshal's Office.

(5) "Fire department" means a fire department recognized by the State Fire Marshal's Office.

(6) "Fire hazard" means any situation, process, material or condition which may cause a fire or explosion or provide a ready fuel supply to augment the spread or intensity of the fire or explosion which poses a threat to life or the property of others, and including any condition likely to result in collapse of some portion of the structure in case of such fire or explosion.

(7) "Fire hydrant" means a valved connection on a water supply system having one (1) or more outlets and which is used to supply hose and fire department pumpers with water.

(8) "Fire lane" means the road, path, or other passageway developed to allow the passage of fire apparatus through congested areas (both built-up and wildland).

(9) "Local fire marshal" means the enforcement officer of these standards as designated by the appointing authority of a local governmental jurisdiction. The fire chief may be designated as the enforcement officer by the State Fire Marshal where the appointing authority has not acted.

(10) "Marine vessel" means every description of water craft or other artificial contrivance used as a means of transportation in or on the water.

(11) "Private building" means a building, or that portion of a building, which is normally not frequented by, or open to, the public.

(12) "Process" means the manufacturing, handling, blending, conversion, purification, recovery, separation, synthesis or use, or any combination, of any commodity or material regulated by this code.

(13) "Single family dwelling" means one (1) unit providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation, and which is not connected to any other unit or building.

(14) "Smoking" means a lighting, igniting, holding or possessing any lighted cigar, cigarette or pipe; or, carrying, throwing, or depositing any lighted or smoldering cigar, cigarette or pipe.

(15) "Smoking area" means a designated area where smoking is permitted within premises where smoking is generally prohibited.

(16) "State Fire Marshal" means the administrative head of the Division of Fire Prevention, Department of Housing, Buildings and Construction, Commonwealth of Kentucky.

Section 3. Relationship with Existing Laws. (1) The standards herein contained are to be used in conjunction with existing laws and nothing contained herein shall be construed as rendering other applicable laws invalid. However, if a conflict exists between a provision of this regulation or the codes adopted by reference herein and the Kentucky Building Code, the building code shall prevail.

(2) Any changes, alterations or repairs in existing buildings which are within the scope of the building code shall be made in accordance with the applicable provisions of the building code for the appropriate occupancy use group classification.

(3) The State Fire Marshal shall have the authority to interpret and implement resolution of any conflict between

provisions of this regulation and current regulations of the federal government.

(4) If any provision of this regulation is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, it shall not have the effect of voiding other provisions which may be determined to be legal; and it shall be presumed that this regulation would have been adopted without such invalid provisions.

(5) Except as may be deemed necessary by the State Fire Marshal for the general safety and welfare of the occupants and the public, buildings built under, and in full compliance with, the codes in force at the time of construction or alteration thereof, and that have been properly maintained and used for such use as originally permitted, shall be exempt from the requirements of this regulation pertaining to:

- (a) Fire protection of structural elements;
- (b) Exits required;
- (c) Isolation of hazardous operations.

Section 4. Codes and Standards to be Enforced. (1) Whenever the State Fire Marshal or local fire marshal finds that any property is not safe as to fire loss or that the practices or methods of construction or operation, or processes or materials used in connection therewith do not afford adequate protection from fire loss under the terms of this regulation he shall order that additions, improvements, repairs or changes be made and such equipment provided or action taken as will reasonably render the property safe.

(2) Unless specifically covered by another provision of this regulation, the following nationally recognized codes, standards and regulations shall be deemed safe practice requirements, providing a reasonable degree of safety from fire loss and shall be fully enforceable in the discretion of the local and State Fire Marshal pursuant to this regulation:

(a) Code of Federal Regulations, 49, Transportation Parts 100 to 199, revised as of October 1, 1978, Parts 200 to 999 revised as of October 1, 1978, available from Superintendent of Documents, U.S. Government Printing Office, Washington, D. C., 20402, is filed herein by reference as if set forth at length.

(b) The BOCA Basic Building Code, as amended in 815 KAR 7:020.

(c) The following National Fire Protection Association Pamphlets are filed herein by reference in their entirety. Such codes and pamphlets together with any unfilled pamphlets of the 1979 Edition of the National Fire Codes may be used for reference and guidance and as appropriate criteria for meeting the intent of this regulation.

NFPA Pamphlet	National Fire Code Volume Number	Title and Edition
70	6	National Electric Code—1978
70A	6	ANSI Standard Electrical Code for One and Two Family Dwellings—1978
78	7	Lightning Protection Code—1977
701	11	Standard Methods of Fire Tests for Flame Resistant Textiles and Films—1977
702	11	Standard for Classification of the Flammability of Wearing Apparel—1975

