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NOTE: The February meeting of the Administrative Regulation Review Subcommittee will be a TWO-DAY meeting. On Tuesday, February 3, 1981 at 1:30 p.m., the following regulations will be discussed: Dept. for Human Resources, Energy Regulatory Commission, Dept. of Fish and Wildlife Resources, Dept. of Education. On Wednesday, February 4, 1981 at 10 a.m., the following regulations will be discussed: Harness Racing Commission, School Building Authority, Board of Medical Licensure, Real Estate Commission, Board of Hairdressers and Cosmetologists, Crime Victims Compensation Board, DNREP— Division of Air Pollution.

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

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

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

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Public Hearings Scheduled

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

A public hearing will be held at 10 a.m. EST February 9, 1981, in Room G1 of the Capital Plaza Tower, Frankfort, Kentucky on the following regulations:

401 KAR 50:010. Definitions and abbreviations. [7 Ky.R. 574]
401 KAR 51:010. Attainment status designations. [7 Ky.R. 577]

DEPARTMENT FOR HUMAN RESOURCES

A public hearing will be held at 9 a.m. EST February 6, 1981, in the Vital Statistics Conference Room, 1st Floor—DHR Building, 275 East Main, Frankfort, Kentucky on the following regulation:

904 KAR 1:020. Payments for drugs. [7 Ky.R. 579]

Emergency Regulations Now In Effect

JOHN Y. BROWN, JR., GOVERNOR
Executive Order 81-10
January 5, 1981

EMERGENCY REGULATION Department for Human Resources Bureau for Social Insurance

WHEREAS, the Secretary of the Department for Human Resources is responsible for promulgating, by regulation, the policies of the Department with regard to payment for drugs; and

WHEREAS, the Secretary has found that the current budgetary deficit facing the Commonwealth and the Department should be reduced to the extent possible by prompt action; and

WHEREAS, the Secretary has promulgated a regulation showing the basis of payment for drugs in the Medicaid program; and

WHEREAS, the Secretary has found that an emergency exists, with respect to the said proposed regulation, and that, therefore, such regulation should, pursuant to the provision of law, be effective immediately upon filing with the Legislative Research Commission:

NOW, THEREFORE, I, John Y. Brown, Jr., Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by KRS 13.085(2), do hereby acknowledge the finding of emergency by the Secretary of the Department for Human Resources with respect to the filing of said regulation and direct that said regulation shall be effective upon filing with the Legislative Research Commission as provided in Chapter 13 of Kentucky Revised Statutes.

JOHN Y. BROWN, JR., Governor
FRANCES JONES MILLS, Secretary of State

DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Insurance

904 KAR 1:020E. Payments for pharmacy services.

RELATES TO: KRS 205.550, 205.560

PURSUANT TO: KRS 13.082, 194.050

EFFECTIVE: January 7, 1981

EXPIRES: Sine Die adjournment of 1982 regular session of the General Assembly, or upon being replaced through regular procedure.

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer a program of Medical Assistance under Title XIX of the Social Security Act. KRS 205.550 and 205.560 require that the secretary prescribe the methods for determining costs for vendor payments for medical services. This regulation sets forth the method for determining amounts payable by the department for drugs.

Section 1. Maximum Allowable Cost Reimbursement Limits. (1) Reimbursement to pharmacists participating in the Medical Assistance Program for those drugs contained on the Kentucky Medical Assistance Program Outpatient Drug List and provided to eligible recipients is limited to the lowest of:

(a) The maximum allowable cost (MAC) of the drug, if any, plus a dispensing fee; or

(b) The estimated acquisition cost (EAC) of the drug plus a dispensing fee; or

(c) The provider's usual and customary charge to the public for a like product and service.

(2) Reimbursement to skilled nursing and intermediate care facilities for drugs provided to eligible recipients is allowable in accordance with the following:

(a) For drugs contained on the Kentucky Medical

Assistance Program Outpatient Drug List, the limits specified in subsection (1) of this section are applicable;

(b) For drugs not on the drug list, the maximum allowable cost shall be the latest published price of the drug as shown in the appropriate issue of the Drug Topics Red Book, including supplements, or the price shown in the appropriate prescription pricing guide if less, plus a dispensing fee;

(c) For drugs dispensed under a unit dose dispensing system, an additional fee of not more than six cents (\$.06) per dose may be added to the usual dispensing fee;

(d) There shall be no more than two (2) dispensing fees allowed per drug within a thirty (30) day period, except for Schedules II, III, and IV controlled substances and for non-solid dosage forms, including topical medication preparations, for which no more than four (4) dispensing fees per drug will be paid within a thirty (30) day period; and

(e) Whenever possible, unused drugs paid for by the department should be returned to the pharmacy with the credit accruing to the department.

(3) Reimbursement to hospitals for drugs provided to eligible recipients is on the basis of reasonable cost pursuant to 904 KAR 1:013.

Section 2. Physician Maximum Allowable Cost (MAC) Override. The MAC price limitation shown in Section 1(1) (and referenced in Section 1(2)) will not apply in any case where a physician certifies in his own handwriting that in his medical judgment, a specific covered brand is medically necessary for a particular patient. In such instances, reimbursement is based on the lower of the EAC plus a professional dispensing fee or the provider's usual and customary charge to the public for the drug.

Section 3. Dispensing Fees. The dispensing fee shall be no more than two dollars and thirty-five cents (\$2.35) per prescription.

Section 4. Participating dispensing physicians who practice in counties where no pharmacies are located are reimbursed for the cost of the drug only.

Section 5. The provisions of this regulation shall become effective on January 1, 1981.

WILLIAM L. HUFFMAN, Commissioner

ADOPTED: December 22, 1980

APPROVED: W. GRADY STUMBO, Secretary

RECEIVED BY LRC: January 7, 1981 at 3:30 p.m.

JOHN Y. BROWN, JR., GOVERNOR

Executive Order 81-9

January 5, 1981

EMERGENCY REGULATION
Department for Human Resources
Bureau for Social Insurance

WHEREAS, the Secretary of the Department for Human Resources is responsible for promulgating, by regulation, the policies of the Department with regard to Supplemental Programs for the Aged, Blind and Disabled; and

WHEREAS, the Secretary has found that the financial situation of the state and the Department necessitates immediate cost containment measures within the Department; and

WHEREAS, the Secretary has promulgated a regulation providing that only individuals meeting specified residency requirements may receive payments under Supplemental Programs for the Aged, Blind and Disabled; and

WHEREAS, the Secretary has found that an emergency exists, with respect to the proposed regulation, and that, therefore, such regulation should, pursuant to the provision of law, be effective immediately upon filing with the Legislative Research Commission;

NOW, THEREFORE, I, John Y. Brown, Jr., Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by KRS 13.085(2), do hereby acknowledge the finding of emergency by the Secretary of the Department for Human Resources with respect to the filing of said regulation of the Department for Human Resources providing for Supplemental Programs for the Aged, Blind and Disabled and direct that said regulation shall be effective upon filing with the Legislative Research Commission as provided in Chapter 13 of Kentucky Revised Statutes.

JOHN Y. BROWN, JR., Governor

FRANCES JONES MILLS, Secretary of State

DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Insurance

904 KAR 2:015E. Supplemental program for the aged, blind and disabled.

RELATES TO: KRS 205.245

PURSUANT TO: KRS 13.082, 194.050

EFFECTIVE: January 7, 1981

EXPIRES: Sine Die adjournment of 1982 regular session of the General Assembly, or upon being replaced through regular procedure.

NECESSITY AND FUNCTION: The Department for Human Resources is responsible under Title XVI of the Social Security Act as amended by Public Law 92-603 to administer a state funded program of supplementation to all December, 1973, recipients of aid to the aged, blind and disabled, hereinafter referred to as AABD, disadvantaged by the implementation of the Supplemental Security Income Program, hereinafter referred to as SSI. KRS 205.245 provides not only for the mandatory supplementation program but also for supplementation to other needy aged, blind and disabled persons. This regulation sets forth the provisions of the supplementation program.

Section 1. Mandatory State Supplementation: Mandatory state supplementation payments must be equal to the difference between the AABD payment for the month of December, 1973, plus any other income available to the recipient as of that month and the total of the SSI payment and other income. Also included are those former aged, blind or disabled recipients ineligible for SSI due to income but whose special needs entitled them to an AABD payment as of December, 1973. Mandatory payments must continue until such time as the needs of the recipient as recognized in December, 1973 have decreased or income has increased to the December level.

(1) The mandatory payment is increased only when income as recognized in December, 1973, decreases, the SSI payment is reduced but the recipient's circumstances are unchanged, or the standard of need utilized by the bureau in determining optional supplementation payments for a class of recipients is increased.

(2) In cases of man and wife, living together, income changes after September, 1974, will result in increased mandatory payment only if total income of the couple is less than December, 1973, total income.

Section 2. Optional State Supplementation: Optional state supplementation is available to those persons meeting technical requirements and resource limitations of the aged, blind or disabled medically needy program as contained in 904 KAR 1:003 and 904 KAR 1:004 who require special living arrangements and who have insufficient income to meet their need for care. Special living arrangements include residence in a personal care home as defined in 902 KAR 20:030E or family care home as defined in 902 KAR 20:040E or situations in which a caretaker must be hired to provide care other than room and board. A supplemental payment is not made to or on behalf of an otherwise eligible individual when the caretaker service is provided by the spouse, parent (of an adult disabled child or a minor child), or adult child (of an aged or disabled parent) who is living with the otherwise eligible individual. When this circumstance exists and a person living outside the home is hired to provide caretaker services, the supplemental payment may be made. Application for SSI, if potential eligibility exists, is mandatory.

Section 3. Income Considerations: In determining the amount of optional supplementation payment, total net income of the applicant or recipient, or applicant or recipient and spouse, including payments made to a third party in behalf of an applicant or recipient, is deducted from the standard of need with the following exceptions:

(1) Income is conserved for an ineligible, non-SSI spouse and/or minor dependent children in the amount of the Medical Assistance Program Basic Maintenance Scale for family size adjusted by deduction of sixty-five dollars (\$65) from monthly earnings of spouse.

(2) If one (1) member of a couple is institutionalized and the SSI spouse maintains a home, income in the amount of the SSI standard for one (1) is conserved for the spouse.

Section 4. Standard of Need: (1) The standard, based on living arrangement, from which income as computed in Section 3 is deducted to determine the amount of optional payment is as follows:

(a) Personal care home: not less than \$379, effective 7/1/79; not less than \$409, effective 7/1/80;

(b) Family care home: not less than \$292, effective 7/1/79; not less than \$322, effective 7/1/80;

(c) Caretaker:

1. Single individual: not less than \$246, effective 7/1/79; not less than \$276, effective 7/1/80;

2. Married couple, one (1) requiring care: not less than \$350, effective 7/1/79; not less than \$395, effective 7/1/80;

3. Married couple, both requiring care: not less than \$388, effective 7/1/79; not less than \$433, effective 7/1/80.

(2) In couple cases, both requiring a caretaker, and both eligible, one-half (½) of the deficit is payable to each. If one (1) is ineligible (neither aged, blind nor disabled) the payment is computed on the basis of a married couple, one (1) requiring care.

Section 5. Institutional Status: No aged, blind or disabled person shall be eligible for state supplementation while residing in a Personal Care Home or Family Care Home unless such home is licensed under the Health Licensure Act, KRS 216B.040.

Section 6. Residency: (1) To be eligible, an applicant or recipient must be a citizen of the United States, or an alien legally admitted to this country or an alien who is residing in this country under color of law. The applicant or recipient must also be a resident of Kentucky. Generally, this means the individual must be residing in the state for other than a temporary purpose; however, there are exceptions with regard to applicants for or recipients of a state supplementary payment and institutionalized individuals.

(2) Supplemental payments may be made to Kentucky residents residing outside the state only when the individual has been placed in the other state by this state. In these situations, the other requirements for eligibility shown in other sections of this regulation shall be applicable, except that with regard to the requirement shown in Section 5, the licensure shall be in accordance with a similar licensure act of the other state. If there is no similar licensure act in the other state, the payment may be made only if this state determines that, except for being in another state, the facility meets standards for licensure under the provisions of KRS 216B.040, the Kentucky Health Licensure Act. To be eligible for a supplemental payment while placed out-of-state the individual must require the level of care provided in the out-of-state placement, there must be no suitable placement available in Kentucky, and the placement must be pre-authorized by staff of the Bureau for Social Insurance.

(3) When determining residency, ability of the individual to indicate intent (to become a Kentucky resident) must be considered if the individual is institutionalized. The individual is considered incapable of indicating intent if:

(a) His I.Q. is forty-nine (49) or less or he has a mental age of seven (7) or less, based on tests acceptable to the department; or

(b) He is judged legally incompetent; or

(c) Medical documentation, or other documentation acceptable to the state, supports a finding that he is incapable of indicating intent.

(4) An individual is institutionalized if he is residing in a facility providing some services other than room and board. Personal care facilities are considered to be institutions.

(5) For any non-institutionalized individual under age twenty-one (21) whose eligibility for a supplemental payment is based on blindness or disability, his state of residence is Kentucky if he is actually residing in the state.

(6) For any non-institutionalized individual age twenty-one (21) or over, his state of residence is Kentucky if he is residing in the state and has the intention to remain permanently or for an indefinite period (or, if incapable of indicating intent, is simply residing in the state).

(7) For any institutionalized individual living in Kentucky who is under age twenty-one (21) or who is age twenty-one (21) or older and became incapable of indicating intent before age twenty-one (21), the state of residence is Kentucky if:

(a) The state of residence of the individual's parents, or his legal guardian if one has been appointed, is Kentucky; or

(b) The state of residence of the parent applying for the supplemental payment on behalf of the individual is Kentucky, when the other parent lives in another state and there is no appointed legal guardian.

(8) For any institutionalized individual living in Kentucky who became incapable of indicating intent at or after age twenty-one (21), the state of residence is Kentucky if he was living in Kentucky when he became incapable of indicating intent. If this cannot be determined, the state of residence is Kentucky unless he was living in another state when he was first determined to be incapable of indicating intent.

(9) For individuals subject to determinations of residency pursuant to subsections (7) and (8) of this section, the state of residency is Kentucky when the individual is residing in Kentucky, and a determination of residency applying those criteria does not show the individual to be a resident of another state.

(10) For other institutionalized individuals (i.e., those individuals who are both age twenty-one (21) or over and capable of indicating intent), the state of residence is Kentucky if the individual is residing in Kentucky with the intention to remain permanently or for an indefinite period.

(11) Notwithstanding subsections (3) through (10), any individual placed by the department in an institution in another state may, with appropriate preauthorization, be considered a resident of Kentucky, and any individual placed in an institution in Kentucky by another state shall not be considered a resident of Kentucky.

(12) An individual receiving a mandatory state supplementation payment from Kentucky shall be considered a resident of Kentucky so long as he continues to reside in Kentucky. An individual receiving a mandatory or optional supplemental payment from another state shall not be considered a resident of Kentucky.

(13) An individual eligible for and receiving a supplemental payment in October, 1979 shall be considered a Kentucky resident through October, 1981, even if he does not meet the residency requirements specified in this section, so long as such individual continues to reside in Kentucky and his receipt of supplementary payments has not since October, 1979 been interrupted by a period of ineligibility.

WILLIAM L. HUFFMAN, Commissioner
ADOPTED: December 10, 1980
APPROVED: W. GRADY STUMBO, Secretary
RECEIVED BY LRC: January 7, 1981 at 3:30 p.m.

JOHN Y. BROWN, JR., GOVERNOR
Executive Order 81-8
January 5, 1981

EMERGENCY REGULATION
Department for Human Resources
Bureau for Social Insurance

WHEREAS, the 1980 Congress has enacted legislation establishing a Home Energy Assistance Program, and providing funding for eligible recipients to be administered by state governments; and

WHEREAS, the Secretary of the Department for Human Resources is responsible for promulgating, by regulation, the policies of the Department with respect to the provision of Home Energy Assistance Program; and

WHEREAS, the Secretary has promulgated a regulation providing for implementation of the Home Energy Assistance Program which should be effective for the coming winter; and

WHEREAS, the time delays inherent in complying with the procedural requirements of KRS Chapter 13 would preclude the effectiveness of the regulation during the Winter of 1980-1981; and

WHEREAS, the Secretary has, therefore, found that an emergency exists with respect to the said proposed regulation, and that, therefore, such proposed regulation should, pursuant to the provision of law, be effective immediately upon filing with the Legislative Research Commission:

NOW, THEREFORE, I, John Y. Brown, Jr., Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by KRS 13.085(2), do hereby acknowledge the finding of an emergency by the Secretary of the Department for Human Resources with respect to the filing of said regulation of the Department for Human Resources providing for the Home Energy Assistance Program, and direct that said regulation shall be effective upon filing with the Legislative Research Commission as provided in Chapter 13 of Kentucky Revised Statutes.

JOHN Y. BROWN, JR., Governor
FRANCES JONES MILLS, Secretary of State

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance

904 KAR 2:088E. Home energy assistance program (HEAP).

RELATES TO: KRS 194.050

PURSUANT TO: KRS 13.082, 194.050

EFFECTIVE: January 7, 1981

EXPIRES: Sine Die adjournment of 1982 regular session of the General Assembly, or upon being replaced through regular procedure.

NECESSITY AND FUNCTION: The Department for Human Resources is authorized by KRS 194.050 to administer a program to provide assistance for eligible low income households within the Commonwealth of Kentucky to offset the rising costs of home energy that are excessive in relation to household income. This regulation sets forth the eligibility and payments criteria for each of three (3) components of heat assistance (regular, emergency, and public housing authority) under the Home Energy Assistance Program (HEAP).

Section 1. Application. Each household and public housing authority requesting assistance will be required to complete an application and provide such information as may be deemed necessary to determine eligibility and payment amount in accordance with the procedural requirements prescribed by the department.

Section 2. Definitions. Terms used in HEAP are defined as follows: (1) Principal residence is that place where a person is living voluntarily and not on a temporary basis; the place he/she considers home; the place to which, when absent, he/she intends to return; and such place is identifiable from other residences, commercial establishments, or institutions.

(2) Energy for heating is defined to include electricity, gas, and any other heating fuel such as coal, wood, oil, bottled gas, etc., that is used to sustain reasonable living conditions.

(3) Household is defined as one (1) or more persons who share common living arrangements in a principal residence within the Commonwealth of Kentucky.

(4) A fully vulnerable household is any household which pays all heating costs directly to the energy provider or any household which rents non-subsidized housing whose heating costs are included in the rent payment.

(5) A partially vulnerable household is any household renting subsidized housing that is subject to pay extra energy charges over the normal undesignated rent payment or that is not fully protected against an increase in rent due to an increase in energy costs, and any household living in a room or room and board situation.