NFPA Pamphlet	National Fire Code Volume Number	Title and Edition	NFPA Pamphlet	National Fire Code Volume Number	Title and Edition
Occupancy Protection			Hazardous Materials & Processes		
32	3	Standard for Drycleaning Plants—1974	61B	5	Standard for the Prevention of Fire and Dust Explosions in Grain Elevators and Bulk Grain Handling Facilities—1973
76A	7	Standard for Essential Electrical Systems for Health Care Facilities—1977	61C	5	Standard for the Prevention of Dust Explosions in Flour and Feed Mills—1973
87	8	Standard for the Construction and Protection of Piers and Wharves—1975	61D	5	Standard for the Milling of Agriculture Commodities for Human Consumption—1973
101	9	Code for Safety to Life from Fire in Buildings and Structures—1976	63	5	Fundamental Principles for the Prevention of Dust Explosions in Industrial Plants—1975
102	9	Standard for Assembly Seating, Tents and Air Supported Structures—1978	65	5	Standard for the Processing and Finishing of Aluminum—1975
Flammable and Combustible Liquids			481	3	Standard for the Production, Processing, Handling and Storage of Titanium—1974
30	2	Flammable and Combustible Liquids Code—1977	490	3	Code for the Storage of Ammonium Nitrate—1975
31	3	Standard for the Installation of Oil Burning Equipment—1978	495	4	Code for the Manufacturing, Transportation, Storage and Use of Explosive Materials—1973
321	3	Standard on Basic Classification of Flammable and Combustible Liquids—1976	651	5	Standard for the Prevention of Dust Explosions in the Manufacture of Aluminum of Magnesium Powder—1974
327	3	Standard Procedures for Cleaning or Safeguarding Small Tanks and Containers—1975	653	5	Standard for the Prevention of Dust Explosions in Coal Preparation Plants—1971
385	3	Recommended Regulatory Standard for Tank Vehicles for Flammable and Combustible Liquids—1974	654	5	Standard for the Prevention of Dust Explosions in the Plastic Industry—1975
386	3	Standard for Portable Shipping Tanks—1974	655	5	Standard for the Prevention of Sulfur Fires and Explosions—1971
395	3	Standard for Storage of Flammable and Combustible Liquids on Farms and Isolated Construction Projects—1977	656	5	Standard for the Prevention of Dust Ignitions in Spice Grinding Plants—1971
512	11	Recommended Good Practices for Truck and Fire Protection—1978	664	5	Standard for the Prevention of Dust Explosions in Woodworking and Wood Flour Manufacturing Plants—1971
Compressed and Liquefied Gases			704	11	Identification of the Fire Hazards of Materials—1975
50	4	Standard for Bulk Oxygen Systems at Consumer Sites—1974	33	3	Standard for Spray Application Using Flammable and Combustible Materials—1977
50A	4	Standard for Gaseous Hydrogen System at Consumer Sites—1978	34	3	Standard for Dip Tanks Containing Flammable or Combustible Liquids—1974
50B	4	Standard for Liquefied Hydrogen System at Consumer Sites—1978	35	3	Standard for the Manufacture of Organic Coatings—1976
51A	4	Standard for Acetylene Cylinder Charging Plants—1974	36	3	Standard for Solvent Extraction Plants—1978
56B	4	Standard for Respiratory Therapy—1976	40	3	Standard for the Storage & Handling of Cellulose Nitrate Motion Picture Film—1974
56F	4	Standard for Nonflammable Medical Gas Systems—1977	40E	3	Storage of Pyroxylin Plastic—1975
56G	4	Inhalation Anesthetics in Ambulatory Care Facilities—1975	43A	3	Code for Storage of Liquids and Solid Oxidizing Materials—1975
58	5	Standard for the Storage and Handling of Liquefied Petroleum Gases—1979	43C	3	Storage of Gaseous Oxidizing Materials—1975
59	5	Standard for the Storage and Handling of Liquefied Natural Gases at Utility Gas Plants—1976			
59A	5	Standard for the Production, Storage and Handling of Liquefied Natural Gas (LNG)—1975			

NFPA Pamphlet	National Fire Code Volume Number	Title and Edition	NFPA Pamphlet	National Fire Code Volume Number	Title and Edition
Hazardous Materials & Processes			Building Construction and Facilities		
43D	3	Storage of Pesticides in Portable Containers—1975	86A	8	Standard for Ovens and Furnaces, Design Location and Equipment—1974
44A	3	Code for the Manufacture, Storage and Transportation of Fireworks—1974	86B	8	Standard for Industrial Furnaces, Design Location and Equipment—1974
48	3	Standard for the Storage, Handling and Processing of Magnesium—1974	86C	8	Standard for Industrial Furnaces Using a Special Processing Atmosphere—1977
51	4	Standard for the Installation and Operation of Oxygen Fuel Gas Systems for Welding and Cutting—1977	86D	8	Industrial Vacuum Furnaces—1978
51B	4	Standard for Fire Prevention in Use of Cutting and Welding Processes—1977	90A	8	Standard for the Installation of Air Conditioning and Ventilating Systems—1978
56C	4	Safety Standard for Laboratories in Health-Related Institutions—1973	91	9	Standard for the Installation of Blower and Exhaust Systems for Dust, Stock, Vapor Removal or Conveying—1973
57	5	Standard for Fumigation—1973	96	9	Standard for the Installation of Equipment for the Removal of Smoke & Grease Laden Vapors from Commercial Cooking Equipment—1978
61A	5	Standard for Manufacturing and Handling Starch—1973			
Building Construction and Facilities					
37	3	Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines—1975	211	9	Standard for Chimneys, Fireplaces and Vents—1977
54	4	National Fuel Gas Code—1974	214	9	Standard on Water Cooling Towers—1977
56D	4	Standard for Hyperbaric Facilities—1977	220	9	Standard Types of Building Construction—1975
56E	4	Standard for Hypobaric Facilities—1977	224	9	Standard for Homes and Camps in Forest Areas—1974
66	5	Standard for Pneumatic Conveying Systems for Handling Feed, Flour, Grain and Other Agricultural Dusts—1973	241	9	Standard for Safeguarding Building Construction and Demolition Operations—1975
69	5	Standard on Explosion Prevention Systems—1978	251	9	Standard Methods of Fire Tests of Building Construction and Materials—1972
75	7	Standard for the Protection of Electronic Computer/Data Processing Equipment—1976	255	10	Methods of Test of Surface Burning Characteristics of Burning Materials—1972
80	7	Standard for Fire Doors & Windows—1977	252	9	Standard Methods of Fire Tests of Door Assemblies—1976
82	7	Standard for Incinerators & Rubbish—1977	256	10	Methods of Fire Tests of Roof Coverings—1976
45	3	Fire Protection for Laboratories Using Chemicals—1975	257	10	Standard for Fire Tests of Window Assemblies—1975
85	7	Standard for Prevention of Furnace Explosions in Fuel Oil and Natural Gas-Fired Watertube Boiler-Furnaces with One Burner—1976	703	11	Standard for Treatments of Buildings Materials—1961
85B	7	Standard for Prevention of Furnace Explosions in Fuel Oil-Fired Multiple Burner Boiler-Furnaces—1978			Transportation
85E	8	Standard for Prevention of Furnace Explosions in Pulverized Coal Fired Multiple Burner Boiler-Furnaces—1978	88A	8	Standard for Parking Structure—1973
85F	8	Installation and Operation of Pulverized Fuel Systems—1978	88B	8	Standard for Repair Garages—1973
85G	8	Prevention of Furnace Implosions in Multiple Burner Boiler-Furnaces—1978	302	10	Fire Protection Standard for Motor Craft (Pleasure & Commercial)—1972
			303	10	Fire Protection Standard for Marinas and Boatyards—1975
			306	10	Standard for the Control of Gas Hazards on Vessels to be Repaired—1975

NFPA Pamphlet	National Fire Code Volume Number	Title and Edition	NFPA Pamphlet	National Fire Code Volume Number	Title and Edition
Transportation			Fire Extinguishing Systems		
312	10	Standard for Fire Protection of Vessels During Construction, Repair & Lay-up—1976	16	2	Standard for the Installation of Foam Water Sprinkler Systems and Foam Water Spray Systems—1974
407	10	Standard for Aircraft Fuel Servicing Including Aircraft and Fueling Hose, Aircraft Fuel Servicing Tank Vehicles, and Airport Fixed Fueling Systems—1975	17	2	Standard for Dry Chemical Extinguishing Systems—1975
408	10	Standard on Aircraft Hand Fire Extinguishers—1973	18	2	Standard on Wetting Agents—1972
409	10	Standard on Aircraft Hangars—1975	20	2	Standard for the Installation of Centrifugal Fire Pumps—1978
415	10	Standard on Aircraft Fueling Ramp Drainage—1977	21	12	Standard for the Operation and Maintenance of National Standard Steam Fire Pumps—1975
416	10	Standard on Construction and Protection of Airport Terminal Buildings—1975	22	2	Standard for Water Tanks for Private Fire Protection—1978
417	10	Standard on Construction and Protection of Aircraft Loading Walkways—1977	24	2	Standard for Outside Protection—1977
418	10	Standard on Rooftop Heliport Construction and Protection—1973	26	12	Standard for the Supervision of Valves Controlling Water Supplies for Fire Protection—1976
498	4	Standard for Explosive Motor Vehicle Terminals—1976	194	2	Standard for Screw Threads and Gaskets for Fire Hose Connections—1974
501A	10	Standard for Mobile Home Parks—1977	196	2	Standard for Fire Hose—1974
501C	10	Standard for Recreational Vehicles (Travel Trailers, Camping Trailers, Truck Campers, Motor Homes) Installation of Plumbing, Heating and Electrical Systems—1977	198	12	Standard for Care of Fire Hose (Including Couplings and Nozzles)—1972
501D	10	Standard for Recreational Vehicle Parks—1977	Portable Fire Extinguishers		
505	11	Fire Safety Standard for Powered Industrial Trucks—1978	10	1	Standard for the Installation, Maintenance and Use of Portable Fire Extinguishers—1978
Fire Extinguishing Systems			232	9	Standard for the Protection of Records—1975
11	1	Standard for Foam Extinguishing Systems—1978	46	12	Storage for Forest Products—1978
11A	1	Standard for High Expansion Foam Systems (Expansion Ratios from 100:1 to 1000:1)—1976	<p>Section 5. Jurisdiction and Inspection. (1) The State Fire Marshal shall have jurisdiction over all property in the state and shall enforce or aid in the enforcement of all laws relating to protection of the public from fire loss and the local fire marshal shall be responsible for the safety of places under his jurisdiction. The local fire marshal and the State Fire Marshal may establish by written agreement jurisdictional boundaries for enforcement of this regulation.</p> <p>(2) The State Fire Marshal shall supervise and make periodic inspection of all property within the state and assist cities having fire departments in making like periodic inspections in such cities, except occupied private dwellings.</p> <p>(3) The rights, powers and privileges of the State Fire Marshal shall not apply to single family dwellings; except that the State Fire Marshal may investigate the cause, origin and circumstances of fires for the proper detecting and suppressing arson and minimizing or preventing fire loss.</p> <p>(4) The authorities of each county, city or other political subdivision shall adopt and enforce the fire safety standards as established herein.</p> <p>(5) It shall be the duty of the local peace officers in each political subdivision to render all possible assistance in the enforcement of the provisions of the standards of safety for the protection of the public.</p>		
11B	1	Standard on Synthetic Foam and Combined Agent Systems—1977			
12	1	Standard on Carbon Dioxide Extinguishing Systems—1977			
12A	1	Standard on Halogenated Fire Extinguishing Agent Systems—Halon 1301—1977			
12B	1	Standard on Halogenated Fire Extinguishing Agent Systems—Halon 1211—1977			
13	1	Standard for the Installation of Sprinkler System—1978			
13A	12	Recommended Practice for the Care and Maintenance of Sprinkler Systems—1978			
14	2	Standard for the Installation of Standpipe and Hose Systems—1978			
15	2	Standard for Water Spray Fixed Systems for Fire Protection—1977			

(6) The chief of a local fire department, whether paid or unpaid, is hereby authorized to inspect property, make written reports and order fire hazards to be remedied in accordance with Section 14.

Section 6. Permits and Stop Work Orders. (1) Permits required by this regulation will be predicated upon compliance with the requirements of this regulation and shall constitute written authority of the local fire marshal or State Fire Marshal to maintain, store, use, transport or handle hazardous materials or to conduct processes or install equipment used in connection with such activities. Such permits may be suspended or revoked if the requirements of this regulation are violated.

(2) Any permit issued pursuant to this regulation shall not supplant any other license or permit which may be required by other codes or laws.

(3) Whenever any installation that is subject to inspection prior to use is covered or concealed without having first been inspected, the State Fire Marshal may require by written notice that such work be exposed for inspection. The State Fire Marshal shall be notified when the installation is ready for inspection and the State Fire Marshal shall conduct the inspection within a reasonable time.

(4) When any construction or installation work is being performed in violation of the plans and specifications as approved by the State Fire Marshal, a written notice shall be issued to the responsible parties to stop work on that portion of the project which is in violation and no work shall be continued on that portion, nor may it be used until the violation has been corrected.