(6) An eligible tenant is a household residing in public housing, which generally makes payment for energy as an undesignated portion of rent, meets the requirements for an eligible household, and is not a fully vulnerable household.

(7) Regular component is defined as that element of HEAP which is the major portion of the allocation and is payable to eligible households as energy assistance.

(8) Emergency component is that portion of benefits reserved for use, after the regular component is terminated, for eligible households in emergency or crisis situations as emergency energy assistance.

(9) Public housing authority component is that portion of benefits reserved for direct payment to specified public housing authorities on behalf of eligible tenants.

Section 3. Eligibility Criteria. A household must meet the following conditions of eligibility for receipt of a HEAP payment:

(1) The household must be fully or partially vulnerable for energy cost.

(2) For purposes of determining eligibility, the amount of continuing and non-continuing earned and unearned gross income including lump sum payments received by the household during the calendar month preceding the month of application will be considered. Income received on an irregular basis will be prorated.

(3) Gross income for the calendar month preceding the month of application must be at or below the applicable amount shown on the income scale for the appropriate size household for the regular component. The emergency component will utilize the single person household income level regardless of household size. Excluded from consideration as income are payments received by a household from a federal, state, or local agency designated for a special purpose and which the applicant must spend for that purpose, payments made to others on the household's behalf, loans, reimbursements for expenses, incentive payments (WIN and CETA) normally disregarded in AFDC, federal payments or benefits which must be excluded according to federal law, and Supplemental Medical Insurance premiums.

Income Scale

Family Size	Monthly	Yearly
1	\$395	\$4,738
2	550	6,600
3	602	7,215
4	653	7,830
5	704	8,445
6 or more	755	9,060

(4) Applicants for the emergency component must attest financial inability to obtain or retain energy necessary to prevent or alleviate a life or health threatening situation, and that the applicant is or will be without energy for heat within the next fifteen (15) days or has received a final termination notice.

(5) The household must have total liquid assets at the time of application of not more than \$5,000. Excluded assets are cars, household or personal belongings, primary residence, cash surrender value of insurance policies, and prepaid burial policies.

(6) Public housing authorities eligible for payments on behalf of eligible tenants are those which operate under authority of the U.S. Housing Act of 1937 (42 USC 1437), and which were determined by the Department of Housing and Urban Development on October 17, 1980, to have actual or projected operating reserves which are less than forty (40) percent of the maximum operating reserve.

Section 4. Payment Levels. Payment amounts are set at a level to serve a maximum number of households while providing a reasonably adequate payment relative to heating costs.

(1) For the regular component, payments to eligible households will be based on type of energy for heating, monthly household income, and household vulnerability as specified in the benefit scales.

Benefit Scales

Scale A.

Energy Sources: Fuel Oil and Kerosene

Monthly Household Income	Payment Amount	
	Fully Vulnerable	Partially Vulnerable
\$ 0-\$200	\$350	\$35
\$201-\$400	317	32
\$401-\$600	283	28
Over \$600	250	25

Scale B.

Energy Sources: Liquid Petroleum Gas (Propane), Wood, and Coal

Monthly Household Income	Payment Amount	
	Fully Vulnerable	Partially Vulnerable
\$ 0-\$200	\$300	\$30
\$201-\$400	267	27
\$401-\$600	233	23
Over \$600	200	20

Scale C.

Energy Sources: Natural Gas and Electricity

Monthly Household Income	Payment Amount	
	Fully Vulnerable	Partially Vulnerable
\$ 0-\$200	\$250	\$25
\$201-\$400	217	22
\$401-\$600	183	18
Over \$600	150	15

(2) Benefit amounts for emergency component applicants may not exceed \$200. Payment amounts shall be determined by whether the energy provider uses a continuous or noncontinuous (i.e., gets payment at time of each delivery) billing cycle and by whether the applicant has arrearages as follows:

(a) If the provider uses a continuous billing cycle, arrearages plus current month charges billed will be paid not to exceed \$200 per household.

(b) For a noncontinuous billing cycle, payment will be made for the delivery of fuel not to exceed \$200. Arrearages will not be paid except when the applicant cannot obtain fuel from some source in the community unless the arrearage is paid.

(3) For the public housing authority component, benefit amounts will be the lesser of two (2) calculations:

(a) The exact cost formula (i.e., the heating cost for the months of December, January, and February divided by the total number of occupied units in the building or project times the number of eligible tenants in the building or project), or

(b) The total amount which is set aside for building operators divided by the total number of eligible tenants residing in eligible public housing authorities (see Section 3, (5)(b)) times the number of eligible tenants in each building or project, and

(c) Payments to eligible households residing in housing authorities eligible for payment will be deducted from the amount the housing authority is otherwise eligible to receive and the total amount set aside for public housing authorities.

Section 5. Payment Method. Payments to eligible households will be made by one-party check to the recipient. Payments on behalf of eligible tenants will be made by one-party check to the public housing authority.

Section 6. Right to a Fair Hearing. Any individual has a right to request and receive a fair hearing in accordance with 904 KAR 2:055, except the time limitation for requesting a hearing (as shown in Section 3 of that regulation) is sixty (60) days from date of notice of approval or denial instead of thirty (30) days.

Section 7. Time Standards. The department shall make an eligibility determination promptly after receipt of a completed and signed application but not to exceed thirty (30) days.

Section 8. Effective Dates. The following shall be the implementation and termination dates for HEAP:

(1) HEAP implementation shall be December 15, 1980, for outreach purposes with applications accepted for the regular component beginning January 5, 1981.

(2) Applications for the emergency component shall be accepted beginning five (5) work days after regular component termination.

(3) Applications for the public housing authority component shall be accepted after March 15, 1981, and prior to April 16, 1981.

(4) Each HEAP component shall be terminated by the secretary when actual and projected program expenditures have resulted in utilization of available funds for that component.

(5) HEAP may be reactivated after termination under the same terms and conditions as shown in this regulation should additional federal funds be made available for that purpose.

WILLIAM L. HUFFMAN, Commissioner

ADOPTED: December 22, 1980

APPROVED: W. GRADY STUMBO, Secretary

RECEIVED BY LRC: January 7, 1981 at 3:30 p.m.

Amended Regulations Now In Effect

PUBLIC PROTECTION AND REGULATION CABINET Harness Racing Commission As Amended

811 KAR 1:090. Stimulants and drugs.

RELATES TO: KRS 230.630(1), (3), 230.640, 230.700

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

EFFECTIVE: January 6, 1981

NECESSITY AND FUNCTION: To regulate conditions under which harness racing shall be conducted in Kentucky. The function of this regulation is to provide for the testing of horses for stimulants and drugs and the regulation of stimulants and drugs.

Section 1. (1) At every meeting except as stated herein where pari-mutuel wagering is permitted, the winning horse in every heat and/or race shall be subjected to a urine test and/or a blood test and the winning horse and second place horse in every perfecta or quinella race may [shall] be subjected to a urine test and/or a blood test for the purpose of determining thereby the presence of any drug,

stimulant, sedative, depressant, or medicine. *The winning horse and/or the second and third horses in a trifecta may be tested the same as in the rule above.* [In addition, the judges at any meeting may order any other horse in any heat or race to be subjected to the urine test or any other test for the purpose of determining thereby the presence of any drug, stimulant, sedative, depressant or medicine.] Also, the judges may order any horse in a race to be subjected to a urine, blood and/or saliva test. [At all extended pari-mutuel meetings at least fifty (50) percent of the horses subjected to a urine test shall be given a blood test. Such horses to be selected by the presiding judge by lot.] Such tests shall be made only by qualified veterinarians and by laboratories designated by the commission. In addition to the above, the winning horse and second horse in every heat or dash of a race at any track with a total purse in excess of \$5,000 may [shall] be subjected to both blood and a urine test. [However, such blood test shall be counted in determining the fifty (50) percent required above.]

(2) The commission may, in its discretion, or at the request of a member, authorize or direct a saliva, blood, urine or other test of any horse racing at any meeting.

Section 2. (1) During the taking of the blood and/or urine sample by the veterinarian, the owner, trainer or authorized agent may be present at all times. Samples so taken shall be placed in two (2) containers and shall immediately be sealed and the evidence of such sealing indicated thereon by the signature of the representative of the owner or trainer. One (1) part of the sample is to be placed in a depository under the supervision of the presiding judge and/or any other agency the commission may designate to be safeguarded until such time as the report on the chemical analysis of the other portion of the split sample is received.

(2) Should a positive report be received, an owner or trainer shall have the right to have the other portion of the split sample inserted in with a subsequent group being sent for testing or may demand that it be sent to another chemist for analysis, the cost of which will be paid by the party requesting the test.

Section 3. (1) Whenever there is a positive test finding the presence of any drug, stimulant, sedative or depressant present, in the post-race test, the laboratory shall immediately notify the presiding judge who shall immediately report such findings to the commission.

(2) When a positive report is received from the laboratory by the presiding judge, the persons held responsible shall be notified and a thorough investigation shall be conducted by or on behalf of the judges. A time shall be set by the judges for a hearing to dispose of the matter. The time set for the hearing shall not exceed four (4) racing days after the responsible persons were notified. The hearing may be continued, if in the opinion of the judges, circumstances justify such action.

(3) Should the chemical analysis of saliva, blood, urine or other sample of the post-race test taken from a horse indicate the presence of a forbidden narcotic, stimulant, depressant, or local anesthetic, it shall be considered prima facie evidence that such has been administered to the horse.

(4) Upon receipt of written notification of a positive test finding, the judges shall cause the immediate suspension of the horse from further participation in racing pending the outcome of a hearing.

Section 4. Any person or persons who shall administer or influence or conspire with any other person or persons to administer to any horse any *[substance foreign to the natural horse, by injection, oral administration, rectal infusion or suppository, or by inhalation]* [drug, medication, stimulant, depressant, narcotic or hypnotic] to such horse within forty-eight (48) hours of his race, shall be subject to penalties provided in this rule.

Section 5. Whenever the post-race test or tests prescribed in Section 1 disclose the presence in any horse of any drug, stimulant, depressant or sedative, in any amount whatsoever, it shall be presumed that the same was administered by the person or persons having control and/or care and/or custody of such horse with the intent thereby to affect the speed or condition of such horse and the result of the race in which it participated.

Section 6. A trainer shall be responsible at all times for the condition of all horses trained by him. No trainer shall start a horse or permit a horse in his custody to be started if he knows, or if by the exercise of reasonable care he might have known or have cause to believe, that the horse has

received any drug, stimulant, sedative, depressant, medicine or other substance that could result in a positive test. Every trainer must guard or cause to be guarded each horse trained by him in such manner and for such period of time prior to racing the horse so as to prevent any person not employed by or connected with the owner or trainer from administering any drug, stimulant, sedative, depressant, or other substance resulting in a post-race positive test.

Section 7. Any owner, trainer, driver or agent of the owner, having the care, custody and/or control of any horse who shall refuse to submit such horse to a saliva test or other tests as herein provided or ordered by the judges shall be guilty of a violation of this rule. Any horse that refuses to submit to a pre-race blood test shall be required to submit to a post-race saliva and urine test regardless of its finish.

Section 8. Any horse in which an offense was detected under any section of this rule shall be placed last in the order of finish and all winnings of such horse shall be forfeited and paid over to the commission for redistribution among the remaining horses in the race entitled to same. No such forfeiture and redistribution of winnings shall effect the distribution of the pari-mutuel pools at tracks where pari-mutuel wagering is conducted, when such distribution of pools is made upon the official placing at the conclusion of the heat or dash.

Section 9. Pre-Race Blood Test. Where there is a pre-race blood test which shows that there is an element present in the blood indicative of a stimulant, depressant or any unapproved medicament, the horse shall immediately be scratched from the race and an investigation conducted by the officials to determine if there was a violation of Section 4.

Section 10. Hypodermic Syringe Prohibited. No person except a licensed veterinarian approved by the commission shall have within the grounds of a licensed harness race track in or upon the premises which he occupies, or has a right to occupy, or in his personal property or effects any hypodermic syringe, hypodermic needle, or other devices which can be used for the injection or other infusion into a horse of a drug, stimulant or narcotic. Every licensed harness racing association upon the grounds of which horses are lodged or kept, is required to use all reasonable effort to prevent violation of this rule.

Section 11. (1) All veterinarians practicing on the grounds of an extended pari-mutuel meeting shall keep a log of their activities on a form provided by the commission and shall submit a copy of it to the commission office of the track each day of a race meeting. The log shall include:

- (a) Name of horse.
- (b) Nature of ailment.
- (c) Type of treatment.
- (d) Date and hour of treatment.

(2) It shall be the responsibility of the veterinarian to report to the presiding judge any internal medication given by him by injection or orally to any horse after he has been declared to start in any race.

Section 12. (1) Any veterinarian practicing veterinary medicine on a race track where a race meeting is in progress

or any other person using a needle or syringe shall use only one-time disposable type needles and a disposable needle shall not be reused. The disposable needles shall be kept in his possession until disposed of by him off the track.

(2) No veterinarian, assistant veterinarian or employee of same shall leave a needle or syringe with anyone on a race track where a race meeting is in progress except upon written authorization from the commission.

Section 13. *[The use of lasix is prohibited for racing purposes.]* (1) The commission veterinarian or a practicing veterinarian, licensed by the Kentucky Harness Racing Commission, may prescribe the use of lasix for a bleeder, providing the veterinarian actually sees said horse bleed.[]

[(2)] The aforementioned horse shall be treated and shall perform in a qualifying race and meet the standards of the meeting before being entered to race again.[]

[(3)] A lasix use form (blue) must be submitted to the commission office at the track for approval of the use of lasix.[]

[(4)] Each time the horse treated with lasix races, a form (yellow) must be submitted to the commission office at the track.[]

[(5)] If a trainer no longer wishes to use lasix, a form (white) must be submitted to the commission office at the track. Said horse may again race on lasix, but must race with lasix the balance of the meeting.[]

[(6)] Horses racing on lasix at one (1) meeting in Kentucky and racing at another meeting in Kentucky need not qualify, but will have to submit the necessary forms to the commission office.[]

[(7)] It is the responsibility of the trainer to submit all necessary forms.[]

[(8)] The horse may be treated with lasix orally or systemically.[]

[(9)] Lasix found in the chemical test of a horse not registered to race with lasix shall be judged a positive.[]

Section 14. The penalty for violation of any sections of this rule, unless otherwise provided, shall be a fine of not to exceed \$5,000, suspension for a fixed or indeterminate time, or both; or expulsion.

CARL B. LARSEN, Deputy Commissioner

ADOPTED: October 20, 1980

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

815 KAR 35:010. Electrical inspector's certification.

RELATES TO: KRS Chapter 227

PURSUANT TO: KRS13.082, 227.489

EFFECTIVE: January 6, 1981

NECESSITY AND FUNCTION: The Commissioner of Housing is required by KRS 227.489 to certify electrical inspectors based on standards of the National Electrical Code. This regulation is needed to establish the procedures for achieving and maintaining such certification.

Section 1. Responsibilities of the Commissioner of Housing, Buildings and Construction. (1) The Commis-

sioner of Housing shall require inspectors to be certified. Examinations shall be based on the National Electrical Code as provided in the Uniform State Building Code and the standards of safety prescribed by the department.

(2) The commissioner shall establish qualification requirements for electrical inspectors, and schedule examinations at regular intervals.

(3) It shall be the duty of the commissioner to investigate alleged misconduct of any electrical inspector as certified under this regulation when, in the opinion of the commissioner, there is sufficient evidence to suggest that such misconduct exists. Any party may seek redress from the department when alleged misconduct of an electrical inspector is deemed to have worked an undue hardship on the party.

(4) The commissioner shall review the conduct of any electrical inspector who shall have attempted to supplant, overrule or otherwise invalidate the judgment of another electrical inspector without first obtaining express written consent from the original inspector.

(5) Upon a finding by the commissioner that such an action as stated in subsections (3) or (4) of this section has occurred, the commissioner may suspend the certificate of the offending inspector for a period not to exceed one (1) year from the date of the commissioner's ruling.

Section 2. Applicability. This regulation shall apply to all electrical inspectors in the Commonwealth of Kentucky, and to applicants for certification as electrical inspectors.

Section 3. Definitions. The following words and terms, when used in this regulation shall have the meanings indicated:

(1) "Applicant" means the person seeking to be certified as an electrical inspector.

(2) "Commissioner" means the Commissioner of Housing, Buildings and Construction.

(3) "Certified electrical inspector" means an applicant who has met the criteria established by the commissioner [for examination], has satisfactorily passed the [that] examination, where required by this regulation, and has received a certificate attesting thereto.

(4) "Employee" means one who is employed on a full-time, part-time, or contractual basis.

(5) "Electrical" pertains to the installation of wires and conduits for the purpose of transmitting electricity, and the installation of fixtures and equipment in connection therewith.

(6) "Electrical industry" pertains to those engaged in the generation, transmission and distribution of electricity; the design, manufacture, construction, installation, alteration or repair of electrical wiring facilities and apparatus for the utilization of electricity.

(7) "Authority having jurisdiction" as used in the National Electrical Code means the Department of Housing, Buildings and Construction.

(8) "Code" means the National Electrical Code and any amendments thereto which are adopted by the department.

(9) "Department" means the Department of Housing, Buildings and Construction.

Section 4. Qualifications for Residential Electrical Inspectors. Prior to being examined by the commissioner for certification as a residential inspector the applicant shall meet the following requirements:

(1) (a) Applicant shall have had not less than three (3) years of experience in the field of electrical inspection of all

types of residential wiring systems, installed in accordance with the National Electrical Code; or

(b) Applicant shall have had not less than five (5) years of experience in the installation and/or design, of all types of residential wiring systems, installed in accordance with the National Electrical Code; or

(c) Applicant shall be a Registered Professional Electrical Engineer, and shall have been registered and engaged in the practice of his profession for not less than three (3) years.

(2) Applicant shall possess the ability to speak, read, and write the English language and possess a general educational level satisfactory to perform his duties.

(3) Inspectors shall not be engaged in any other activity in the electrical industry or have pecuniary or associational interests therein which constitutes a conflict of interest. Electrical contractors, or any person employed by an electrical contractor and electricians are expressly prohibited from being certified while actively engaged in these activities.

(4) Applicant shall submit a duly notarized application, which shall be supplied by the department upon request, wherein all pertinent personal information and experience shall be stated. Application must be received by the department at least thirty (30) days prior to the desired examination date.

(5) A fee of twenty-five (25) dollars shall accompany the application, consisting of a check or money order made payable to the Treasurer, Commonwealth of Kentucky.

(6) In order to receive residential certification, the applicant must pass the examination required by the department; except that, *any person registered as a professional engineer in Kentucky and designated as an electrical engineer by the Kentucky Board of Registration for Professional Engineers and Land Surveyors may, upon review and approval by the Commissioner, be exempted by the examination.* [one who is a certified electrical inspector on the effective date of this regulation, shall not be required to be examined.]

Section 5. Qualifications for Commercial Electrical Inspectors: (1) Prior to being examined by the commissioner for certification as a commercial inspector, the applicant shall meet the following requirements:

(a) Applicant shall have had not less than three (3) years of experience in the field of electrical inspection of all types of commercial, or residential and industrial, electrical light and power wiring systems, installed in accordance with the National Electrical Code; or

(b) The applicant shall have had not less than five (5) years experience in the installation and/or design of all types of commercial and industrial electrical light and power wiring systems, installed in accordance with the National Electrical Code; or

(c) Applicant shall be a Registered Professional Electrical Engineer, and shall have had been registered and engaged in the practice of his profession for not less than three (3) years.

(2) Applicant shall possess the ability to speak, read, and write the English language and possess a general educational level satisfactory to perform his duties.

(3) Inspector shall not be engaged in any other activity in the electrical industry or have pecuniary or associational interests therein which constitutes a conflict of interest. Electrical contractors, or any person employed by an electrical contractor, and electricians are expressly prohibited from being certified while actively engaged in these activities.

(4) Applicant shall submit a duly notarized application, which shall be supplied by the department upon request, wherein all pertinent personal information and experience shall be stated. Application must be received by the department at least thirty (30) days prior to the desired examination date.

(5) A fee of twenty-five dollars (\$25) shall accompany the application, consisting of a check or money order made payable to the Treasurer, Commonwealth of Kentucky.

(6) Applicant shall successfully pass the departmental examination; except that, *any person registered as a professional engineer in Kentucky and designated as an electrical engineer by the Kentucky Board of Registration for [Society of] Professional Engineers and Land Surveyors may, upon review and approval by the commissioner, be exempted from the examination* [one who is a certified electrical inspector on the effective date of this regulation shall be deemed qualified as a residential inspector and need not take the examination].

[(7) Applicant who is a certified electrical inspector on the effective date of this regulation shall be certified as a commercial inspector, without examination, upon proper submission to the department of applicant's knowledge and experience of commercial light and power wiring systems.]

Section 6. Examinations. (1) Examinations for qualified applicants shall be administered within sixty (60) days after receipt and approval of application unless otherwise scheduled by the department.

(2) Examinations will be administered at the department's offices, the 127 Building, U.S. 127 S., Frankfort, Kentucky, 40601, unless another location is specifically designated.

(3) Examinations will be based on the National Electrical Code and will be open book. The code book and all necessary supplies will be provided by the department.

(4) A grade of seventy (70) percent shall be considered passing. An applicant, otherwise qualified, who fails to make a passing score shall, upon request, be scheduled for re-examination at the next examination date without the paying of additional fees.

[(5) Those persons who were previously certified as electrical inspectors and/or those persons who have been engaged in the inspection of electrical light and power wiring installations, based on the requirements of the National Electrical Code for three (3) or more years, may be certified without examination. An applicant shall so state on his application form if he claims entitlement to and desires to be certified without examination, and shall submit proof of prior certification or of meeting the experience requirements. This provision will be in effect for applications received until November 30, 1979. After this date all applicants will be required to take the examination prior to certification.]

Section 7. Certification. (1) Certificates will be issued to individuals and not to corporations, partnerships, companies or any other entities.

(2) Certificates will be reissued upon request after re-examination or after a presentation of proof by the electrical inspector that he has successfully completed a continuing education course conducted or approved by the department prior to expiration. The fee for renewal shall be ten (10) dollars, payable to the Treasurer, Commonwealth of Kentucky.

(3) All electrical inspector certifications shall expire on November 30, every two (2) years, beginning November

30, 1979. The department shall mail to each certified inspector, prior to the date of expiration, a renewal application form and the inspector shall be recertified subject to the terms and conditions of this regulation.

Section 8. Revocation of Certificates. The commissioner may revoke, suspend or refuse to renew the certificate of an electrical inspector who is determined by the commissioner, after a departmental hearing, to have:

(1) Engaged in fraud, deceit or misrepresentation in obtaining certification.

(2) Been guilty of negligence, incompetency, or misconduct in the field of electrical inspection.

(3) Affixed or caused to be affixed to any electrical installation subject to his inspection a seal of approval, where he has not personally inspected such installation and found it to be satisfactory.

(4) Operated as an electrical inspector in localities or jurisdictions in conflict with state or local laws, ordinances, or regulations.

(5) Improperly overruled the findings of another electrical inspector.

Section 9. Complaints and Grievances. (1) Any person who believes that any act or omission of any electrical inspector certified by the commissioner has worked an undue hardship on him or who believes that an electrical inspector is guilty of misconduct in the performance of his duties, may seek redress from the commissioner.

(2) Any complaints or allegations of misconduct should be submitted in writing to the Commissioner, Department of Housing, Buildings and Construction and set forth the nature of the complaint or alleged misconduct and the action desired on the part of the commissioner to alleviate same.

(3) After any investigation the commissioner may, at his discretion, cause the matter to be set for public hearing or take any other appropriate action to resolve or correct the matter.

Section 10. Retention of Records. (1) Each electrical inspector shall make and retain for a minimum time of three (3) years a complete record of each inspection. Such record shall contain, as a minimum, sufficient information to identify the location of the structure inspected, the date of the inspection, the type of structure, whether residential, commercial, industrial or other, the designation of any required permits and the agency(s) granting same, the size

and complexity of the structure, any deficiencies in meeting code requirements and action required to comply, and any other pertinent information considered necessary to allow for a review of the inspection.

(2) Such records shall be available for examination by any authorized representative of the commissioner upon request.

Section 11. Duties and Responsibilities of a Certified Electrical Inspector. (1) All inspections shall be made in compliance with the National Electrical Code and any amendments as adopted by the department.

(2) In addition to the National Electrical Code, the electrical inspector shall familiarize himself with the applicable building codes or fire safety codes governing buildings in the areas where he performs inspections, to the extent that it is necessary to determine the occupancy load of a facility.

(3) The electrical inspector shall make a minimum two (2) inspections.

(a) When an electrical inspector makes a rough inspection, he shall attach a sticker with his signature and certification number on the main service entrance equipment or other appropriate location.

(b) When an electrical inspector makes a final inspection he shall attach a sticker to the main service entrance equipment with his signature and certification number, stating that the system is in full compliance with the National Electrical Code. He shall also provide the owner of the installation or his authorized agent with a certificate of approval.

(4) In order to insure uniformity throughout the state, all stickers and certificates to be issued by the electrical inspector shall be approved or furnished by the department.

(5) Upon request by the owner of the inspected facility, the electrical inspector shall immediately furnish a copy of the certificate of compliance to the department. Copies of all other certificates issued by the inspector shall be sent to the department on a semi-annual basis.

Section 12. Electrical Inspections of State Properties. All buildings constructed by the state under the authority of the Department of Finance may be inspected by a certified commercial electrical inspector who is an employee of the State Fire Marshal's Office.

JOHN R. GROVES, JR., Commissioner

ADOPTED: November 11, 1980

Amended After Hearing

(Republished prior to Subcommittee consideration as required by KRS 13.085(4).)

**DEPARTMENT FOR NATURAL RESOURCES
AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Protection
Division of Air Pollution
Amended After Hearing**

401 KAR 50:036. Permit and exemption fees.

RELATES TO: KRS Chapter 224

PURSUANT TO: KRS 13.082, 224.033

NECESSITY AND FUNCTION: KRS 224.033 permits the Department for Natural Resources and Environmental Protection to prescribe regulations establishing a schedule of fees for the costs of processing applications for permits authorized by KRS Chapter 224 and for exemptions or partial exemptions. This regulation defines the assessment of fees applicable to stationary air contaminant sources for issuance of permits to construct, permits to operate and exemptions. This regulation also establishes permit requirements in addition to those requirements of 401 KAR 50:035 as are necessary to implement the fee schedule established herein.

Section 1. Applicability. The provisions of this regulation shall apply to the owner or operator of each source required to have a permit by 401 KAR 50:035 except for publicly owned sources.

Section 2. Definitions. As used in this regulation, all terms not defined herein shall have the same meaning given them in 401 KAR 50:010.

(1) "Air pollution control equipment" means any mechanism, device, or contrivance used to control or prevent air pollution.

(2) "Capital cost" means the estimated monetary resources which will have to be expended to make a proposed air contaminant source operational including the cost of installation, real estate, buildings, pollution abatement equipment, and any other equipment necessary for the operation of an air contaminant source.

(3) "Category I source" means any stationary source or modification to which 401 KAR 51:016E [015] applies.

(4) "Category II source" means any source that is not a Category I source but has a *potential to emit* [an uncontrolled emission potential] of 100 tons per year or more of any one (1) pollutant.

(5) "Category III source" means any source that is not a Category I or Category II source.

(6) "*Potential to emit*" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

(7) [(6)] "Publicly owned facility" means any facility owned by the state, or any political subdivision thereof, municipality, or other public entity.

[(7)] "Uncontrolled emission potential" means the capability at maximum capacity to emit a pollutant in the absence of air pollution control equipment. Air pollution control equipment includes control equipment which is not, aside from air pollution control laws and regulations, vital to production of the normal product of the source or to its normal operation. Annual potential shall be based on the maximum annual rated capacity of the source, unless the source is subject to enforceable permit conditions which limit the annual hours of operation. Enforceable permit conditions on the type or amount of materials combusted or processed may be used in determining the potential emission rate of a source.]

[Section 3. Issuance of Permits. The provisions of this regulation are in addition to the provisions of 401 KAR 50:035.]

[(1)] Operating permits issued by the department prior to the effective date of this regulation to Category I and II sources and sources subject to Title 401, Chapter 57, shall expire as follows:]

[(a)] Operating permits issued on or before December 31, 1971 shall expire on the anniversary of issuance during the year commencing two (2) months after the effective date of this regulation.]

[(b)] Operating permits issued on or before December 31, 1974 but after December 31, 1971 shall expire on the anniversary of issuance during the year commencing one (1) year and two (2) months after the effective date of this regulation.]

[(c)] Operating permits issued before the effective date of this regulation but after December 31, 1974 shall expire on the anniversary of issuance during the year commencing two (2) years and two (2) months from the effective date of this regulation.]

[(d)] Operating permits issued to Category I and II sources and sources subject to Title 401, Chapter 57, and issued on or after the effective date of this regulation shall expire three (3) years from the permit issue date.]

[(2)] All sources required by 401 KAR 50:035 to have compliance schedules or all sources operating under an agreed order containing a compliance schedule shall be required to have an operating permit conditioned to the terms of the compliance schedule or agreed order.]

[(3)] The owner or operator subject to this regulation shall submit an application for a new permit at least sixty (60) days prior to the expiration date of his current permit.]

Section 3. [4.] Filing Fees. (1) Any owner or operator who submits an application for a permit to construct shall include with the application a certified check or money order in the amount of the filing fee, assessed in accordance with the provisions set forth in subsection (2) of this section, payable to the Kentucky State Treasurer.

(2) Filing fee for permit to construct shall be determined by the following schedule:

Capital Cost of Proposed Construction (Millions of Dollars)	Fee
500 or more	\$2,500
100 up to 500	\$1,500
50 up to 100	\$1,000
10 up to 50	\$ 750
1 up to 10	\$ 250
Less than 1	\$ 50

(3) Any owner or operator who submits an application for a permit to operate or an application for an exemption shall include with the application a certified check or money order in the amount of \$250.

(4) Filing fees are not refundable if a permit or exemption is denied or an application is withdrawn.

(5) Filing fees shall be applied toward the permit or exemption fee assessed in Sections 4, 5, and 7 [5, 6, and 8].

Section 4. [5.] Construction Permit Fees.

(1) (a) Every owner or operator who is issued a permit to construct shall be assessed a construction permit fee by the department in accordance with the provisions set forth in subsection (2) of this section.

(b) Upon making the determination that the permit can be issued, the department shall so notify the applicant and send a bill for the permit fee. The permit fee shall be paid within thirty (30) days of the billing date and shall be a certified check or money order for the indicated amount payable to the Kentucky State Treasurer. The permit shall be issued by the department upon receipt of the total amount of the permit fee. Failure by the applicant to pay the assessed permit fee on or before the due date shall result in the forfeiture of the filing fee and denial of the permit.

(2) Fees shall be determined by summing the applicable base fee in paragraph (a) of this subsection with all other applicable component fees listed in paragraph (b) of this subsection.

(a) Base fees. The base fee for each of the following category of sources shall be:

1. Category III source: \$400 [425].
2. Category II source or sources subject to Title 401, Chapter 57: \$1,000 [1,100].
3. Category I source: \$1,650 [1,800].

(b) Component fees. The component fees for each addition necessary to complete the evaluation of the permit shall be:

1. Air quality analysis: \$150 [160] each *application*.
2. Lowest achievable emission rate (LAER) or best available control technology (BACT) determination: \$150 [200] each *application*.
3. Public hearing: \$1,250 [1,425].
4. Preconstruction monitoring: \$610 [700].

Section 5. [6.] Operating Permit Fees. (1) Every owner or operator issued a permit to operate shall be assessed an operating permit fee by the department in accordance with the provisions set forth in this section. Upon making the determination that the permit will be issued, the department shall so notify the applicant and send a bill for the permit fee payable by certified check or money order to the Kentucky State Treasurer within thirty (30) days of the billing date. Failure by the applicant to pay the assessed permit fee on or before the due date shall result in the forfeiture of the filing fee and denial of the permit. The permit shall be issued by the department upon receipt of the permit fee.

[(2) Operating permits and amendments to operating permits shall be issued to Category III sources as follows:]

[(a) Operating permits; upon the completion of initial construction;]

[(b) Amendments to operating permits; upon completion of reconstruction, a modification, or any alternation of an existing source; and]

[(c) To those sources which do not have a valid operating permit.]

[(3) Operating permits shall be issued to Category I and II sources and sources subject to Title 401, Chapter 57, at three (3) year intervals.]

(2) [(4)] Operating permit fees shall be determined by summing the base fee in paragraph (a) of this subsection with all other applicable component fees listed in paragraph (b) of this subsection.

(a) Base fees. The base fee for each of the following categories [category] of sources shall be:

1. Category III source; [initial] operating permit *not preceded by a construction permit* or permit following exemption expiration: \$500 [550].

2. Category III source; operating permit following a construction permit for initial construction or an amendment to an operating permit following reconstruction, modification, or alternation: \$330 [375].

3. Category I and II sources and sources subject to Title 401, Chapter 57; [initial] operating permit *not preceded by a construction permit* [required by this section] or permit following exemption expiration: \$1,100 [1,250].

4. Category I and II sources and sources subject to Title 401, Chapter 57; operating permit renewal or operating permit following a construction permit for initial construction or an amendment to an operating permit following reconstruction, modification, or alteration: \$750 [850].

(b) Component fees. The component fee for each addition necessary to complete the evaluation of the permit shall be:

1. Stack test or equivalent: \$1,300 [1,400] each *test*.
2. Instack or ambient monitoring reporting: \$1,500 each monitor.]

2. [3.] Air quality analysis: \$150 [160] each *application*.

(3) [(5)] The provisions of this section shall apply with respect to fees for temporary operating permits except that:

(a) The fee as determined by subsection (2) [(4)] (a) of this section shall be multiplied by the ratio of the length of time covered by the temporary operating permit to three (3) years.

(b) Operating permit fees are due in full within thirty (30) days of the billing date by the department.

Section 6. [7.] Duplicate Permit Fee. Upon application for the issuance of a duplicate permit, the duplicate permit shall be issued by the department upon receipt of a fifty dollar (\$50) fee by certified check or money order payable to the Kentucky State Treasurer.

Section 7. [8.] Exemption Fees. (1) Any owner or operator granted an exemption by the department shall be assessed an exemption fee. Upon determining that the exemption can be granted, the department shall so notify the applicant and send a bill for the exemption fee. The exemption fee shall be paid within thirty (30) days of the billing date, and shall be paid by certified check or money order, payable to the Kentucky State Treasurer. Failure by the applicant to pay the exemption fee on or before the due date shall result in the forfeiture of the filing fee and denial of the exemption. The exemption shall be granted by the

department upon receipt of the total amount of the exemption fee and any applicable penalties.

(2) Exemption fees shall be determined by summing [the following: A base fee determined by multiplying] the applicable base fee in Section 5(2)(a) [6(4)(a) by the ratio of the length of time covered by the exemption to three (3) years] and all applicable component fees from Section 5(2)(b) [6(4)(b)].

JACKIE SWIGART, Secretary

ADOPTED: December 30, 1980

RECEIVED BY LRC: December 30, 1980 at 1:40 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Insurance
Amended After Hearing

806 KAR 12:031. Life insurance replacement.

RELATES TO: KRS 304.12-030

PURSUANT TO: KRS 13.082, 304.2-110

NECESSITY AND FUNCTION: KRS 304.2-110 provides that the Commissioner of Insurance may make reasonable rules and regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code. KRS 304.12-030 establishes minimum standards of conduct to be observed in the replacement or proposed replacement of life insurance policies. This regulation sets forth the procedures to be followed in the replacement or proposed replacement of life insurance policies.

Section 1. Purpose. The purpose of this regulation is:

- (1) To regulate the activities of insurers and agents with respect to the replacement of existing life insurance;
- (2) To protect the interests of life insurance policy owners by establishing procedures to be employed in the replacement or proposed replacement of existing life insurance which:
 - (a) Assure that the policy owner receives the information necessary to make an informed decision; and
 - (b) Reduce the opportunity for misrepresentation and incomplete disclosures.

Section 2. Definitions. For the purposes of this regulation, the following terms shall have the meaning herein provided:

- (1) "Replacement," "existing insurer," "existing life insurance," and "replacing insurer," are defined as in KRS 304.12-030.
- (2) "Cash dividend" means the current illustrated dividend which can be applied toward payment of the gross premium.
- (3) "Conservation" means any attempt by the existing insurer or its agent to continue existing life insurance in force after the existing insurer has received a comparative information form as required by Section 5(3)(d) from a replacing insurer. A conservation effort does not include such routine administrative procedures as late payment reminders, late payment offers or reinstatement offers.
- (4) "Direct-response sales" means any sale of life insurance where the insurer does not utilize an agent in the sale or delivery of the policy.

(5) "Generic name" means a short title which is descriptive of the premium and benefit patterns of a policy or a rider.