(5) No distributor or other person shall supply any hazardous materials to a tank or other equipment when the State Fire Marshal finds a hazardous condition after notification by the State Fire Marshal that the equipment or installation is not in compliance with this regulation.

Section 7. Plans and Specifications. (1) Until such time as local governments shall have responsibility for plan review and inspection pursuant to the Kentucky Building Code, plans and specifications in specific detail and in conformity with good architectural and engineering practices shall be submitted to the Department of Housing, Buildings and Construction, Attention: New Construction, the 127 Building, U.S. 127 South, Frankfort, Kentucky for approval prior to the construction or substantial remodeling of the following:

(a) Multiple family dwellings and apartment buildings or any combination of buildings or units used for residential purposes where there is a total of three (3) or more living units with independent cooking and bathroom facilities.

(b) All hotels, motels, lodging houses, dormitory buildings and boarding houses arranged for shelter and sleeping accommodations of more than twenty (20) persons.

(c) Mercantile uses having a total square footage in excess of 3,000.

(d) Industrial, business and office uses having a total square footage in excess of 10,000 square feet.

(2) The buildings listed in this section shall be constructed in conformity with the BOCA Basic Building Code as amended by the Board of Housing, Buildings and Construction in 815 KAR 7:020.

Section 8. Local Permit Requirements. (1) A permit shall be obtained from an authorized local fire marshal for the following:

(a) The storage or handling of Class I liquids in excess of one (1) gallon in any building of "residential occupancy," in excess of ten (10) gallons inside any other building, and in excess of 50 gallons outside of any building.

(b) Storage and handling of Class II liquids in excess of ten (10) gallons in any buildings of "residential occupancy," in excess of sixty gallons (60) inside any other building, and in excess of 120 gallons outside of any building.

(c) The storage and handling of Class III liquids in excess of 275 gallons inside any building, and in excess of 1,100 gallons outside of any building.

(d) The operation of a refinery, bulk storage plant, distributing station, service station, or airport refinery operation. This permit is in addition to the state permit requirements in Sections 9 and 10 and the local permit shall not be issued until the required state permit has been issued.

(2) Quantities of paints, oil, varnishes, and similar flammable liquids in excess of those given above, for use on the premises, stored for not more than thirty (30) days. For storage exceeding thirty (30) days, a state permit shall be required.

Section 9. State Permit Requirements for Flammable Liquids. A permit shall be obtained from the State Fire Marshal for the following:

(1) All changes in construction, remodeling or operation of any refinery, bulk storage plant, distributing station, service station, or airports not under jurisdiction of Kentucky Building Code.

(2) Transportation of all flammable and combustible liquids in tank vehicles other than in drums, cans, or other containers of less than sixty (60) gallons individual capacity.

(3) Every owner of a tank vehicle used for the transportation of flammable and combustible liquids in Kentucky shall make application annually to the State Fire Marshal for a permit to operate such vehicle. Such application shall be accompanied by a statement of the condition of the vehicle at the time application is made. The State Fire Marshal will issue annually numbered permits upon receipt of proper application and certification of compliance with the applicable provisions of this regulation. The permit shall remain with the cargo tank vessel for which it was assigned at all times. The annual permit number shall be displayed at the top of the rear of each tank. Such numbers shall be of a sharply contrasting color and a minimum of four inches in height. No person shall place any flammable liquid in a tank vehicle for transportation in Kentucky until such vehicle is found to be in compliance with these standards and has received and displayed a permit number.

Section 10. State Permits for Liquefied Petroleum Gas. A permit shall be obtained from the State Fire Marshal prior to:

(1) The transportation, selling, storing for resale, or delivering of liquefied petroleum gases, or for engaging in the business of installing or servicing liquefied petroleum gas equipment; or for persons who actually perform such installations or servicing operations. Licenses issued under this section shall be in accordance with the provisions of KRS 234.120. Under this section licenses or permits are not required for storage or transportation in quantities of less than one (1) gallon where the gas is an integral part of a device for its utilization, or for use as a motor fuel while in the fuel tank of the motor vehicle.

(2) The construction or substantial remodeling of any plant or building containing an occupancy for which a license is required under KRS 234.120 relating to the storage and handling of liquefied petroleum gases. This requirement shall be a supplement to any Kentucky Building Code requirement.

Section 11. Requirements for Drilling or Operation of Oil and/or Gas wells. (1) Permits:

(a) The drilling of any oil or gas well shall be prohibited within the fire limits, and should be prohibited within the corporate limits of any city or town. No person, firm or corporation shall drill, bring in, or operate any oil or gas well, or install any tanks, pipe lines, or other equipment for the storage or handling of oil or gas in connection with such wells, inside the corporate limits of any city or town, without having first secured a permit from an authorized city official and the State Fire Marshal.

(b) Application for such permit shall be accompanied by plans and specifications in duplicate, showing the location of well, sludge pond, tank or tanks, and pipe lines, with reference to surrounding structures, roads, streets, and alleys; and the capacity of any tank, tanks, or containers.

(2) Location and shooting of well:

(a) No gas or oil wells shall be drilled or brought in within 150 feet of any building or structure (except derrick or auxiliary building), or within twenty-five (25) feet of any road, street, or alley.

(b) Nitroglycerine may be used for shooting or bringing in wells provided the shooting is done by a representative of a licensed torpedo company. All transportation, handling and use of explosives shall be in conformity with the regulations of the Division of Explosives and Blasting, Department of Mines and Minerals.

(c) No wells shall be loaded, or any torpedo set, except during daylight hours.

(d) Empty nitroglycerine cans, or other explosive containers shall be returned to a magazine the same day they are used. Leaky or discarded containers shall be properly destroyed, as provided in the regulations of the Division of Explosives and Blasting, Department of Mines and Minerals.

(3) Sludge ponds:

(a) No sludge pond shall be located within any point of its border closer than fifty (50) feet to any building, structure (except derrick or auxiliary buildings), highway, street, or alley.