(6) "Soliciting material" means written sales aids of all kinds, excluding comparative information forms and policy summaries, which are used by an insurer, agent or broker in comparing existing life insurance to proposed life insurance in order to recommend the replacement or conservation of existing life insurance. Sales aids of a generally descriptive nature, which are maintained in the insurer's advertising compliance file, shall not be considered soliciting material.

(7) "Policy summary" means a separate written statement describing the elements of the policy, including, but not limited to:

(a) The name and address of the insurance agent, or if no agent is involved, a statement of the procedure to be followed to receive responses to inquiries regarding the policy summary.

(b) The full name and home office or administrative office address of the company in which the life insurance policy is to be or has been written.

(c) The generic name of the basic policy and each rider.

(d) The following amounts, where applicable, for the first five (5) policy years, the tenth (10th) and twentieth (20th) policy years, and at least one (1) age from sixty (60) through sixty-five (65) or maturity, whichever is earlier:

1. The annual premium for the basic policy.
2. The annual premium for each optional rider.
3. Guaranteed amount payable upon death at the beginning of the policy year.
4. Total guaranteed cash surrender values at the end of the year with values shown separately for the basic policy and each rider.
5. Cash dividends payable to the end of the year with values shown separately for the basic policy and each rider. Dividends need not be displayed beyond the twentieth (20th) policy year.

6. Guaranteed endowment amounts payable under the policy.

(e) A statement, if the policy summary includes dividends, that dividends are based on the company's current dividend scale and are not guaranteed.

(f) The effective policy loan annual percentage interest rate, if the policy contains such a loan provision, specifying whether this rate is applied in advance or in arrears. If the policy loan interest rate is variable, the policy summary is to include the maximum annual percentage rate.

(g) The date on which the policy summary was prepared.

(h) *Amount of any outstanding indebtedness and the sum of any dividend accumulation or additions.* [A statement, unless the policy summary includes index figures which recognize the time value of money, that the presentation does not recognize that, because of interest, a dollar in the future has less value than a dollar today. If index figures are included, the applicant must be given written notification when the policy summary is delivered that such figures should only be used for comparing the relative costs of similar policies.]

Section 3. Exemptions. This regulation shall not be applicable as set forth in KRS 304.12-030(4).

Section 4. Duties of Agents. (1) Each agent shall submit to the replacing insurer with or as part of each application for life insurance:

(a) A statement signed by the applicant as to whether or not such insurance will replace existing life insurance; and

(b) A statement signed by the agent as to whether or not he knows replacement is or may be involved in the transaction.

(2) Where a replacement is involved, the agent shall:

(a) Present to the applicant, not later than at the time of taking the application, a "notice regarding replacement of life insurance" in the form as described in Forms A or B, whichever is applicable, or other substantially similar form approved by the commissioner. The notice must be signed by and a copy left with the applicant.

(b) Present to the applicant, not later than at the time of taking the application, a comparative information form as described in Form D. Substantially equivalent forms may be used with the prior approval of the commissioner. If more than one (1) existing life insurance policy is to be replaced, a separate comparative information form must be provided for each policy unless separate information for each policy, and a summary of all separate policy information, is included in the comparative information form. The agent must include all information required to be in the form except information concerning the existing life insurance policy that cannot be obtained from the policy. The comparative information form must be signed by the agent and the applicant and a copy left with the applicant.

(c) Leave with the applicant the original or a copy of all soliciting material used for presentation to the applicant.

(d) Submit to the replacing insurer with the application, a copy of the "notice regarding replacement of life insurance" signed by the applicant, a copy of the comparative information form signed by the agent and the applicant, and a copy of all soliciting material used for presentation to the applicant.

(3) Each agent who uses soliciting material when conserving existing life insurance shall:

(a) Leave with the applicant the original or a copy of all soliciting material used in the conservation effort; and

(b) Submit to the existing insurer a copy of all soliciting material used in the conservation effort.

Section 5. Duties of Replacing Insurers. Each replacing insurer shall: (1) Inform its field representatives of the requirements of this regulation and KRS 304.12-030.

(2) Require with or as part of each completed application for life insurance:

(a) A statement signed by the applicant as to whether or not such insurance will replace existing life insurance; and

(b) A statement signed by the agent as to whether or not he or she knows replacement is or may be involved in the transaction.

(3) Where a replacement is involved:

(a) Require from the agent with the application for life insurance a copy of the "notice regarding replacement of life insurance" signed by the applicant, a copy of the comparative information form signed by the agent and the applicant, and a copy of all soliciting material shown or delivered to the applicant.

(b) Verify the substantial accuracy of information concerning the proposed policy furnished to the applicant in the comparative information form. If the information concerning that policy is not substantially accurate, the replacing insurer must obtain a comparative information form signed by the agent and the applicant which includes substantially accurate information before it can process the application.

(c) Furnish the applicant with a policy summary at or prior to the delivery of the policy. Information required to be disclosed in the policy summary must be set out in such

a manner as to not minimize or render any portion thereof obscure. Any amounts which remain level for two (2) or more years of the policy may be represented by a single number if the amount for each policy year is clearly indicated. Amounts required to be listed by Section 2(7)(d) shall be listed in total, not on a per thousand or per unit basis. If more than one (1) insured is covered under one (1) policy or rider, guaranteed death benefits shall be displayed separately for each insured or for each class of insureds if death benefits do not differ within the class. Zero (0) amounts shall be displayed as zero (0) and not as a blank space.

(d) Send the existing insurer notice of the proposed replacement, together with a copy of all soliciting material shown or delivered to the applicant, [a copy of the policy summary,] and a verified comparative information form within three (3) working days of the date the application and a substantially accurate comparative information form are received at its home or regional office.

(e) Delay[, if not also the existing insurer,] the issuance of its policy for thirty (30) days after the items required by paragraph[s] (d) [(a) and (b)] of this subsection are delivered to the existing insurer. [Delivery shall be deemed to have been made three (3) days after posting by first class mail.]

(f) *Furnish the existing insurer with a policy summary at or prior to delivery of the policy.* [If it is also the existing insurer and the items required by paragraphs (a) and (b) of this subsection have been given to the applicant, delay the issuance of its policy for thirty (30) days after the application and a substantially accurate comparative information form are received at its home or regional office.]

(g) Maintain copies of the "notice regarding replacement of life insurance," the verified comparative information form, the policy summary, and all soliciting material used, and a replacement register, cross indexed, by replacing agent and existing insurer, for at least three (3) years or until the conclusion of the next succeeding regular examination by the insurance department of its state of domicile, whichever is later.

Section 6. Duties of Insurers With Respect to Direct-Response Sales. Each insurer shall: (1) Inform its responsible personnel of the requirements of this regulation.

(2) Require with or as part of each completed application for life insurance a statement signed by the applicant as to whether such insurance will replace existing life insurance.

(3) Where no replacement is proposed by an insurer in the solicitation of a direct-response sale and a replacement is involved: At the time the policy is mailed to the applicant, include a "notice regarding replacement of life insurance" in a form substantially as described in Form C.

(4) Where a replacement is proposed by an insurer in the solicitation of a direct-response sale and a replacement is involved:

(a) Request from the applicant with or as part of the application a list of all existing life insurance to be replaced identified by name of insurer.

(b) If the applicant furnishes the names of the existing insurers, then the replacing insurer shall mail the applicant a "notice regarding replacement of life insurance" in a form substantially as described in Form C within three (3) working days after receipt of the application and shall comply with all of the provisions of Section 5(3)(c), (e), (f), and (g), except that it need not meet the requirements of this regulation concerning comparative information forms

and need not cross-index the replacement register required by Section 5(3)(g) as to replacing agent.

(c) If the applicant does not furnish the names of the existing insurers, then the replacing insurer shall, at the time the policy is mailed to the applicant, include a "notice regarding replacement of life insurance" in a form substantially as described in Form C.

Section 7. Duties of Existing Insurer and Its Agents. (1) Each existing insurer shall inform its responsible personnel of the requirements of this regulation and KRS 304.12-030.

(2) Each existing insurer, or such insurer's agent that undertakes a conservation effort shall:

(a) Within twenty (20) days of its receipt, either furnish the policy owner with the comparative information form from the replacing insurer including all information concerning the existing life insurance that was not completed and correcting any inaccurate information, or furnish the policy owner with a policy summary for the existing life insurance. Such policy summary shall include all information required in Section 2(7), except that information relating to premiums, cash values, death benefits and dividends, shall be computed from the current policy year of the existing life insurance.

(b) Furnish the replacing insurer with a copy of the fully completed comparative information form or the policy summary for the existing life insurance within three (3) working days of the date that the fully completed comparative information form or the policy summary is sent by the existing insurer to either its agent or directly to the policy owner.

(c) Maintain a file containing:

1. Comparative information forms and policy summaries received from replacing insurers; and
2. Copies of fully completed comparative information forms or policy summaries prepared pursuant to subsection (2)(a) of this section, and all soliciting material used to conserve the existing life insurance.

Section 8. Severability. If any provision of this regulation or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the regulation and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 9. Departmental Forms A, B and C, entitled "Notice Regarding Replacement of Life Insurance," whichever is applicable; and Form D, "comparative information form" are filed herein by reference. Copies may be obtained from the Department of Insurance, 151 Elkhorn Court, P.O. Box 517, Frankfort, Kentucky 40602.

Section 10. 806 KAR 12:030 is hereby repealed.

DANIEL D. BRISCOE, Commissioner

ADOPTED: January 15, 1981

RECEIVED BY LRC: January 15, 1981 at 3 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Insurance
Amended After Hearing

806 KAR 17:060. Minimum standards for medicare supplement policies.

RELATES TO: KRS 304.17-400

PURSUANT TO: KRS 304.2-110, 304.17-400

NECESSITY AND FUNCTION: This regulation applies to all individual Medicare supplement and accident and sickness insurance policies and Medicare supplement subscriber contracts delivered or issued for delivery in this state on and after the effective date hereof. KRS 304.17-400 provides that the Commissioner of Insurance may make reasonable rules or regulations to establish minimum standards for Medicare supplement insurance policies delivered or issued for delivery to any person in this state. This regulation establishes the minimum standards for Medicare supplement insurance.

Section 1. Definitions. For purposes of this regulation, the following terms shall have the meanings herein provided. No policy subject to this regulation shall contain definitions or terms which do not conform to the requirements of this section.

(1) "Policy" means an individual Medicare supplement accident and sickness policy or an individual Medicare supplement hospital and medical service plan or contract.

(2) "Medicare supplement coverage" is a policy which is designed primarily to supplement Medicare, or is advertised, marketed, or otherwise purported to be a supplement to Medicare and which meets the requirements of this regulation applicable to any such policy sold to a person eligible for Medicare by reason of age.

(3) "Benefit period" shall not be defined as more restrictive than defined in the Medicare program.

(4) "Hospital" may be defined in relation to its status, facilities and available services or to reflect its accreditation by the Joint Commission on Accreditation of Hospitals.

(a) The definition of the term "hospital" shall not be more restrictive than one requiring that the hospital:

1. Be an institution operated pursuant to law; and
2. Be primarily and continuously engaged in providing or operating, either on its premises or in facilities available to the hospital on a pre-arranged basis and under the supervision of a staff of duly licensed physicians, medical, diagnostic and major surgical facilities for the medical care and treatment of sick or injured persons on an in-patient basis for which a charge is made; and
3. Provide twenty-four (24) hour nursing service by or under the supervision of registered graduate professional nurses (R.N.'s).

(b) The definition of the term "hospital" may exclude:

1. Convalescent homes, convalescent, rest, or nursing facilities; or
2. Facilities primarily affording custodial, educational or rehabilitative care; or
3. Facilities for the aged, drug addicts, or alcoholics; or
4. Any military or veterans' hospital or soldiers' home or any hospital contracted for or operated by any national government or agency thereof for the treatment of members or ex-members of the armed forces, except for services rendered on an emergency basis where a legal liability exists for charges made to the individual for such services.

(5) "Convalescent nursing home," "extended care facility," or "skilled nursing facility" shall be defined in relation to its status, facilities, and available services.

(a) A definition of such home or facility shall not be more restrictive than one requiring that it:

1. Be operated pursuant to law;
2. Be approved for payment of Medicare benefits or be qualified to receive such approval, if so requested;
3. Be primarily engaged in providing, in addition to room and board accommodations, skilled nursing care under the supervision of a duly licensed physician;
4. Provide continuous twenty-four (24) hour nursing service by or under the supervision of a registered graduate professional nurse; and
5. Maintain a daily medical record on each patient.

(b) The definition of such home or facility may exclude:

1. Any home, facility or part thereof used primarily for rest;
2. A home or facility for the aged or for the care of drug addicts or alcoholics; or
3. A home or facility primarily used for the care and treatment of mental diseases, or disorders, or custodial or educational care.

(6) "Accident," "accidental injury," "accidental means," shall be defined to employ "result" language and shall not include words which establish an accidental means test or use words such as "external, violent, visible wounds" or similar words of description or characterization.

(a) The definition shall not be more restrictive than the following: Injury or injuries, for which benefits are provided, means accidental bodily injury sustained by the insured person which is the direct result of the accident [cause of the claim], independent of disease or bodily infirmity or any other cause, and occurs while the insurance is in force.

(b) Such definition may provide that injuries shall not include injuries for which benefits are provided under any workers' compensation, employer's liability or similar law, or motor vehicle no-fault plan, unless prohibited by law, or injuries for which benefits are provided if the injury occurs while the insured person is engaged in any activity pertaining to any trade, business, employment, or occupation for wage or profit.

(7) "Sickness" shall not be defined to be more restrictive than the following: Sickness means sickness or disease of an insured person which first manifests itself after the effective date of insurance and while the insurance is in force. The definition may be further modified to exclude sickness or disease for which benefits are provided under any workers' compensation, occupational disease, employer's liability or similar laws.

(8) "Physician" may be defined by including words such as "duly qualified physician" or "duly licensed physician." The use of such terms requires an insurer to recognize and to accept, to the extent of its obligation under the contract, all providers of medical care and treatment when such services are within the scope of the provider's licensed authority and are provided pursuant to applicable laws.

(9) "Nurse" may be defined so that the description of nurse is restricted to a type of nurse, such as a registered graduate professional nurse (R.N.), a licensed practical nurse (L.P.N.), or a licensed vocational nurse (L.V.N.). If the words "nurse," "trained nurse" or "registered nurse" are used without specific instruction, then the use of such terms requires the insurer to recognize the services of any individual who qualifies under such terminology in ac-

cordance with the applicable statutes or administrative rules of the licensing or registry board of the state.

(10) "Medicare" shall be defined in the policy. Medicare may be substantially defined as "The Health Insurance for the Aged Act, Title XVIII of the Social Security Amendments of 1965 as Then Constituted or Later Amended," or "Title I, Part I of Public Law 89-97, as enacted by the Eighty-Ninth Congress of the United States of America and popularly known as the Health Insurance for the Aged Act," "as then constituted and any later amendments or substitutes thereof," or words of similar import.

(11) "Mental or emotional disorders" shall not be defined more restrictively than a definition including neurosis, psychoneurosis, psychopathy, psychosis, or mental or emotional disease or disorder of any kind.

Section 2. Prohibited Policy Provisions. (1) No policy or contract shall contain a probationary period.

(2) No policy shall limit or exclude coverage by type of illness, accident, treatment or medical condition, except as follows:

(a) Foot care in connection with corns, calluses, flat feet, fallen arches, weak feet, chronic foot strain, or symptomatic complaints of the feet;

(b) Mental or emotional disorders, alcoholism and drug addiction (except when purchased as an option);

[(c) Pregnancy, except for complications of pregnancy;]

(c) [(d)] Illness, treatment or medical condition arising out of:

1. War or act of war (whether declared or undeclared); participation in a felony, riot or insurrection; service in the armed forces or units auxiliary thereto;

2. Suicide (sane or insane), attempted suicide or intentionally self-inflicted injury;

[3. Inter-scholastic sports with respect to short-term nonrenewable policies.]

(d) [(e)] Cosmetic surgery, except that "cosmetic surgery" shall not include reconstructive surgery when such service is incidental to or follows surgery resulting from trauma, infection or other diseases of the involved part;

(e) [(f)] Care in connection with the detection and correction by manual or mechanical means of structural imbalance, distortion, or subluxation in the human body for purposes of removing nerve interference and the effects thereof, where such interference is the result of or related to distortion, misalignment or subluxation of, or in the vertebral column (insured must be offered this benefit as an option);

(f) [(g)] Treatment provided in a government hospital; benefits provided under Medicare or other governmental program (except Medicare), any state or federal workers' compensation, employer's liability or occupational disease law, or any motor vehicle no-fault law; services rendered by employees of hospitals, laboratories or other institutions, services performed by a member of the covered person's immediate family and services for which no charge is normally made in the absence of insurance;

(g) [(h)] Dental care or treatment;

(h) [(i)] Eye glasses, hearing aids and examination for the prescription or fitting thereof;

(i) [(j)] Rest cures, custodial care, transportation and routine physical examinations;

(j) [(k)] Territorial limitations; provided, however, policies may not contain, when issued, limitations or exclusions of the type enumerated in paragraphs (a), (e) [(f)], (i) [(j)], or (j) [(k)] above that are

more restrictive than those of Medicare. Policies may exclude coverage for any expense to the extent of any benefit available to the insured under Medicare.

Section 3. Minimum Standards. No policy shall be delivered or issued for delivery in this state which does not meet the following minimum standards. These are minimum standards and do not preclude the inclusion of other provisions or benefits which are not inconsistent with these standards.

(1) Policy minimum standards:

(a) Premiums charged for Medicare supplement policies shall be presumed unreasonable in relation to the benefits provided if the anticipated credible loss ratio for the policy is less than sixty-five percent (65%). In determining the credibility of the anticipated loss ratio, due consideration shall be given to all relevant factors, including:

1. Statistical credibility of premiums and benefits;
2. Experience and projected trends;
3. Concentration of experience at early policy duration;
4. Expected claim fluctuations;
5. Refunds, adjustments, or dividends;
6. Renewability features;
7. All appropriate expense factors.

(b) The term "Medicare benefit period" shall mean the unit of time used in the Medicare program to measure use of services and availability of benefits under Part A, Medicare hospital insurance;

(c) The term "Medicare eligible expenses" shall mean health care expenses of the kinds covered by Medicare, to the extent recognized as reasonable by Medicare. Payment of benefits by insurers for Medicare eligible expenses may be conditioned upon the same or less restrictive payment conditions, including determinations of medical necessity as are applicable to Medicare claims;

(d) Coverage, when issued, shall not be subject to any exclusions, limitations, or reductions (other than as permitted in this regulation and other applicable laws and regulations) which are inconsistent with the exclusions, limitations, or reductions permissible under Medicare, other than a provision that coverage is not provided for any expenses to the extent of any benefit available to the insured person under Medicare;

(e) Coverage shall not indemnify against losses resulting from sickness on a different basis than losses resulting from accidents; and

(f) Coverage shall provide that benefits designed to cover cost sharing amounts under Medicare will be changed automatically to coincide with any changes in the applicable Medicare deductible amount and co-payment percentage factors. Premiums may be changed to correspond with such changes.

(g) All policy language and solicitation materials shall be printed on a flesch scale of not less than fifty (50).

(2) Minimum benefit standards. Medicare supplement coverages shall provide at least the following benefits:

(a) Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the sixty-first (61st) day through the ninetieth (90th) day in any Medicare benefit period;

(b) Coverage of Part A Medicare eligible expenses incurred as daily hospital charges during use of Medicare's lifetime hospital in-patient reserve days;

(c) Upon exhaustion of all Medicare hospital in-patient coverage including the lifetime reserve days, coverage of ninety percent (90%) of all Medicare Part A eligible expenses for hospitalization not covered by Medicare, sub-

ject to a lifetime maximum benefit of an additional 365 days;

(d) Coverage of twenty percent (20%) of the amount of Medicare eligible expenses under Part B regardless of hospital confinement, subject to a maximum calendar year out-of-pocket deductible of \$200 of such expenses and to a maximum benefit of at least \$5,000 per calendar year.

Section 4. Required Disclosure Provisions. (1) General rules:

(a) Each policy shall include a renewal, continuation, or nonrenewal provision. The language or specifications of such provision must be consistent with the type of contract to be issued. Such provision shall be appropriately captioned, shall appear on the first page of the policy, and shall clearly state the duration, where limited, or renewability and the duration of the term of coverage for which the policy is issued and for which it may be renewed.

(b) A policy which provides for the payment of benefits based on standards described as "usual and customary," "reasonable and customary," or words of similar import, shall include a definition of such terms and an explanation of such terms in its accompanying outline of coverage.

(c) If a policy contains any limitations with respect to preexisting conditions, such limitations must appear as a separate paragraph of the policy and be labeled as "Preexisting Condition Limitations."

(d) Insurers issuing Medicare supplement coverage shall provide to the policyholder a Medicare supplement buyers' guide entitled "Guide to Health Insurance for People with Medicare" developed jointly by the National Association of Insurance Commissioners and the Health Care Financing Administration of the U. S. Department of Health and Human Services, [Education, and Welfare,] Code No. HCFA-02110, December 1979, or as thereafter amended, available from the Health Care Financing Administration of the U. S. Department of Health and Human Services, [Education and Welfare,] Washington, D. C., 20202. Delivery of the buyer's guide shall be made no later than at the time the policy is delivered.

(2) Coverage requirements:

(a) No policy subject to this regulation shall be delivered or issued for delivery in this state unless the outline of coverage is delivered to the applicant at the time application is made and, except for the direct response policy, acknowledgment of receipt or certification of delivery of such outline of coverage is provided to the insurer; and

(b) If an outline of coverage was delivered at the time of application and the policy or contract is issued on a basis which would require revision of the outline, a substitute outline of coverage properly describing the policy or contract must accompany the policy or contract when it is delivered and contain the following statement, in no less than twelve (12) point type, immediately above the company name: "Notice: Read this outline of coverage carefully. It is not identical to the outline of coverage provided upon application and the coverage originally applied for has not been issued."

(3) Outline of coverage. An outline of coverage, in the form prescribed below, shall be issued in connection with policies that meet the standards of Section 3. The items included in the outline of coverage must appear in the sequence prescribed:

(Company Name)
Medicare Supplement Coverage
Outline of Coverage

(a) Read your policy carefully. This outline of coverage provides a very brief description of the important features of your policy. This is not the insurance contract and only the actual policy provisions will control. The policy itself sets forth in detail the rights and obligations of both you and your insurance company. It is, therefore, important that you read your policy carefully!

(b) Medicare supplement coverage. Policies of this category are designed to supplement Medicare by covering some hospital, medical, and surgical services which are partially covered by Medicare. Coverage is provided for hospital in-patient charges and some physician charges, subject to any deductibles and co-payment provisions which may be in addition to those provided by Medicare, and subject to other limitations which may be set forth in the policy. The policy does not provide benefits for custodial care such as help in walking, getting in and out of bed, eating, dressing, bathing and taking medicine (delete if such coverage is provided).

(c) Neither (insert company's name) nor its agents are connected with Medicare.

(d) A brief summary of the major benefit gaps in Medicare Parts A and B with a parallel description of supplemental benefits, including dollar amounts, provided by the Medicare supplement coverage is as follows:

Service	Benefit	Medicare Pays	This Policy Pays	You Pay
Hospitalization: Semi-private room and board, general nursing and miscellaneous hospital services and supplies. Includes meals, special care units, drugs, lab tests, diagnostic x-rays, medical supplies, operating and recovery room, anesthesia and rehabilitation services.	First 60 days	All but \$(160)		
	61st to 90th day	All but \$(40) a day		
	91st to 150th day	All but \$(80) a day		
	Beyond 150 days	Nothing		
Posthospital Skilled Nursing Care: In a facility approved by Medicare, you must have been in a hospital for at least three (3) days and enter the facility within fourteen (14) days after hospital discharge.	First 20 days	100% of costs		
	Additional 80 days	All but \$(20) a day		
	Beyond 100 days	Nothing		
Medical Expense	Physician's services, in-patient and out-patient medical services and supplies at a hospital, physical and speech therapy and ambulance.	80% of reasonable charge (after \$(60) deductible)		

(e) Statement that the policy does or does not cover the following:

1. Private duty nursing.
2. Skilled nursing home care costs (beyond what is covered by Medicare).
3. Custodial nursing home care costs.
4. Intermediate nursing home care costs.
5. Home health care (above number of visits covered by Medicare).
6. Physician charges (above Medicare's reasonable charge).
7. Drugs (other than prescription drugs furnished during a hospital or skilled nursing facility stay).

8. Care received outside of U. S. A.

9. Dental care of dentures, checkups, routine immunizations, cosmetic surgery, routine foot care, examinations for and the cost of eyeglasses or hearing aids.

(f) A description of any policy provision which excludes, eliminates, resists, reduces, limits, delays, or in any other manner operates to qualify payment of the benefits described in paragraph (d) of this subsection, including conspicuous statements:

1. That the chart summarizing Medicare benefits only briefly describes such benefits.

2. That the Health Care Financing Administration or its Medicare publications should be consulted for further details and limitations.

(g) A description of policy provisions respecting renewability or continuation of coverage, including any reservation of right to change premium.

(h) The amount of premium for this policy.

Section 5. Replacement *Involving Medicare Supplement Policy* [of Existing Medicare Supplement or Other Health Care Insurance by a Medicare Supplement Policy]. The [new Medicare supplement insurance] policy issued by the replacing insurer will not be contestable by it in the event of the insured presenting a claim to any greater extent than the existing health insurance policy would have been contestable by the existing insurer had such replacement not taken place.

Section 6. Requirements for Replacement *Involving Medicare Supplement Policy*. (1) Application forms shall include a question designed to elicit information as to whether the insurance to be issued is intended to replace any other accident and sickness insurance policy(s) presently in force. A supplemental application or other form to be signed by the applicant containing such a question may be used.

(2) Upon determining that a sale will involve replacement, an insurer, other than a direct response insurer, or its agent, shall furnish the applicant, prior to issuance or delivery of the policy, the notice described in subsection (3) of this section. One (1) copy of such notice shall be retained by the applicant and an additional copy signed by the applicant shall be retained by the insurer. A direct response insurer shall deliver to the applicant upon issuance of the policy, the notice described in subsection (4) of this section. In no event, however, will such a notice be required in the solicitation of the following types of policies: accident only and single premium nonrenewable policies.

(3) The notice required by subsection (2) of this section for an insurer, other than a direct response insurer, shall provide, in substantially the following form:

Notice to Applicant Regarding Replacement of Accident and Sickness Insurance

According to (your application) (information you have furnished), you intend to lapse or otherwise terminate existing accident and sickness insurance and replace it with a policy to be issued by (Company Name) Insurance Company. You may return your new policy within ten (10) days and have your entire premium refunded. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy.

(a) Health conditions which you may presently have (pre-existing conditions) may not be immediately or fully covered under the new policy. This could result in denial or

delay of a claim for benefits under the new policy, whereas a similar claim might have been payable under your present policy.

(b) The new policy will be issued at a higher age than your present policy; therefore, the cost of the new policy, depending upon the benefits, may be higher than your present policy.

(c) The renewal provisions of the new policy should be examined to determine whether you have the right to periodically renew.

(d) You may wish to secure the advice of your present insurer or its agent regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interest to make sure you understand all the relevant factors involved in replacing your present coverage.

(e) If you still wish to terminate your present policy and replace it with new coverage, be certain to accurately and completely answer all questions on the application concerning your medical/health history. Failure to include all important medical information on an application may provide a basis for the company to deny any future claims and to refund your premium as though your policy had never been in force. After the application has been completed and before you sign it, re-read it carefully to be certain that all information has been properly recorded.

The above "Notice to Applicant" was delivered to me on:

(Date)

(Applicant's Signature)

(Agent's Signature)

A copy is to be given to the applicant and a copy retained by the agent and/or company.

(4) The notice required by subsection (2) of this section for a direct response insurer shall be as follows:

Notice to Applicant Regarding Replacement of
Accident and Sickness Insurance

According to (your application) (information you have furnished), you intend to lapse or otherwise terminate existing accident and sickness insurance and replace it with the policy delivered herewith issued by (Company Name) Insurance Company. You may return your new policy within ten (10) days and have your entire premium refunded. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy.

(a) Health conditions which you may presently have (pre-existing conditions) may not be immediately or fully

covered under the new policy. This could result in denial or delay of a claim for benefits under the new policy, whereas a similar claim might have been payable under your present policy.

(b) The new policy will be issued at a higher age than your present policy; therefore, the cost of the new policy, depending upon the benefits, may be higher than your present policy.

(c) The renewal provisions of the new policy should be examined to determine whether you have the right to periodically renew.

(d) You may wish to secure the advice of your present insurer or its agent regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interest to make sure you understand all the relevant factors involved in replacing your present coverage.

(e) (To be included only if the application is attached to the policy.) If you still wish to terminate your present policy and replace it with new coverage, read the copy of the application attached to your new policy and be sure that all questions are answered fully and correctly. Omissions or misstatements in the application could cause an otherwise valid claim to be denied. Carefully check the application and write to (company name and address) within ten (10) days if any information is not correct and complete, or if any past medical history has been left out of the application.

(Company Name)

Section 7. Duplicate Benefits. (1) No insurer or agent thereof may sell a policy to an individual entitled to benefits under federal medicare, or under any other policy with knowledge that such policy substantially duplicates health benefits to which such individual is otherwise entitled other than as a recipient of medical assistance benefits under Title XIX of the Social Security Act. For purposes of this paragraph, benefits which are payable to or on behalf of an individual without regard to other health benefit coverage of such individual, shall not be considered duplicative.

(2) Application forms shall include a question designed to elicit information as to whether the insurance to be issued duplicates other accident and health insurance presently in force.

Section 8. Effective Date. This regulation shall be effective thirty (30) days from the date it is approved pursuant to KRS Chapter 13.

Section 9. [7.] Severability. If any provision of this regulation or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the regulation and the application of such provision to other persons or circumstances shall not be affected thereby.

DANIEL D. BRISCOE, Commissioner
ADOPTED: January 5, 1981

Proposed Amendments

DEPARTMENT OF TRANSPORTATION Bureau of Vehicle Regulation Division of Vehicle Licensing (Proposed Amendment)

601 KAR 9:005. Year-round registration system.

RELATES TO: KRS Chapter 186

PURSUANT TO: KRS 13.082, 186.005, 186.050, 186.051, 186.240

NECESSITY AND FUNCTION: KRS 186.051 provides that by January 1, 1978, the Department shall establish a year-round system for the registration of motor vehicles that are enumerated in KRS 186.050(1). Such motor vehicles are those primarily designed for carrying passengers and having provisions for not more than nine (9) passengers, including the operator. This regulation implements guidelines for the operation and administration of a year-round registration system. *The purpose of this amendment is to require all county clerks to issue in typewritten form (instead of handwritten) all forms and blanks for the registration of motor vehicles. Approximately eight (8) percent of the clerks are affected by this requirement.*

Section 1. Beginning January 1, 1978, all motor vehicles registered in the Commonwealth of Kentucky under the provisions of KRS 186.050(1) shall be registered under a year-round registration system as hereinafter set forth. Such motor vehicles are those motor vehicles, including taxicabs, airport limousines, and U-Drive-Its, primarily designed for carrying passengers and having provisions for not more than nine (9) passengers, including the operator. All other motor vehicles are excluded from the provisions of this regulation.

Section 2. There shall be twelve (12) separate and distinct registration periods, each of which shall contain twelve (12) consecutive months. Each registration period shall begin on the first day of a calendar month and shall expire on the last day of the last month in the registration period.

Section 3. Beginning January 1, 1978, the registration period for all motor vehicles registered under KRS 186.050(1) that were registered in Kentucky for the registration year ending December 31, 1977, shall begin on March 1 and shall expire on the last day of February each year.

Section 4. Beginning January 1, 1978, the registration period for all motor vehicles, whether new or used, that are registered under the provisions of KRS 186.050(1) that have never been registered in Kentucky prior to January 1, 1978, shall begin on the first day of the calendar month in which the motor vehicle is registered in Kentucky for the first time, and shall expire on the last day of the last month in the registration year period. Thereafter the motor vehicle shall retain the same registration regardless of change of ownership of the motor vehicle. The provisions of this section shall apply to motor vehicles that may have previously been registered in Kentucky but, subsequently, have been registered and titled in another state.

Section 5. Beginning January 1, 1978, any county court clerk may offer for sale the appropriate license tag or decal, or both, as the case may be, for the renewal registration of a motor vehicle included under KRS 186.050(1) not earlier than two (2) months prior to the beginning of the registration period for which the renewal registration of such motor vehicle is required.

Section 6. If the owner renews the registration of the motor vehicle at some date later than the beginning of the vehicle's regular registration period, the registration fee must be paid for the full year. A motor vehicle registered under these circumstances shall retain its original registration period.

Section 7. There shall be no proration of fees under this registration system, and additional time shall not be allowed for the registration of a motor vehicle beyond its registration year expiration date, unless such additional time is granted by Executive Order of the Governor of Kentucky.

Section 8. The following schedule of registration expiration dates shall apply to motor vehicles, whether new or used, that are to be registered pursuant to Section 4. The fee schedule shall be the same for motor vehicles registered pursuant to Section 3. The fees shall be: state fee \$11.50; clerk's fee \$1; total fee \$12.50.

Motor vehicle registered for the first time in Kentucky during the month of:	Shall be issued a certificate of registration and other appropriate material which expires:
January	December 31
February	January 31
March	February 28 (or 29)
April	March 31
May	April 30
June	May 31
July	June 30
August	July 31
September	August 31
October	September 30
November	October 31
December	November 30

Section 9. All forms and blanks furnished to the clerk by the department pursuant to KRS 186.005 to 186.260 shall be typewritten by the clerk before issuance.

JAMES F. RUNKE, Acting Commission

ADOPTED: November 24, 1980

APPROVED: FRANK R. METTS, Secretary

RECEIVED BY LRC: December 22, 1980 at 1:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Director, Division of Vehicle Licensing, Bureau of Vehicle Regulation, Room 203, State Office Building, Frankfort, Kentucky 40622.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Vocational Education
(Proposed Amendment)

705 KAR 2:030. Foundation program units.

RELATES TO: KRS 156.070, 157.360, 163.020, 163.030

PURSUANT TO: KRS 13.082, 156.035, 156.070, 163.030

NECESSITY AND FUNCTION: KRS 156.070 gives the State Board of Education the management and control of the common schools; KRS 157.360 requires the Superintendent of Public Instruction to allot to school districts, as a part of the Foundation Program, classroom units for vocational education; and KRS 163.020 and 163.030 mandate that the state provide for and administer a vocational education program. This regulation establishes methods and procedures [To establish regulations] to cover the allocation of vocational education units under the [Kentucky] Foundation Program.

Section 1. Local school districts shall request vocational education units on form FP-VE-1 provided by the Division of Finance, Bureau of Administration and Finance, by May 15. The request shall be made only for programs which have been included in the required local plan for vocational education. Request for new units shall be based on plans submitted by the local school district which are developed in conjunction with the regional vocational staff and the Program Development Division, Bureau of Vocational Education.

Section 2. Vocational units shall be allocated to local school districts to provide vocational education programs for the secondary school students in that district. *The number of vocational units allocated will be based on the relationship of the number of vocational units in the district and the secondary school enrollment.* Only that portion of a teacher's time devoted to vocational education shall be used for calculating vocational units. As a part of the vocational unit, a vocational teacher shall be permitted to perform non-instructional duties assigned to all teachers, not amounting to more than an average of thirty (30) minutes per day. Vocational units shall be allocated only for those programs that have:

(1) Certified vocational teachers who satisfy the requirements of the Kentucky State Plan for the Administration of Vocational Education.

(2) Facilities and equipment which meet established minimum requirements.

(3) A curriculum which serves at least one (1) of the objectives of vocational education.

Failure to meet any one (1) of these criteria shall be cause to withhold the vocational unit.

Section 3. The following activities shall be approvable for vocational units when the teacher is listed as a vocational teacher responsible for a minimum of three (3) vocational periods:

(1) Each vocational teacher shall have a planning period if any part of the unit is to be allocated. Vocational units shall be used to support the planning period only for teachers having at least five-tenths (0.5) unit resulting from vocational teaching and other vocational activities. Teachers who teach two (2) three (3) hour vocational blocks or three (3) two (2) hour vocational blocks shall not

be required to have a planning period during the six (6) hour school day.

(2) One (1) class period shall be permitted for supervision of cooperative vocational education or work experience programs when there is a minimum of ten (10) and a maximum of fifteen (15) participating students with training agreements on file. Two (2) class periods shall be permitted for this purpose when the number of students enrolled are a minimum of sixteen (16) and a maximum of twenty-seven (27). When only one (1) supervision period is provided, the supervision and planning periods shall be scheduled consecutively during the time students are on the job.

(3) One (1) class period shall be permitted for one (1) teacher in each vocational program area to work with activities of integrated and approved vocational student organizations.

(4) A high school with five (5) or more full-time vocational teachers shall be permitted to designate one (1) teacher to use one (1) period to serve as a vocational department head.