(b) All sludge ponds shall be drained and covered with earth as soon as practicable after drilling operations have been completed.

(4) Tanks and containers:

(a) No receiving tanks, or other containers, for the storage of oil or gas shall be located closer than fifty (50) feet to any building or structure (except derrick or auxiliary building), or closer than twenty-five (25) feet to any highway, street or alley.

(b) No such tank or container having a capacity in excess of 100 barrels and no group of more than two (2) such tanks or containers having an aggregate capacity in excess of 500 barrels, shall be located within 100 feet of any building or structure (except derrick or auxiliary building).

(c) The individual capacity of any tank or container shall not exceed 500 barrels, and the aggregate capacity of any group of tanks or containers shall not exceed 1000 barrels.

(d) The location, installation, diking, and protection of tanks or containers shall be in conformity with the re-

quirements of NFPA Pamphlet No. 30, with particular attention given to those regulations pertaining to tanks or containers holding crude oil.

(5) Piping. All piping installed for use in handling of petroleum shall be suitable materials, and shall be installed and tested in accordance with the applicable provisions of NFPA Pamphlet No. 30.

(6) Valves:

(a) Cut-off control valves shall be provided in the pipe lines at points where such valves are needed to prevent drainage of tanks or pipes, or continuous flows from pumps, in event of rupture or during repairs involving any part of the equipment.

(b) In installations where the rock pressure is such that wells are of the "gusher" type, a cut-off control valve shall be installed in the shaft pipe at the point where this pipe rises above the grounds; or, installed on the casing head.

Section 12. Self-Service Stations: (1) Definitions:

(a) A "self-service station" means a location where all flammable and combustible liquids used as motor fuel are stored and dispensed from fixed approved dispensing devices into the fuel tanks of motor vehicles by persons other than the service station attendant, and may include multiple occupancy facilities available for the sale of other retail products.

(b) "Partial (split island) self-service" means a service station offering attendant service on one (1) or more pump islands and self-service on one (1) or more different pump islands. The partial self-service shall be offered at an island in close proximity to the office area of the building and in clear view of those attendants working in or about the service station office or service area.

(2) Remote control required:

(a) In all self-service stations for flammable liquids there shall be a control room in which a remote control device is located. Said device must be located within arms reach of the attendant while he is maintaining the appropriate and adequate observation and control of dispensing activities.

(b) Emergency controls for partial self-service shall be installed and connected in series at two (2) or more locations remote from dispensing devices, including remote pumping systems, and easily accessible to the attendant. Such controls shall be capable to shut off the power to all dispensing devices in the event of an emergency.

(c) Emergency controls for partial self-service station shall be installed only at locations approved by the State Fire Marshal, and controls shall not be more than 100 feet from self-service dispensers. Operating instructions shall be conspicuously posted in the dispensing area.

(3) Attendant required at self-service station. There shall be not less than one (1) attendant on duty at all times while the station is open to the public and the self-service gasoline equipment is in use.

(a) An attendant shall supervise the dispensing of Class I liquids from within the confines of the control room or stand wherein the remote control device is located.

(b) The attendant shall refuse service to any customer who is smoking or who appears for any reason to be unable or incompetent to participate in the dispensing of a Class I liquid.

(4) Attendant required at partial self-service station:

(a) There shall be not less than one (1) attendant on duty at all times while the station is open to the public and the self-service gasoline dispensing equipment is in use. The dispensing area shall at all times be in clear view of the attendant and the placing or allowing of any obstacle to

come between the dispensing area and the attendant shall be prohibited.

(b) The attendant shall refuse service to any customer who is smoking or who appears for any reason to be unable or incompetent to participate in the dispensing of a Class I liquid.

(c) Dispensing devices shall not be operated until authorized and/or activated by the attendant. The attendant shall not authorize the dispensing of a Class I liquid from the self-service dispensers until he has ascertained that a Class I liquid can be safely dispensed.

(5) Communication system:

(a) For self-service stations, a two (2) way communication system of the public address type shall be provided to facilitate direct and individual communication between the control room or stand, and each pump island.

(b) For partial self-service stations, an approved two (2) way electronic voice communications system shall be provided unless unaided voice communications may be readily heard under the conditions of operation considering distance, noise levels, obstructions and enclosures.

(6) Water for spillage for self-service stations and partial self-service stations:

(a) An operable water hose shall be connected and available for washing down spillage at all times the station is open for business.

(b) In the event of Class I liquid spillage, an attendant shall forthwith wash down said spillage, unless in so doing, a greater hazard would result.

(7) Locking dispensing units for self-service stations and partial self-service stations. Each dispensing device for Class I liquids at a remote control dispensing station shall be kept locked or otherwise maintained inoperable at all times that the station is unattended.

Section 13. (1) General fire safety regulations:

(a) Ordinary conduct requirements. No person shall knowingly permit any fire to spread so as to endanger the life or property of another or use or operate any device which may be a source of ignition unless proper removal of flammable material surrounding the operation is accomplished or such other reasonable precautions are taken to ensure against the starting and spreading of unfriendly fires.

(b) Reporting hazardous conditions. Any person, upon discovering evidence of spontaneous heating or other abnormal heating of any merchandise, commodity, cargo, shipment or other material of any kind in any building, marine vessel, appliance, apparatus, tank, or open stack or pile, or any person upon discovering or being apprised of any uncontrolled hazardous gas leak or hazardous material or combustible or flammable liquid spill, shall immediately notify the fire department and the State Fire Marshal.

(c) Maintaining a fire hazard. No person shall knowingly maintain a fire hazard.

(d) Carelessness with fire. No person shall deliberately, or through carelessness or negligence set fire to or cause the burning of any bedding, furniture, rug, curtain, drape or other combustible material, in such manner as to endanger the safety of any person or property.

(e) Notification of fire department of inoperative fire safety equipment. Persons owning, controlling, or otherwise having charge of any fixed fire extinguishing or fire warning system or standpipe system shall notify the fire department at any time such system or systems are inoperable or taken out of service. The fire department shall also be notified when service is restored.