(5) Agriculture teachers shall be permitted one (1) period for supervision of occupational work experience programs for a minimum of thirty (30) and a maximum of fifty (50) students. Two (2) periods shall be permitted for a teacher with more than fifty (50) students when at least twenty (20) students are juniors and seniors.

(6) Teachers shall qualify solely for supervision of cooperative work experience and agricultural programs supervision without the prerequisite of first teaching at least three (3) vocational periods.

Section 4. Class sizes shall be considered in allocating vocational education units. (1) All vocational classes shall have a minimum membership of ten (10) students [unless justification is submitted to and approved by the Assistant Superintendent for Vocational Education].

(2) More than one (1) section of the same class shall have an average of twelve (12) students per class. [Approval by the Assistant Superintendent for Vocational Education is required for justification of smaller enrollments.]

(3) The maximum number of students per class shall be based on the class setting. *For a classroom setting, the maximum enrollment shall be thirty (30). For a laboratory or shop setting, the maximum enrollment shall be twenty-seven (27) or the number for which the facility is equipped, whichever is less. For a supervised out-of-school setting, the maximum enrollment shall be twenty-seven (27) [or the number for which the facility is equipped, whichever is less].*

(4) *Approval by the Superintendent of Public Instruction is required for justification of exceptions. Justifications shall be submitted by the local superintendent concurrent with the professional staff data forms.*

Section 5. The class length standard for vocational classes shall be a minimum of sixty (60) minute periods and 300 minutes per week including passing time. If the Bureau of Instruction approves a different pattern of class schedules for the total school program, the *Superintendent of Public Instruction* [Assistant Superintendent for Vocational Education] shall, on request, approve shorter class periods for non-laboratory, shop, or practical exercise classes. Vocational classes which are laboratory, shop, or practical exercise classes shall require two (2) consecutive class periods if the gross period of time for one (1) class is less than sixty (60) minutes. Programs having exploratory objectives shall be considered on individual requests as exceptions to the minimum length of class period.

Section 6. The *Superintendent of Public Instruction* [Assistant Superintendent for Vocational Education] shall calculate units for programs offered in local high schools based on the information provided on the professional staff data (PSD) form which is completed on September 15 and amended as of February 1. The PSD shall be used to determine the amounts of time devoted to vocational programs, services, and activities. Additional justification shall be provided as needed to justify periods not devoted to teaching. Units shall be allocated for each vocational period calculated to the nearest tenth of a unit.

Section 7. The allocation of units to local school districts sending students to state vocational-technical schools and area vocational education centers shall be calculated on the basis of the number of students enrolled as of October 1. A vocational education unit shall be allotted for thirty (30) students attending the school three (3) hours per day, five (5) days per week or equivalent to this amount of student time. Units will be calculated to the nearest one-tenth (0.1) unit. The "contract" vocational unit shall be calculated at the value for a Rank III teacher with four (4) to nine (9) years experience and one (1) month extended employment. The unit shall include the foundation program value for salary, capital outlay, and current expenses.

Section 8. The funds calculated from the foundation program for students attending state-operated vocational schools shall be divided. Twenty (20) percent shall be transferred to the local school district owning the facility and eighty (80) percent transferred to the Bureau of Vocational Education for operating the program. If the facility is state-owned, 100 percent of the funds shall be transferred to the Bureau of Vocational Education.

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: December 2, 1980

RECEIVED BY LRC: December 30, 1980 at 2:30 p.m.

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

EDUCATION AND ARTS CABINET

Department of Education
Bureau of Vocational Education
(Proposed Amendment)

705 KAR 3:110. Equipment inventory.

RELATES TO: KRS 42.030, 163.030

PURSUANT TO: KRS 13.082, 163.030

NECESSITY AND FUNCTION: KRS 42.030 gives the Department of Finance the function and responsibility of supervision of purchasing and storekeeping and control of property and stores, and KRS 163.030 gives the State Board of Education the power and responsibility to administer the state vocational education program. This regulation establishes [To establish] policy and operating procedures relative to inventorying vocational education equipment.

Section 1. The Office [Bureau] of Resource Management [Vocational Education] shall be responsible for the management and control of an [the] inventory system for vocational education programs. All nonexpendable personal property with a value of fifty dollars (\$50) or more acquired in whole or in part with state funds shall be maintained on this [a current] inventory and identified in accordance with regulations established by the [Executive] Department of [for] Finance [and Administration]. Each item with a value of fifty dollars (\$50) or more shall be maintained on current inventory]. The Bureau of Vocational Education shall be responsible for the conduct of an annual physical inventory of all property in vocational education programs and shall make reports of such inventories to the Office of Resource Management by September 1.

Section 2. All nonexpendable personal property acquired in whole or in part with federal funds shall be maintained on the [a] current inventory in accordance with federal guidelines.

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: December 2, 1980

RECEIVED BY LRC: December 30, 1980 at 2:30 p.m.

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

EDUCATION AND ARTS CABINET

Department of Education
Bureau of Vocational Education
(Proposed Amendment)

705 KAR 3:130. Equipment disposal.

RELATES TO: KRS 45.360, 163.020, 163.030[, 163.040]

PURSUANT TO: KRS 13.082, 163.030

NECESSITY AND FUNCTION: KRS 45.360 requires the Department of Finance to exercise jurisdiction over the sale or disposal of state surplus property; and KRS 163.020 and 163.030 mandate a state vocational education program with certain purposes. This regulation recognizes the Department of Finance's authority over surplus state property and any similar authority of the federal government over property acquired with federal funds and establishes [To establish] policy and operating procedures relative to disposal and transfer of vocational education equipment.

Section 1. The disposal of all surplus nonexpendable personal property acquired in whole or in part with state funds shall be disposed of in accordance with the requirements of [regulations established by] the [Executive] Department of [for] Finance [and Administration]. The Office of Resource Management [Bureau of Vocational Education] shall be responsible for coordinating the disposal of all surplus equipment in vocational education programs. All disposal requests shall be submitted to the Office of Resource Management [Bureau of Vocational

Education. The Bureau of Vocational Education shall be provided a disposal action report within fifty (50) days from date of approval of disposal request].

Section 2. The disposal of all surplus nonexpendable personal property acquired in whole or in part with federal funds shall be disposed of in accordance with federal regulations.

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: December 2, 1980

RECEIVED BY LRC: December 30, 1980 at 2:30 p.m.

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

EDUCATION AND ARTS CABINET

Department of Education
Bureau of Vocational Education
(Proposed Amendment)

705 KAR 4:010. General standards.

RELATES TO: KRS 156.112, 163.020 [156.070], 163.030

PURSUANT TO: KRS 13.082, 156.112, 163.030

NECESSITY AND FUNCTION: *KRS 156.112 gives the State Board of Education the function and authority to develop and adopt policies and regulations by which the Department for Occupational Education is to be governed in planning, coordinating, administering, supervising, operating, and evaluating occupational education programs, services, and activities; and KRS 163.020 and 163.030 mandate a state vocational education program with certain purposes. This regulation establishes [To establish] general standards for all vocational education programs.*

Section 1. Vocational education programs shall be designed to serve one (1), or combinations, of the following groups of persons: secondary, postsecondary, *short term adult, long term adult* [adult], disadvantaged, and handicapped. *Instructional programs will not discriminate on the basis of race, color, national origin, age, religion, marital status, sex, or handicap.*

Section 2. Vocational instruction shall be provided to serve occupations within the following vocational program areas: agribusiness, business and office, health and personal services, home economics, industrial, marketing and *distributive* [distribution], practical arts, public service, and special vocational.

Section 3. Objectives of the instruction shall be designed to: (1) Prepare individuals for gainful employment as semi-skilled or skilled workers, technicians, or semi-professionals in recognized occupations and in new or emerging occupations, or

(2) Prepare individuals for enrollment in advanced or highly skilled vocational and technical education programs, or

(3) Assist individuals in making informed and meaningful occupational choices, or

(4) *Up-grade and up-date individuals in their present occupations; or [Achieve any combination of the above.]*

(5) *Achieve any combination of the above.*

Section 4. The content of instruction in vocational education programs shall: (1) Be based on a consideration of the skills, attitude, and knowledge required to achieve the objective of such instruction and include a planned sequence of those essentials of education or experience (or both) deemed necessary for the individual to achieve such objectives.

(2) Be developed and conducted in consultation with potential employers and other individuals having skills and substantive knowledge of the occupation or the occupational fields included in instruction.

(3) Include the most up-to-date knowledge and skills necessary for competencies required to meet the objectives of such instruction.

(4) Be sufficiently extensive in duration and intensive within a scheduled unit of time to enable the student to achieve the objectives of instruction.

Section 5. The vocational program of instruction shall combine and coordinate classroom instruction with field, shop, laboratory, cooperative work, or other occupational experience which:

(1) Is appropriate to the objectives of instruction,

(2) Is of the sufficient duration to develop competencies necessary for the student to achieve such objectives, and

(3) Is supervised, directed, or coordinated by persons qualified under the Kentucky State Plan for the Administration of Vocational Education.

Section 6. Instructional personnel in vocational education shall be qualified and fully certified under the provisions of the Kentucky State Plan for the Administration of Vocational Education and other regulations of the State Board of Education. Work experience requirements not included as a part of certification programs shall be approved by the *Superintendent of Public Instruction* [Assistant Superintendent for Vocational Education].

Section 7. All instructional personnel shall attend district, regional, or state in-service education meetings called and/or approved by the *Superintendent of Public Instruction* [Assistant Superintendent for Vocational Education] when such meetings are reimbursed by funds from the Bureau of Vocational Education. Instructional personnel may be excused by the local superintendent when the reasons are justified and submitted in writing to the *Superintendent of Public Instruction* [Assistant Superintendent for Vocational Education].

Section 8. Annual plans for vocational programs and applications for funds for the next school year shall be submitted by local educational agencies to the regional program coordinator for vocational education by April 15. The program plan shall be reviewed by the regional staff and the Bureau of Vocational Education staff and approved by the *Superintendent of Public Instruction* [Assistant Superintendent for Vocational Education] prior to program implementation.

Section 9. Recognized vocational student organizations shall be an integral part of the instructional program and shall be supervised by qualified vocational education personnel.

Section 10. Each occupational preparation program area offered by a local educational agency shall have an active program advisory committee to assist in planning, implementing, and evaluating programs.

Section 11. A continuous evaluation of the vocational education program shall be conducted by the local educational agency in accordance with requirements and instruments developed or approved by the Department of Education and by the local educational agency to determine the effectiveness of the program in terms of its objectives. The evaluation shall include a follow-up of students after their termination from the program. The *Superintendent of Public Instruction* [Assistant Superintendent for Vocational Education] shall designate the records and reports to be kept by local educational agencies operating approved vocational education programs.

Section 12. Where applicable, all vocational education programs shall operate according to guidelines developed by state and/or national licensure, certification, and registration agencies [or boards] having jurisdiction over graduates who seek employment in occupations governed by such agencies [or boards].

Section 13. Classrooms, libraries, shops, laboratories, and other facilities, including instructional equipment, supplies, teaching aids, and other materials, shall be provided [adequate] in quantity and quality to meet the objectives in the vocational instruction. *The facilities and equipment for any vocational education program shall be of adequate size and design to accommodate the activities and number of work stations unique to each program. Minimum standards for facilities and equipment shall be prepared and distributed by the individual program unit in the Bureau of Vocational Education. Facilities and equipment shall be approved by the Superintendent of Public Instruction.*

Section 14. *The Bureau of Vocational Education shall prepare course descriptions and criteria for distribution to local school districts when the criteria for approval are more specific than these general standards.* [Requests for exceptions to any standards for vocational instructional programs shall be submitted in writing by the local educational agency, recommended by the appropriate program unit director, and approved by the Assistant Superintendent for Vocational Education. Exceptions shall be limited to experimental programs, innovative programs, and unusual cases and shall be approved on an individual and annual basis.]

Section 15. *Requests for exceptions to any standards for vocational instructional programs shall be submitted in writing by the local educational agency, recommended by the appropriate program unit director, and approved by the Superintendent of Public Instruction. Exceptions shall be limited to experimental programs, innovative programs,*

and unusual cases and shall be approved on an individual and annual basis.

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: December 2, 1980

RECEIVED BY LRC: December 30, 1980 at 2:30 p.m.

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

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Vocational Education
(Proposed Amendment)

705 KAR 4:020. Extended employment; local districts.

RELATES TO: KRS 156.112, 163.020 [156.070], 163.030

PURSUANT TO: KRS 13.082, 156.112, 163.030

NECESSITY AND FUNCTION: KRS 156.112 gives the State Board of Education the function and authority to develop and adopt policies and regulations by which the Department for Occupational Education is to be governed in planning, coordinating, administering, supervising, operating, and evaluating occupational education programs, services, and activities; and KRS 163.020 and 163.030 mandate a state vocational education program with certain purposes. This regulation identifies [To identify] the purpose, uses, and request procedures for extended employment of vocational teachers employed by local school districts.

Section 1. Extended employment, provided under the Kentucky Foundation Program to permit local school districts to employ personnel beyond the normal school year of nine and one-fourth (9¼) months, shall be used by certified vocational personnel for the primary purpose of improving the education program.

Section 2. Extended employment time shall be used for the following type of activities: (1) Teaching secondary students during summer sessions or during weeks of school extended beyond nine and one-fourth (9¼) months;

(2) Supervision of students enrolled in vocational programs [during the academic year] including such activities as:

(a) Placement and follow-up of graduates and drop-outs;

(b) Placement and supervision of vocational students employed and self-employed during the summer months.

(3) Supervision of student organization activities occurring during the summer;

(4) Planned occupational experience in business and industry which is directly related to the teacher's teaching responsibility and approved for a specific period of time;

(5) Planned in-service experiences such as conferences and workshops called at the state or regional level. Attendance at the summer conferences is significant enough that

any teacher not attending shall present justification to the local superintendent and, if approved locally, a request must be made to the *Superintendent of Public Instruction* [Assistant Superintendent for Vocational Education] for approval;

(6) Planned evaluation to ascertain the quality and continued validity of the instructional program;

(7) Other activities such as: curriculum committees, laboratory organization, conducting manpower surveys, and planning or improvement of the course of study;

(8) For twelve (12) month employees, up to ten (10) days of planned educational experience in an institution of higher education shall be permitted when the courses are of mutual benefit to the teacher and to the program. Upon special request of the teacher and approved by the superintendent, teachers with less than twelve (12) months employment shall be considered for approval by the *Superintendent of Public Instruction* [Assistant Superintendent for Vocational Education];

(9) For twelve (12) month employees, vacation time shall be consistent with local board policies for all twelve (12) month employees. This means that vocational teachers employed for twelve (12) months shall work at all times the superintendent's office is open and shall be eligible for sick leave and vacation time appropriate for other twelve (12) month employees. When local board policies do not cover teachers' vacations, a maximum of two (2) weeks shall be approved from extended employment time;

(10) Teachers shall not permit vacation and college education to interfere with the essential extended employment activities of the vocational program such as: conferences, student supervision, and student organization activities.

Section 3. Plans for extended employment shall be submitted with the annual local plan for vocational education. The plans shall include the objectives as well as the activities and the *number of days* [percentage of time] to be devoted to each objective. These plans shall be for the period from July 1 to June 30.

Section 4. By May 15, each teacher shall *complete* [submit] a schedule of extended employment activities for the summer. The schedule shall be approved and retained by the local superintendent. [Upon request of a program unit director, copies of the schedule shall be forwarded to the Bureau of Vocational Education for approval.]

Section 5. Periodic reports to show actual use of extended employment shall be submitted as requested by the Bureau of Vocational Education.

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: December 2, 1980

RECEIVED BY LRC: December 30, 1980 at 2:30 p.m.

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

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Vocational Education
(Proposed Amendment)

705 KAR 4:040. Cooperative program standards.

RELATES TO: KRS 156.112, 163.020 [156.070], 163.030

PURSUANT TO: KRS 13.082, 156.112, 163.030

NECESSITY AND FUNCTION: KRS 156.112 gives the State Board of Education the function and authority to develop and adopt policies and regulations by which the Department for Occupational Education is to be governed in planning, coordinating, administering, supervising, operating, and evaluating occupational education programs, services, and activities; and KRS 163.020 and 163.030 mandate a state vocational education program with certain purposes. This regulation establishes [To establish] program standards for cooperative vocational education [programs].

Section 1. Cooperative vocational education [programs] shall meet the following minimum requirements:

(1) Enrollees must be at least sixteen (16) years of age and if below eighteen (18) they must secure a work permit issued by the superintendent of schools. Students from eighteen (18) to twenty-one (21) years of age shall have a certificate of age on file with the employer.

(2) Enrollees shall have taken basic skill prerequisites required by the occupational program they are pursuing. Students in business and office shall have completed two (2) business classes and shall be completing the requirements for a business and office cluster. The students in gainful home economics occupations shall have completed at least one (1) semester of the program.

(3) A student in [a] cooperative education [program] shall be enrolled in a related class under the direction of the teacher-coordinator. The student shall receive minimum classroom instruction equivalent to five (5) hours per week.

(4) The student shall spend a minimum of fifteen (15) clock hours per week in a salaried position which provides work experience directly related to the student's educational program. Exceptions: students in gainful home economics occupations may spend a minimum of ten (10) clock hours per week. Students in industrial education shall spend time on the job equal to that time spent in school on an alternate or rotating basis. [The student shall be paid a fair wage in accordance with local, state and federal minimum wage requirements.]

(5) The student shall be paid in accordance with local, state, and federal minimum wage requirements. [A training agreement between the school and the employer shall be on file for each student.]

(6) A training agreement and training plan between school, student, and the employer shall be on file for each student. [A local advisory committee shall be formed to advise on suitability of job selection, standards, related instruction, and criteria for evaluation of performance.]

Section 2. Cooperative teacher-coordinators shall meet the following [qualification] requirements: (1) Hold a teaching certificate designated for a teacher in an occupational program area in which he/she is coordinating cooperative vocational education experiences.

(2) Have a minimum of two (2) years teaching ex-

perience in an occupational program area. Exceptions: Agricultural, distributive education and special vocational education teacher-coordinators shall not be required to have prior teaching experience. Teacher-coordinators of industrial cooperative programs who are graduates of an approved associate degree or bachelor's degree program may be certified without prior teaching experience. Home economics teacher-coordinators shall meet requirements for gainful home economics teachers as stated in the "Kentucky State Plan for the Administration of Vocational Education."

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: December 2, 1980

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

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Vocational Education
(Proposed Amendment)

705 KAR 4:060. Secondary vocational education standards.

RELATES TO: KRS 156.112, 163.020 [156.070], 163.030

PURSUANT TO: KRS 13.082, 156.112, 163.030

NECESSITY AND FUNCTION: *KRS 156.112 gives the State Board of Education the function and authority to develop and adopt policies and regulations by which the Department for Occupational Education is to be governed in planning, coordinating, administering, supervising, operating, and evaluating occupational education programs, services, and activities; and KRS 163.020 and 163.030 mandate a state vocational education program with certain purposes. This regulation establishes [To establish] general standards for vocational programs offered in secondary schools.*

Section 1. The vocational curriculum shall be in conformance with the Kentucky Program of Studies approved by the State Board of Education. A school system offering a new vocational curriculum shall receive approval by the *Superintendent of Public Instruction* [Assistant Superintendent for Vocational Education] prior to program implementation.

Section 2. Preparatory secondary vocational education programs shall serve students enrolled in a school organized to provide appropriate learning experiences and related services for students classified in grades nine (9) through twelve (12). Exploratory programs shall be permitted at the seventh through ninth [and eighth] grade levels.

Section 3. The vocational preparation program offered in vocational schools shall provide a curriculum of sufficient length to permit students to secure entry-level skills in the occupations for which they are training. A program

shall be offered on a daily basis and on a schedule which is consistent with good educational practice. New patterns shall be researched and piloted on a limited basis before total acceptance throughout the state. Such action shall be recommended by the *Superintendent of Public Instruction* [Assistant Superintendent for Vocational Education].

Section 4. Vocational student organizations shall be integrated in the vocational education program. Vocational teachers shall serve as adult advisors to the student organizations to improve the quality and relevance of instruction, develop student leadership, enhance citizenship responsibilities, and provide other wholesome experiences for youth.

Section 5. The *Superintendent of Public Instruction* [Assistant Superintendent for Vocational Education] shall have reviewed all vocational classes based on required local plans, professional staff data (PSD) forms, and periodic evaluation visits. [Only programs and classes approved by the Assistant Superintendent for Vocational Education shall receive weights under the weighted pupil unit (WPU) distribution of State Foundation Program funds.]

Section 6. Minimum and maximum class size shall be based upon program design, available facilities, and approval of the required local plan.

Section 7. [The Assistant Superintendent for Vocational Education shall approve facilities and equipment prior to approving weighting under WPU for each vocational class.] New approved programs must meet the minimum requirements prepared by the *Superintendent of Public Instruction* [Assistant Superintendent for Vocational Education]. Existing programs not meeting minimum requirements shall develop a plan to meet the requirements for facilities and equipment within a reasonable period of time.

Section 8. All secondary vocational teachers shall hold teaching certificates and meet other requirements of the Kentucky State Plan for the Administration of Vocational Education.

Section 9. Students shall be admitted for enrollment and receive instruction on the basis of their potential for achieving the objectives of such instruction.

Section 10. Secondary students enrolled in public or private schools shall be permitted to enroll in vocational programs within state-operated [area] vocational schools consistent with that school's student enrollment quota for cooperating local school districts. Secondary students shall be at least fifteen (15) years of age during the school year in which they enroll in a vocational preparation program. No lower age limit shall deny any student use of the facilities of vocational schools for career education experiences designed to produce occupational awareness, orientation, exploration, and limited work exposure. High school credit shall be permitted for students enrolled in vocational programs in vocational schools on the same basis as the equivalent time would be granted high school credit for programs offered in the secondary schools.

Section 11. Each local district shall provide adequate instructional supplies for each approved vocational education program. While the amount of supplies needed by each class will vary, the local district shall provide a

minimum of \$300 for each full-time vocational teacher. The amount shall be prorated for teachers employed less than full-time as a vocational teacher.

Section 12. The cost of instructional supplies and maintenance of equipment shall not be shifted to student fees. The student may be required to purchase *non-instructional items including but not limited to wearing apparel and personal occupational liability insurance* which will become the property of the student. Students may also be charged *dues for voluntary* student organizations [dues and activity fees].

RAYMOND BARBER

Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET

Department of Education
Bureau of Vocational Education
(Proposed Amendment)

705 KAR 4:070. Agribusiness education.

RELATES TO: KRS 156.112, 163.020 [156.070], 163.030

PURSUANT TO: KRS 13.082, 156.112, 163.030

NECESSITY AND FUNCTION: KRS 156.112 gives the State Board of Education the function and authority to develop and adopt policies and regulations by which the Department for Occupational Education is to be governed in planning, coordinating, administering, supervising, operating, and evaluating occupational education programs, services, and activities; and KRS 163.020 and 163.030 mandate a state vocational education program with certain purposes. This regulation establishes [To establish] program standards for secondary agribusiness education programs.

Section 1. The following minimum requirements shall apply to those schools offering secondary agribusiness education programs:

(1) Instruction shall be for youth in secondary schools who are preparing for job entry in the field of agriculture. Classroom instruction and supervision of the students' occupational experience programs must be a part of the instructional program. Time shall be provided in the daily schedule for both class instruction and supervision.

(2) The curriculum shall be designed to offer training that will enable students to develop skills and competencies that are necessary for job entry and advancement in their chosen agricultural occupations.

(3) Each student shall plan and conduct, under the supervision of the teacher, an occupational experience program which contributes to the student's [his] occupational objective.

(4) Each student enrolled in a preparatory program shall have a record of an occupational objective on file. It shall specify a planned sequence of instruction.

(5) Preparatory programs designed for eleventh and twelfth grade students shall be two (2) year programs that meet for a minimum two (2) hour block of instruction each school day.

(6) Any exception to the minimum requirements in this section shall have the approval of the *Superintendent of Public Instruction* [Assistant Superintendent for Vocational Education].

Section 2. The Future Farmers of America (FFA) shall be the officially recognized student organization for secondary students enrolled in agribusiness education:

(1) Each approved program in agribusiness education shall have an active FFA chapter that provides leadership development for all its members as evidenced by its meeting the requirements for a standard chapter.

(2) Agribusiness education teachers shall serve as FFA chapter advisers. In multiple-teacher departments, each teacher shall share the FFA chapter responsibilities.

Section 3. (1) A regular program of agribusiness education shall require the services of a teacher for a twelve (12) month period. The summer months shall be spent supervising occupational experience programs of secondary students, supervising the business operations of young and adult farmers and other *agricultural* [agriculture] workers employed in agriculture. In addition to providing the necessary supervision to students enrolled in the agribusiness education programs, the teacher shall also use summer employment for many of the following activities:

(a) Teach secondary students during summer sessions or during weeks of school extended beyond the normal school year.

(b) Placement and follow-up of graduates.

(c) Supervision of students participating in local, regional, state and national livestock shows and fairs that are a part of the agribusiness education program.

(d) Attending and supervising students during a week of leadership development at the Kentucky FFA Leadership Training Center.

(e) Participation in the in-service training provided and promoted by the agribusiness education unit.

(f) Planning and supervising summer activities of the FFA chapter.

(g) Conducting planned evaluation to ascertain the quality and validity of the instructional program.

(h) Attending and supervising students at the annual state FFA convention.

(i) Revising the course of study, purchasing teaching materials, planning and conducting classroom and laboratory improvements.

(j) Visiting prospective students.

(2) A plan for the agribusiness education program shall be submitted annually with the local plan for vocational education. It must include a plan for summer activities and weeks of teachers' time to be devoted to each. The summer plan shall be for the months of July and August of the current year and June of the following calendar year.

(3) By May 15, each agribusiness education teacher shall submit a schedule of employment activities for the summer. This schedule shall be for June, July, and August of the current year.

(4) Where the plans for a local program do not justify the services of a teacher of agribusiness education for a twelve (12) month period, a plan for employment of less than twelve (12) months must be developed between the local board of education and the local teacher. The plan,

with justification, shall be submitted annually to the Superintendent of Public Instruction for approval.

[Section 4. The schools offering agribusiness education shall provide facilities and equipment relevant to the program(s) being offered. (Example: greenhouse with related facilities and equipment for a horticulture program.) The facilities and equipment shall be approved by the Assistant Superintendent for Vocational Education. Minimum standards for facilities and equipment shall be prepared and distributed by the Bureau of Vocational Education.]

Section 4. [5.] The minimum qualifications for employment of an agribusiness education teacher shall be: Agribusiness education teachers shall have valid certificate.

[Section 6. Standards for cooperative education programs in agribusiness education, in addition to other regulations governing cooperative education programs, shall be:]

[(1) The student shall be placed on a farm, in an agricultural business, industry, processing plant, organization, or with a professional in agribusiness for cooperative work experience.]

[(2) A written training plan shall be agreed on by the cooperator, the trainee, the teacher, and the parents of the trainee.]

[(3) The trainee shall spend sufficient time in a salaried position to develop skills and competencies necessary to reach the occupational objective.]

[Section 7. The agribusiness education unit shall prepare course descriptions and criteria for distribution to local school districts when the criteria for approval are more specific than these program standards.]

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: December 2, 1980

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

EDUCATION AND ARTS CABINET

Department of Education
Bureau of Vocational Education
(Proposed Amendment)

705 KAR 4:080. FFA leadership training center.

RELATES TO: KRS 156.112, 163.020 [156.070], 163.030

PURSUANT TO: KRS 13.082, 156.112, 163.030

NECESSITY AND FUNCTION: KRS 156.112 gives the State Board of Education the function and authority to develop and adopt policies and regulations by which the Department for Occupational Education is to be governed in planning, coordinating, administering, supervising, operating, and evaluating occupational education programs, services, and activities; and KRS 163.020 and

163.030 mandate a state vocational education program with certain purposes. This regulation establishes [To establish] procedures for operating and maintaining the Kentucky Future Farmers of America Leadership Training Center.

Section 1. The Kentucky FFA Leadership Training Center at Hardinsburg shall be operated and maintained as a definite part of the state program of agribusiness education. The center shall provide training in leadership and citizenship development for youth.

Section 2. The Superintendent of Public Instruction [Assistant Superintendent for Vocational Education] shall have general responsibility for the management and control of the center. The director of the center shall be a supervisor on the staff in agribusiness education in the Program Development Division, Bureau of Vocational Education, Department of Education. The facilities shall be maintained by [dues and] fees collected from members of the Kentucky Association of Future Farmers of America, by funds budgeted by the Bureau of Vocational Education, and by fees charged other groups using the center. The facilities shall be used by the members of the Kentucky Association [of] FFA and other vocational education youth organizations for leadership training and recreation. When not used for vocational education purposes, the facility is available for use by other educational and farm organizations.

Section 3. The Superintendent of Public Instruction [Assistant Superintendent for Vocational Education] shall appoint an advisory [a policy] committee whose duty it shall be to advise with the director of agribusiness education and the director of the Leadership Training Center regarding the operation of the center. The advisory [policy] committee shall be composed of a representative from the Agribusiness Education Unit [Division of Agribusiness Education], a representative from the teacher education staff in agribusiness education, two (2) teachers of vocational agriculture, and the president of the Kentucky Association of Future Farmers of America. The executive secretary of the Kentucky Association of Future Farmers of America shall be chairman of the advisory [policy] committee without a vote, and the director of the center shall serve as secretary without a vote.

Section 4. The director of the center shall, with the approval of the director of agribusiness education and with the advice of the advisory committee, schedule the use of the facilities and develop procedures for its operation in line with the objectives of the program. Fees for room and meals shall be established by the director of agribusiness education after consultation with the director of the center and the advisory committee. These rates shall be submitted for approval by the Superintendent of Public Instruction. [The director of the center shall, upon the approval of the director of agribusiness education and with the advice of the policy committee, schedule the use of the facilities, fix the charges for room and meals, and develop procedures for its operation in line with the objectives of the program.]

Section 5. The director of the center and other full and part-time employees shall be employed by the Superintendent of Public Instruction in accordance with established policies of the State Board of Education. Purchases of supplies, equipment, food, soft drinks, maintenance items,

repairs to equipment, capital outlay items, and other recurring purchases shall be made in accordance with policies of the State Board of Education. [The director of the center and other personnel employed at the center and paid from the funds provided by the Department of Education shall be employed by the Superintendent of Public Instruction, upon recommendation of the Assistant Superintendent for Vocational Education, in line with the established policies of the department. Personnel employed on a day-to-day basis, such as kitchen help, canteen help, and persons used to take care of the buildings and grounds, and paid from fees collected by the Leadership Training Center shall be employed by the director of the center with the approval of the director of agribusiness education.]

[Section 6. The director of the center, with the approval of the director of agribusiness education, shall let contracts for purchase of such items as milk, soft drinks, groceries, and other recurring expenditures. All expenditures from the funds of the center for capital outlay and equipment shall have prior approval of the Assistant Superintendent for Vocational Education.]

[Section 7. The director of the center shall be responsible for keeping an accurate record of all receipts from dues, fees, donations, and all expenditures. An approved system of bookkeeping shall be used. The Assistant Superintendent for Vocational Education shall be responsible for requiring an annual audit of the books of the center. Expenditures for food, housing, and other non-educational phases of the program shall be paid from the dues, fees, and donations to the center. Expenditures related to instruction shall be paid by the Bureau of Vocational Education from funds included in the annual budget to support such activities conducted at the center.]

RAYMOND BARBER

Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Vocational Education
(Proposed Amendment)

705 KAR 4:090. Business and office education.

RELATES TO: KRS 156.112, 163.020 [156.070], 163.030

PURSUANT TO: KRS 13.082, 156.112, 163.030

NECESSITY AND FUNCTION: KRS 156.112 gives the State Board of Education the function and authority to develop and adopt policies and regulations by which the Department for Occupational Education is to be governed in planning, coordinating, administering, supervising, operating, and evaluating occupational education programs, services, and activities; and KRS 163.020 and

163.030 mandate a state vocational education program with certain purposes. This regulation establishes [To establish] program standards for secondary school vocational business and office education programs.

Section 1. The following minimum requirements shall apply for schools offering a secondary vocational business and office education program:

(1) The school shall offer a minimum of two (2) business and office occupational curriculum clusters in addition to a basic program *selected from clusters in the Program of Studies for Kentucky Schools*. [The clusters are secretarial, clerical, accounting—jr. management, and data processing.]

(2) The program shall have a minimum of three (3) business teachers, two (2) of whom are approved as vocational teachers.

(3) A minimum total of fifteen (15) vocational business and office students are enrolled in the two (2) occupational clusters.

(4) Students shall have an occupational objective card on file specifying a planned sequence of instruction.

(5) Each student's curriculum shall consist of six (6) units of credit in business and office, four (4) of which must be classified as vocational.

Section 2. The Future Business Leaders of America (FBLA) shall be the official student organization for business and office education.

Section 3. All vocational business and office teachers shall have a minimum of one (1) week extended employment to complete the activities of the program and participate in approved in-service education. Minimum additional extended employment for the following shall be:

(1) First year co-op and model office coordinators: three (3) weeks.

(2) Experienced co-op and model office coordinators: two (2) weeks.

(3) FBLA advisers: one (1) week for attending officer training workshop.

(4) Business and office department chairmen in departments with five (5) or more business teachers: one (1) week.

[Section 4. The business department shall consist of a minimum of three (3) classrooms with furniture and equipment appropriate for instruction for business occupations and equivalent to that used in business and industry. The facilities and equipment shall be approved by the Assistant Superintendent for Vocational Education. Minimum standards for new facilities and equipment shall be prepared and distributed by the Bureau of Vocational Education.]

Section 4. [5.] The minimum qualifications for a secondary vocational business and office education teacher shall be:

(1) A baccalaureate degree with a major or an area in business.

(2) A provisional high school certificate for Kentucky.

(3) One (1) year or 2,000 hours of work experience related to the occupation to be taught. The work experience shall be approved by the *Superintendent of Public Instruction* [Assistant Superintendent for Vocational Education].

[Section 6. Minimum standards for a cooperative education program in business and office education, in ad-

dition to general regulations governing cooperative programs, shall be as follows:]

[(1) The students enrolled in the cooperative education program shall have completed two (2) business courses and shall be completing the requirements for a vocational business and office occupational cluster.]

[(2) The student shall spend a minimum of fifteen (15) clock hours per week in a salaried position which provides work experience directly related to the student's educational program.]

Section 5. [7.] A model office program shall meet the following minimum standards:

(1) The class shall meet for a two (2) hour block of instruction each school day for one (1) year.

(2) The program shall use a software simulation package approved by the *Superintendent of Public Instruction* [Assistant Superintendent for Vocational Education].

(3) The program shall provide model office equipment and furniture arranged to simulate a realistic office environment.

(4) The students enrolled in the model office program shall have completed two (2) business courses and shall be completing the requirements for a vocational business and office occupational cluster.

[Section 8. A vocational business and office education teacher shall have no more than three (3) different daily class preparations. If additional preparations are necessary, two (2) planning periods will be required.]

[Section 9. The business and office education unit shall prepare course descriptions and criteria and distribute to local school districts when the criteria for approval are more specific than these program standards.]

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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Vocational Education
(Proposed Amendment)

705 KAR 4:100. Health and personal service education.

RELATES TO: KRS 156.112, 163.020 [156.070], 163.030

PURSUANT TO: KRS 13.082, 156.112, 163.030

NECESSITY AND FUNCTION: *KRS 156.112 gives the State Board of Education the function and authority to develop and adopt policies and regulations by which the Department for Occupational Education is to be governed in planning, coordinating, administering, supervising, operating, and evaluating occupational education programs, services, and activities; and KRS 163.020 and 163.030 mandate a state vocational education program*

with certain purposes. This regulation establishes [To establish] program standards for secondary school health and personal service education programs.

Section 1. The following standards shall apply for schools offering a secondary vocational health and personal service education program:

(1) The student enrollment shall not exceed the number established as approved for the available classroom and clinical facilities.

(2) The maximum student/teacher ratio for health occupations programs shall be fifteen (15) to one (1) per session and twenty (20) to one (1) for personal service programs [unless otherwise approved in writing by the Assistant Superintendent for Vocational Education]. In the event a licensure, certification, [or] registration board, or clinical facility mandates a lower student/teacher ratio, the requirements of this agency [board] shall apply.

(3) Secondary health and personal service education classes normally meet for a minimum of three (3) hours per day. Innovative programs of shorter duration shall be approved in writing by the *Superintendent of Public Instruction* [Assistant Superintendent for Vocational Education].

(4) The program shall meet the criteria established [required] by state and national approval/accrediting agencies [boards and associations] that license, certify, or register the graduates of the program.

Section 2. Student leadership development activities shall be integrated into the educational program. These leadership development activities shall be provided through one (1) of the following:

(1) Affiliation with an organization associated with the career area for which the student is preparing.

(2) Establishment of a local student leadership organization.

(3) Affiliation with a recognized vocational student organization.

(4) Affiliation with community based leadership development organizations.