(f) Disposal of hot and glowing materials. Hot ashes, cinders, or smoldering coals shall be placed in non-combustible receptacles, unless resting on a noncombustible floor or on the ground outside the building, shall be placed on noncombustible stands, and in every case shall be kept at least two (2) feet laterally away from any combustible material, structure, or any exterior window opening.

(g) Barricading vacant buildings. Every person owning or having charge or control of any vacant building shall remove all combustible waste and refuse therefrom and lock, barricade or otherwise secure all windows, doors, and other openings in the building to prohibit entry by unauthorized persons. Exception: This section is not intended to apply to the temporary vacation of a building for tenant change or remodeling purposes.

(h) Required access for fire apparatus. All premises which the fire department may be called upon to protect in case of fire and which are not readily accessible from public roads shall be provided with suitable gates, access roads, and fire lanes so that all buildings and water supplies on the premises are at all times accessible to fire apparatus. A written document, agreeable to the local fire marshal and for the benefit of the jurisdiction, shall be required for emergency access over all fire lanes. The designation, maintenance and marking of fire lanes on private property shall be accomplished as specified by the local fire marshal. The designation, maintenance and marking of fire lanes on public ways shall be accomplished by the local jurisdiction on recommendation of the local fire marshal. It shall be unlawful for any person to park a motor vehicle on, or otherwise obstruct, any fire lane. It shall be unlawful for any person to park a motor vehicle within ten (10) feet on either side of a fire hydrant. Enforcement of designated fire lanes and fire hydrant clearance shall be the responsibility of the police force of the jurisdiction within which the lanes and hydrants are located.

(i) Smoking. Where conditions exist which make smoking a fire hazard on any premises, "No Smoking" signs shall be posted if directed by the local fire marshal. "No Smoking" signs shall be of a color, size, lettering, and location as approved by the local fire marshal. No person shall remove such "No Smoking" signs or light, or ignite or otherwise set fire to or smoke any cigar, cigarette, pipe, tobacco, or other form of smoldering substance, nor hold, possess, throw, or deposit any lighted or smoldering substance in any place where occasion or action would constitute a fire or life hazard. Nothing in this provision shall be construed as prohibiting smoking in areas, offices, or other rooms which have been designated by the local fire marshal safe smoking areas and have been approved for such purposes. This paragraph shall not apply to organizations having an established on-premises fire prevention program setting forth regulations requiring periodic fire prevention inspections and enforcing in-plant fire prevention rules. Such programs shall be coordinated with and approved by the fire marshal.

(j) Hazardous gas in balloons. No person shall use any flammable, oxidizing, toxic, corrosive, or reactive gas to inflate balloons. Air and inert gases, such as Nitrogen and Helium, are not prohibited for this purpose.

(k) Interference with fire protection equipment. No person shall render any portable or fixed fire extinguishing system or device or any fire warning system inoperable or inaccessible except as may be necessary during emergencies, maintenance, drills or prescribed testing.

(l) Portable heaters. Portable heaters shall be designed and located so that they cannot be easily overturned. The State Fire Marshal or local fire marshal shall prohibit use of portable heaters in occupancies or situations in which such use or operation would present an undue danger to life or the property of others. This provision shall not apply to portable heaters used in accordance with applicable provisions of NFPA codes and standards listed in Section 4.

(m) Precautions outside buildings. Internal combustion engines either stationary, portable or mobile, operating within grain, hay, grass or brush covered areas, shall be equipped with an effective means for arresting the issuance of burning carbon and sparks. This provision shall not apply to engines meeting applicable provisions of NFPA codes and standards as listed in Section 4 and engines used to power lawn care equipment.

(2) Fumigation. The fire department shall be notified of fumigation operations in accordance with the provisions of Standard for Fumigation, NFPA Pamphlet No. 57.

(3) Combustible waste and refuse:

(a) Scope. No person owning or having control of any property shall allow any combustible waste material to accumulate in any area or in any manner so as to create a hazard to life or the property of others.

(b) Disposal of combustible waste. Combustible waste or refuse shall be properly stored or disposed of at the end of each working day, before vacating a building or premises, and whenever necessary to prevent unsafe conditions.

(c) Waste disposal sites. Fire extinguishing capabilities approved by the local fire marshal or State Fire Marshal shall be provided at waste disposal sites including but not limited to, fire extinguishers, water supply and hose, and earth moving equipment. Burning debris shall not be dumped at a waste disposal site except at a remote location on the site where fire extinguishing can be accomplished before compacting, covering or other disposal activity is carried out.

(d) Transportation of combustible waste and refuse. Vehicles or conveyances used to transport combustible waste or refuse over public thoroughfares shall have all cargo space covered and maintained sufficiently tight to ensure against ignition from external fire sources and scattering burning and combustible debris which may come in contact with ignition sources. Transporting burning waste or refuse is prohibited.

(e) Waste handling plants. All structures housing operations which are involved primarily in the handling, storage, or baling of combustible waste materials shall be equipped with an automatic fire extinguishing system installed in accordance with applicable provisions of NFPA codes and standards as listed in Section 4(3).

(4) Factors affecting egress:

(a) Means of egress shall be provided and maintained in accordance with the applicable provisions of this code and NFPA codes and standards as listed in Section 4.

(b) Storage on roofs and fire escape balconies. No person shall place or maintain upon any roof or fire escape balcony any materials or objects which may interfere with egress of fire department operations.

(c) Attachments to fire escapes and fire protection equipment. No person shall attach or fasten any rope, wire, cable or similar device, except approved standard equipment therefore, to any part of any fire escape, standpipe, auxiliary fire fighting equipment, appliance or other apparatus.

(d) Responsibility to prevent overcrowding. The manager and/or person in charge of the premises shall be responsible for preventing overcrowding as specified by the jurisdiction.

(e) Obstruction of aisles and passageways. No person shall block, impede, or obstruct any aisle, passageway, hallway, lobby, foyer, or stairway leading to or from any entrance or exit required by law which will prevent, delay, hinder, or interfere with the free use of such passageway by any person. Special security or security devices which affect the exiting shall be subject to the approval of the state or local fire marshal.

(f) Failure to vacate. No person shall fail to leave any premises which are overcrowded when told to do so by the management of the premises or State Fire Marshal or authorized local fire marshal.

(5) Combustible decorations. No person shall install, maintain or use vegetation, bunting, cotton batting, plastic cloth, textile, excelsior, paper or other combustible material for the purpose of decoration in any building, premises, vehicle or marine vessel to which the public is admitted or invited unless such decorative materials have been made flame resistant with an approved flame retardant materials or process. Textiles or paper adhered to walls or ceilings (not free hanging) are considered interior finishes and shall be subject to the flame spread limitations for interior finishes. This provision shall not apply to materials used in a display or other material which is limited in quantity and approved by the State Fire Marshal for such use.

(6) Disposal of rubbish. No accumulation of waste paper, grass, litter, combustible or flammable waste, or rubbish of any kind shall be permitted to remain in any court, yard, vacant lot, or open space, unless in bales or containers awaiting collection, and located at least ten (10) feet from a combustible wall, or window or door opening, of any building. All weeds, grass, vines, or other growth which may be fired and thereby endanger property, shall be cut down and removed (other than by burning by the owner or occupant of the property).

Section 14. Fire Chiefs' Authority Over Unsafe Property. (1) All property found by the fire chief to be especially susceptible to fire loss for want of repairs, lack of sufficient fire escapes, age, dilapidated condition or any other cause and all property, combustible or explosive matter or flammable materials likely to result in fire loss shall be deemed unsafe and a fire hazard. A vacant building or opening at door or window shall be deemed especially susceptible to fire loss.

(2) If an unsafe condition is found in a building or structure, the fire chief shall serve on the owner, agent or person in control of the building or structure a written notice describing the property deemed unsafe and specifying the required repairs or improvements to be made to render the building or structure safe and secure. The order shall forthwith be conformed to by the owner of the property.

(3) The owner may appeal in writing to the commissioner within ten (10) days of the receipt of the order of the fire chief. The commissioner shall within twenty (20) days review the order and file his decision. Such decision shall approve, revoke or modify the order of the fire chief by agreement of the parties or the decision shall establish a formal hearing which shall result in such approval, revocation or modification. The order of the fire chief shall be stayed until the appeal is resolved.

(4) Upon refusal or neglect of the person to comply with the requirements of a proper order to abate the unsafe condition, the legal counsel of the agency or jurisdiction shall be advised of all the facts and he shall institute the appropriate action to compel the structure to be made safe and secure or be taken down and removed, pursuant to KRS 227.390.

Section 15. Administration and Enforcement. (1) Any person failing, refusing or neglecting to comply with this regulation shall be subject to the applicable civil, criminal and administrative remedies stated in KRS Chapter 227.

(2) The local fire marshal and/or the fire chief shall report all new construction subject to the Kentucky Building Code, of which they are aware, to the appropriate building official.

(3) Whenever the state or local fire marshal finds that any property within his or her jurisdiction is not safe as to fire loss or that the practices or methods of construction or operation, or processes or materials employed or used in

connection therewith do not afford adequate protection from fire loss under the terms and conditions of this regulation and the codes adopted by reference herein, he or she shall order that additions, improvements, repairs or changes be made and such equipment provided or action taken as will reasonably render the property safe. Compliance with applicable current National Fire Prevention Association standards and recommended practices shall be deemed safe practices.

Section 16. 815 KAR 10:015 is hereby repealed.

JOHN R. GROVES, JR., Commissioner

ADOPTED: March 14, 1980

APPROVED: H. FOSTER PETTIT, Secretary
RECEIVED BY LRC: March 14, 1980 at 8:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Judith G. Walden, Legal Counsel, Department of Housing, Buildings, and Construction, U.S. 127 South, Frankfort, Kentucky 40601.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of the March 5, 1980 Meeting

(Subject to Subcommittee approval at its April 1, 1980 Meeting)

The Administrative Regulation Review Subcommittee held its regularly scheduled meeting on Wednesday, March 5, 1980, at 10 a.m., in Room 3-C of the Capitol Annex. The minutes of the February 6, 1980 meeting were approved. Present were:

Members: Representative William T. Brinkley, Chairman; and Representative Albert Robinson.

Guests: Ed Fossett, Sidney Simandle, and Walton Luttrell, Department of Education; Ellen Hellard and John Lee West, Department of Libraries.

LRC Staff: Mabel D. Robertson, Deborah Herd, Garnett Evins, and Joe Hood.

Chairman Brinkley called the meeting to order and announced that the following regulations were deferred until the April 1 meeting at the request of the issuing agencies.

KENTUCKY EMPLOYEES RETIREMENT SYSTEM

General Rules

105 KAR 1:010. Contribution and interest rates.

CRIME VICTIMS COMPENSATION BOARD

Claims and Awards

107 KAR 1:010. Financial hardship standards.

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

Bureau of Surface Mining

Reclamation and Enforcement

Strip Mining of Coal

405 KAR 1:260. Contemporaneous reclamation.

DEPARTMENT FOR HUMAN RESOURCES

Bureau for Health Services

Certificate of Need and Licensure Board

902 KAR 20:007. License and fee schedule.

902 KAR 20:125. Hearings and appeals.

On motion of Representative Robinson, seconded by Chairman Brinkley, the following regulation was deferred until the April 1 meeting:

DEPARTMENT OF EDUCATION

Bureau of Instruction

Instructional Services

704 KAR 3:305. Minimum unit requirements for high school graduation. (Amended after hearing.)

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

DEPARTMENT OF EDUCATION

Bureau of Administration and Finance

General Administration

702 KAR 1:010. Facilities survey.

Bureau of Instruction

Teacher Certification

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

704 KAR 20:140. Librarians.

704 KAR 20:229. Hearing impaired, endorsement for teaching.

DEPARTMENT OF LIBRARY AND ARCHIVES

Libraries

725 KAR 2:010. Public libraries.

On motion of Representative Robinson, seconded by Chairman Brinkley, the meeting was adjourned at 10:15 a.m., to meet again in Room A, Capitol Annex Basement, on Tuesday, April 1, 1980 at 10 a.m.

Administrative Register ^{of} *kentucky*

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Regulation Locator—Effective Dates

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103 KAR 41:040 Amended	1070	9-5-79	704 KAR 3:030 Amended	1084	8-1-79	704 KAR 3:270 Repealed	1110	8-1-79
103 KAR 41:050 Amended	1070	8-1-79	704 KAR 3:040 Repealed	1110	8-1-79	704 KAR 3:280 Amended	1085	8-1-79
106 KAR 1:030 Amended	1071	8-1-79	704 KAR 3:050 Repealed	1110	8-1-79	704 KAR 4:010 Amended	1086	8-1-79
201 KAR 5:010 Amended	927	8-1-79	704 KAR 3:055 Repealed	1110	8-1-79	704 KAR 4:015 Amended	1112	8-1-79
201 KAR 5:037 Amended	954	11-7-79	704 KAR 3:060 Repealed	1110	8-1-79	704 KAR 4:020 Amended	1086	8-1-79
201 KAR 5:040 Amended	927	8-1-79	704 KAR 3:070 Repealed	1110	8-1-79	704 KAR 5:010 Amended	1088	8-1-79
201 KAR 6:010 Amended	1072	8-1-79	704 KAR 3:080 Repealed	1110	8-1-79	704 KAR 5:050 Amended	1090	8-1-79
201 KAR 9:040 Amended	1075	8-1-79	704 KAR 3:090 Repealed	1110	8-1-79	704 KAR 10:050 Amended	707	8-1-79
201 KAR 9:085 Amended	1101	8-1-79	704 KAR 3:100 Repealed	1110	8-1-79	705 KAR 7:050 Amended	1090	8-1-79
201 KAR 12:130 Amended	1076	8-1-79	704 KAR 3:110 Repealed	1110	8-1-79	723 KAR 1:010 Amended	1113	8-1-79
201 KAR 27:005 Amended	1102	11-7-79	704 KAR 3:120 Repealed	1110	8-1-79	803 KAR 25:010 Amended	1091	10-3-79
201 KAR 27:015 Amended	1104	11-7-79	704 KAR 3:130 Repealed	1110	8-1-79	804 KAR 2:015 Amended	1095	8-1-79
201 KAR 27:020 Amended	1105	11-7-79	704 KAR 3:140 Repealed	1110	8-1-79	804 KAR 4:030 Amended	1095	8-1-79
201 KAR 27:025 Amended	1106	11-7-79	704 KAR 3:150 Repealed	1110	8-1-79	804 KAR 4:130 Amended	1096	8-1-79
201 KAR 27:035 Amended	1107	11-7-79	704 KAR 3:160 Repealed	1110	8-1-79	804 KAR 4:140 Amended	1096	8-1-79
201 KAR 27:040 Amended	1107	11-7-79	704 KAR 3:170 Repealed	1110	8-1-79	804 KAR 4:160 Amended	1097	8-1-79
201 KAR 27:045 Amended	1107	11-7-79	704 KAR 3:180 Repealed	1110	8-1-79	804 KAR 4:170 Amended	1097	8-1-79
201 KAR 27:050 Amended	1107	11-7-79	704 KAR 3:190 Repealed	1110	8-1-79	804 KAR 4:180 Amended	1098	8-1-79
201 KAR 27:060 Amended	1108	11-7-79	704 KAR 3:200 Repealed	1110	8-1-79	804 KAR 4:200 Amended	1098	8-1-79
201 KAR 27:065 Amended	1109	11-7-79	704 KAR 3:210 Repealed	1110	8-1-79	804 KAR 5:030 Amended	1098	8-1-79
201 KAR 27:070 Amended	1109	11-7-79	704 KAR 3:220 Repealed	1110	8-1-79	804 KAR 8:060 Amended	1099	8-1-79
301 KAR 1:115 Amended	1077	8-1-79	704 KAR 3:230 Repealed	1110	8-1-79	804 KAR 12:010 Repealed	1113	8-1-79
301 KAR 1:120 Amended	1077	8-1-79	704 KAR 3:240 Repealed	1110	8-1-79	804 KAR 12:020 Repealed	1113	8-1-79
301 KAR 1:140 Amended	1078	8-1-79	704 KAR 3:250 Repealed	1110	8-1-79	804 KAR 12:011 Repealed	1113	8-1-79
301 KAR 1:155 Amended	1078	8-1-79	704 KAR 3:260 Repealed	1110	8-1-79	811 KAR 1:200 Amended	1100	8-1-79
301 KAR 2:040 Amended	1079	8-1-79				815 KAR 7:030 Rejected		10-23-79
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301 KAR 2:106E Expired	176	12-19-79	401 KAR 2:071E Expires	406	6-12-80	401 KAR 2:130E Expired	253	2-14-80
302 KAR 20:044E Expires	397	9-5-79	401 KAR 2:076E Expires	409	2-14-80	401 KAR 2:140E Expired	255	10-17-79
401 KAR 2:051E Expires	398	11-12-79	401 KAR 2:081E Expires	410	6-12-80	401 KAR 2:150E Expired	258	2-14-80
401 KAR 2:056E Expires	401	1-25-89	401 KAR 2:100E Expired	248	2-14-80	401 KAR 2:160E Expired	259	10-17-79
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ADMINISTRATIVE REGISTER

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405 KAR 1:141E Expired	2	6-26-79	201 KAR 20:070 Amended	419		401 KAR 59:195	21	6-29-79
405 KAR 1:260E Expired	5	6-26-79	201 KAR 20:090 Amended	420		401 KAR 59:200	22	6-29-79
405 KAR 3:111E Expired	6	6-26-79	201 KAR 20:095 Amended	162	10-3-79	401 KAR 59:210	23	6-29-79
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