Section 3. All health and personal service education instructors shall be employed for a minimum of one (1) month beyond the regular school term to complete the activities of the program and participate in planned inservice meetings.

[Section 4. The facilities requirements are: (1) Schools offering health and personal service education shall have available for utilization educational facilities including lecture, laboratory, and classroom areas with furniture and equipment consistent with the instructional objectives of the program.]

[(2) The facilities and equipment shall be approved by the Assistant Superintendent for Vocational Education. Minimum standards for new facilities and equipment shall be prepared and distributed by the Bureau of Vocational Education.]

Section 4. [5.] An instructor in health and personal service education shall have at least a high school diploma, or its equivalent, determined by evidence of an acceptable score on a GED test administered by an approved testing center, be a graduate of an approved curriculum of vocational education in the area to be taught, and have at least three (3) years of work experience in the area. One (1) year of the work experience requirement may be substituted by

one (1) year of additional education beyond the high school level in an approved postsecondary school. An approved bachelor's degree program for a health specialty may be accepted for two (2) years of the required occupational experience. The minimum qualifications for an instructor shall be equivalent to those required by state and national agencies [boards and associations] that license, certify, or register the graduates of vocational programs. The work experience shall be approved by the Superintendent of Public Instruction [Assistant Superintendent for Vocational Education]. The teacher shall hold the Kentucky education certificate designated for the position. In a health services [health careers] program, at least one (1) instructor shall be a registered nurse licensed to practice in the Commonwealth of Kentucky.

Section 5. [6.] Guided clinical experience shall be an integral part of the health and personal service educational program.

(1) The guided clinical experience shall be appropriate to the level of the trainee's skill consistent with the educational objectives of the course and shall be integrated with the classroom instruction.

(2) The school shall have a written agreement with each cooperating agency specifying responsibilities and authority of each party to the agreement.

(3) A statement of understanding shall be signed by all students prior to assignment in a clinical area.

(4) Transportation shall be available to and from clinical facilities and reflected in the program plan and budget.

[Section 7. The health and personal service education unit shall prepare class descriptions and criteria and distribute to local school districts when the criteria for approval are more specific than these program standards.]

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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Vocational Education
(Proposed Amendment)

705 KAR 4:110. Home economics; consumer and homemaking.

RELATES TO: KRS 156.112, 163.020 [156.070], 163.030

PURSUANT TO: KRS 13.082, 156.112, 163.030

NECESSITY AND FUNCTION: KRS 156.112 gives the State Board of Education the function and authority to develop and adopt policies and regulations by which the Department for Occupational Education is to be governed in planning, coordinating, administering, supervising, operating, and evaluating occupational education programs, services, and activities; and KRS 163.020 and

163.030 mandate a state vocational education program with certain purposes. This regulation establishes [To establish] program standards for secondary consumer and homemaking programs.

Section 1. The following minimum requirements shall apply for schools offering a secondary vocational program in consumer and homemaking education:

[(1) The school shall offer instruction in the areas of child development, clothing and textiles, food and nutrition, housing, management-consumer education, and personal and family development.]

(1) [(2)] The minimum offerings shall be a two (2) year program including a one (1) year comprehensive course and any other courses selected from the approved home economics course offerings in the program of studies. [The minimum offerings shall be a two (2) year comprehensive program and shall include all areas of instruction listed above.]

(2) [(3)] Supervised extended learnings which make use of consumer and homemaking instruction shall be a part of the program.

(3) [(4)] Teachers shall make visits to homes of students.

Section 2. The Future Homemakers of America (FHA) shall be the official student organization for home economics education and shall be an integral part of the instructional program. The organization shall be under the direction of the home economics teacher.

Section 3. The teacher shall be employed a minimum of one (1) month beyond the regular school term to complete the activities of the program and participate in approved in-service education. Any additional time shall be approved annually by the local school superintendent and the Superintendent of Public Instruction [Assistant Superintendent for Vocational Education].

[Section 4. Facilities and equipment necessary for teaching each of the areas of consumer and homemaking education shall be approved by the Assistant Superintendent for Vocational Education. Minimum standards for facilities and equipment shall be prepared and distributed by the Bureau of Vocational Education.]

Section 4. [5.] The teacher shall be certified to teach vocational home economics and shall keep up to date by participating in activities such as graduate study, state and regional conferences, and in-service workshops.

[Section 6. The home economics unit shall prepare course descriptions and criteria for programs and distribute to local school districts when the criteria for approval are more specific than these program standards.]

RAYMOND BARBER

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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Vocational Education
(Proposed Amendment)

705 KAR 4:120. Home economics; gainful.

RELATES TO: KRS 156.112, 163.020 [156.070], 163.030

PURSUANT TO: KRS 13.082, 156.112, 163.030

NECESSITY AND FUNCTION: KRS 156.112 gives the State Board of Education the function and authority to develop and adopt policies and regulations by which the Department for Occupational Education is to be governed in planning, coordinating, administering, supervising, operating, and evaluating occupational education programs, services, and activities; and KRS 163.020 and 163.030 mandate a state vocational education program with certain purposes. This regulation establishes [To establish] program standards for secondary gainful home economics programs.

Section 1. The following minimum standards shall apply for schools offering a secondary vocational program in gainful home economics:

(1) The curriculum shall be based on a job analysis of the occupation. It shall be specific and limited in scope to the learnings and skills related to the occupation or a cluster of closely related occupations.

(2) The class shall meet for a minimum of two (2) consecutive class periods daily or a total of 120 minutes daily.

(3) Supervised, practical experience shall be a part of the preparatory training program.

(4) Students shall be enrolled on the basis of their interest and aptitude for a specific occupation or a cluster of closely related occupations.

(5) Facilities shall be available to enable trainees to acquire marketable skills in the occupation.

(6) No program shall be established until all criteria can be met and approved by the Superintendent of Public Instruction.

Section 2. The student organization, FHA or FHA/HERO, shall be an integral part of the program.

Section 3. The teacher shall be employed a minimum of one (1) month beyond the regular school term to complete the activities of the program and participate in approved in-service education. Any additional time shall be approved annually by the local school superintendent and the Superintendent of Public Instruction [Assistant Superintendent for Vocational Education].

[Section 4. Facilities and equipment shall be approved by the Assistant Superintendent for Vocational Education. Minimum standards for facilities and equipment shall be prepared and distributed by the Bureau of Vocational Education.]

Section 4. [5.] The minimum qualifications of a secondary gainful home economics teacher shall be:

(1) A certificate to teach vocational home economics.

(2) One (1) year or 2,000 hours work experience related to the occupation to be taught or one (1) year teaching experience, a course related to occupational instruction and approved additional experience or occupational experience in the area of home economics related to the occupation.

[Section 6. A cooperative class shall meet the following minimum standards:]

[(1) The student shall have completed at least one (1) semester in the gainful home economics occupation in which he will be placed for paid work experience.]

[(2) A related class of at least one (1) hour per day shall be concurrent with the supervised occupational experience.]

[(3) Supervised occupational experience shall consist of two (2) to three (3) hours per day or the equivalent number of hours per week in an approved training station for a semester or a year under the supervision of the cooperating employer and the teacher.]

[Section 7. The home economics education unit shall prepare course descriptions and criteria and distribute to local school districts when the criteria for approval are more specific than these program standards.]

RAYMOND BARBER
Superintendent of Public Instruction

ADOPTED: December 2, 1980

RECEIVED BY LRC: December 30, 1980 at 2:30 p.m.

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

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Vocational Education
(Proposed Amendment)

705 KAR 4:131. Industrial education programs.

RELATES TO: KRS 156.112, 163.020 [156.070], 163.030

PURSUANT TO: KRS 13.082, 156.112, 163.030

NECESSITY AND FUNCTION: KRS 156.112 gives the State Board of Education the function and authority to develop and adopt policies and regulations by which the Department for Occupational Education is to be governed in planning, coordinating, administering, supervising, operating, and evaluating occupational education programs, services, and activities; and KRS 163.020 and 163.030 mandate a state vocational education program with certain purposes. This regulation establishes [To establish] program standards for secondary school industrial education programs.

Section 1. A comprehensive program of industrial education shall consist of three (3) educational development levels. Permission must be obtained from the Superintendent of Public Instruction [Assistant Superintendent for Vocational Education] if less than a comprehensive program is to be offered.

Section 2. The following program requirements shall apply to Level I of an industrial education program:

(1) Level I shall consist of subjects that pertain to general industrial orientation and awareness [exploration]. The subjects may be offered during the seventh, eighth, or ninth grade.

(2) Level I consists of four (4) approved subjects. At least two (2) out of the four (4) subjects shall be offered at Level I. The articulation of Level II and Level III shall be considered when selecting Level I subjects. Any exception to the offerings will be made for the purpose of experimentation or research with the approval of the *Superintendent of Public Instruction* [Assistant Superintendent for Vocational Education].

(3) A practical arts program may substitute for Level I if at least two (2) Level I subjects are offered.

(4) A Level I subject may be offered for a minimum of nine (9) weeks to a maximum of eighteen (18) weeks for one (1) period each day.

(5) Class size shall be determined by the number of individual work stations provided. No more than twenty-seven (27) students shall be responsibility of one (1) teacher at any given time.

Section 3. The following program requirements shall apply to Level II of any industrial education program:

(1) Level II shall consist of subjects that pertain to an in-depth exploration of several industrial material, process, and occupational areas. The subjects may be offered during the ninth, tenth, eleventh, or twelfth grade.

(2) Level II consists of eight (8) approved subjects. At least two (2) out of the eight (8) subjects shall be offered at Level II. The articulation of Level II with Level I and III shall be considered when selecting Level II subjects. Any exception to the offerings will be made for the purpose of experimentation or research with the approval of the *Superintendent of Public Instruction* [Assistant Superintendent for Vocational Education].

(3) A Level II subject shall be offered for a minimum of eighteen (18) weeks to a maximum of thirty-six (36) weeks for one (1) period per day. A sub-topic in each subject shall be offered for a minimum of six (6) weeks to a maximum of twelve (12) weeks for one (1) period per day. A sub-topic can be scheduled as a phase elective offering in a phase elective program.

(4) Class size shall be determined by the number of individual work stations provided. No more than twenty-four (24) students shall be the responsibility of one (1) teacher at any given time.

Section 4. The following program requirements shall apply to Level III of an industrial education program: [.]

(1) Level III shall consist of preparing students for entry level employment in specific occupations. A subject may be offered during the eleventh and twelfth grades.

(2) Level III subjects in an industrial education program shall be organized to operate for three (3) consecutive hours, including passing time on a daily basis during the school year. Any exception to this schedule will be made for the purpose of experimentation or research with the approval of the *Superintendent of Public Instruction* [Assistant Superintendent for Vocational Education].

(3) Students enrolled in Level III subjects shall be at least fifteen (15) years of age during the school year in which they enroll, and they shall be enrolled on the basis of their potential for achieving the specific occupational goal they have chosen.

(4) Courses of instruction shall be made up of specific occupational content and be of sufficient length to prepare students with entry level skills in the occupation.

(5) Class size shall be determined by the number of individual work stations provided. No more than twenty (20) students shall be the responsibility of one (1) teacher at any given time.

[(6) In addition to other regulations governing cooperative programs, Level III students participating in these programs shall spend time on the job equal to that spent in school on an alternate or rotating basis.]

[Section 5. The facility for any level of an industrial education program shall be of adequate size and design to accommodate the activities, equipment, and number of work stations unique to each level. Equipment in Level III of an industrial education program shall be equivalent to that used in industry. Facilities and equipment shall be approved by the Assistant Superintendent for Vocational Education. Minimum standards for facilities and equipment shall be prepared and distributed by the Bureau of Vocational Education.]

Section 5. [6.] (1) Level II of an industrial education program may provide for students to participate in an industrial education club as an integral part of instruction.

(2) The Vocational Industrial Clubs of America (VICA) shall be the official youth organization for Level III students. The organization shall function as an integral part of the instructional program.

Section 6. [7.] The minimum qualifications for employment of an industrial education teacher shall be as follows:

(1) Level I and Level II teachers shall hold a valid provisional or standard high school certificate with an endorsement for teaching industrial arts or industrial education at the orientation and exploration levels.

(2) Level III teachers shall hold a valid teaching certificate designated for the curriculum to be taught.

Section 7. [8.] Industrial education teachers *may* [shall] be employed beyond the regular school term as follows:

(1) Level I and Level II teachers *may* [shall] be employed for [at least] one (1) week beyond the regular school term to complete the activities of the program and participate in approved in-service education.

(2) Level III teachers *may* [shall] be employed at least one (1) month beyond the regular school term to complete the activities of the program and participate in approved in-service education.

RAYMOND BARBER

Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET

Department of Education

Bureau of Vocational Education

(Proposed Amendment)

705 KAR 4:140. Marketing and distributive education.

RELATES TO: KRS 156.112, 163.020 [156.070], 163.030

PURSUANT TO: KRS 13.082, 156.112, 163.030

NECESSITY AND FUNCTION: KRS 156.112 gives the State Board of Education the function and authority to

develop and adopt policies and regulations by which the Department for Occupational Education is to be governed in planning, coordinating, administering, supervising, operating, and evaluating occupational education programs, services, and activities; and KRS 163.020 and 163.030 mandate a state vocational education program with certain purposes. This regulation establishes [To establish] program standards for secondary school marketing and distributive education programs.

Section 1. The following minimum requirements shall apply for schools offering a secondary marketing and distributive education program.

(1) The school shall offer a three (3) year program of instruction beginning in grade ten (10).

(2) Simulated laboratory programs shall be two (2) hours in length and offered for seniors.

(3) Students shall have an occupational objective statement on file specifying a planned sequence of instruction, *in accordance with the approved curriculum.*

Section 2. Distributive Education Clubs of America (DECA), the official student organization for marketing and distributive education, shall be an integral part of the instructional program.

Section 3. Teachers of marketing and distributive education shall have a minimum of one (1) month extended employment beyond the regular school year to complete the activities of the program and to participate in approved in-service education.

[Section 4. The marketing and distributive education facilities shall include a classroom-laboratory, teacher's office, and storage room. The facilities and equipment shall be approved by the Assistant Superintendent for Vocational Education. Minimum standards for new facilities and equipment shall be prepared and distributed by the Bureau of Vocational Education.]

Section 4. [5.] The minimum qualifications for a secondary marketing and distributive education teacher shall be:

(1) A baccalaureate degree with a major or area in distributive education[, business administration, or business education (accounting or general business)].

(2) A provisional or standard high school certificate for Kentucky.

(3) *A specialized certificate may be approved by the Superintendent of Public Instruction based on the following requirements: [One (1) year or 2,000 hours occupational experience in distributive occupations which shall be approved by the Assistant Superintendent for Vocational Education.]*

(a) *Certification is limited to specialized marketing and distributive education programs.*

(b) *Certification is based upon the requirements as stated in the Vocational Education Preparation-Certification section of the Kentucky Teacher Preparation and Certification Handbook.*

(c) *Instructors teach only the subjects stated on the face of the certificate.*

[(4) Majors in business administration or business education must complete nine (9) semester hours in a planned in-service program, including a minimum of six (6) semester hours in professional distributive education and three (3) semester hours in relevant content preparation.]

[Section 6. Minimum standards for a cooperative

education program in marketing and distributive education shall be a minimum of fifteen (15) clock hours per week in a salaried position which provides work experience directly related to the student's educational program, in addition to other regulations governing cooperative programs.]

[Section 7. The Marketing and Distributive Education Unit shall prepare program descriptions and criteria and distribute to local school districts when the criteria for approval is more specific than these program standards.]

RAYMOND BARBER

Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET

Department of Education
Bureau of Vocational Education
(Proposed Amendment)

705 KAR 4:151. Practical arts (*career exploration*) education programs.

RELATES TO: KRS 156.112, 163.020 [156.070], 163.030

PURSUANT TO: KRS 13.082, 156.112, 163.030

NECESSITY AND FUNCTION: *KRS 156.112 gives the State Board of Education the function and authority to develop and adopt policies and regulations by which the Department for Occupational Education is to be governed in planning, coordinating, administering, supervising, operating, and evaluating occupational education programs, services, and activities; and KRS 163.020 and 163.030 mandate a state vocational education program with certain purposes. This regulation establishes [To establish revised] program standards for vocational practical arts (career exploration) education programs.*

Section 1. The following minimum requirements shall apply for schools offering a vocational practical arts (*career exploration*) education program:

(1) Practical arts (*career exploration*) education is a career exploration program offered over two (2) or three (3) consecutive years *beginning at grade seven (7)*. Students enrolled in a practical arts (*career exploration*) education program shall explore a minimum of six (6) occupational clusters from a minimum offering of nine (9) clusters. The clusters shall be chosen from the fifteen (15) occupational clusters identified by the United States Office of Education.

(2) Exploration I. During the first year students are enrolled in the program, they shall be enrolled a minimum of one (1) period per day for a semester or a maximum of one (1) period per day for a year. During this enrollment, the student shall explore at least three (3) clusters from a minimum of six (6) cluster offerings. A cruise through a cluster shall be from six (6) to twelve (12) [nine (9)] weeks. [In addition, students shall have a module of orientation prior to, or within, Exploration I which shall include an

overview of the world of work, the economic system, and the career exploration concept.]

(3) Exploration II. During the second year students are enrolled in the program, they shall be enrolled a minimum of one (1) period per day for a semester or a maximum of one (1) period per day for a year. During this enrollment, the student shall explore at least three (3) clusters not previously explored from a minimum of six (6) cluster offerings, three (3) of which were not previously offered in Exploration I. A cruise through a cluster shall be from six (6) to twelve (12) [nine (9)] weeks.

(4) Exploration III. During the third year students are enrolled in the program, they shall be enrolled a minimum of one (1) period per day for a semester or a maximum of two (2) periods per day for a year. During this enrollment, the student shall explore at least one (1) cluster from a minimum of six (6) cluster offerings. [By approval of the Assistant Superintendent for Vocational Education,] O [o]ne (1) of the six (6) clusters may be a semester course designed as an in-depth orientation to the world of work and the economic system. A cruise through a cluster at this level shall be from one (1) semester to one (1) year in length. Enrollment at this level shall be permitted to be in a cluster previously explored in the first or second year of the program. Ninth grade courses in Agribusiness I and Home Economics I shall be permitted to meet the requirements for the practical arts (*career exploration*) program if they reflect a comprehensive orientation and exploration experience.

(5) The school has the prerogative to determine the clusters to be taught and the grade level in which they will be offered. Other class arrangements for a specified time period may be approved before implementation by the *Superintendent of Public Instruction* [Assistant Superintendent for Vocational Education].

(6) Size of class. Class enrollment in practical arts (*career exploration*) shall not be less than ten (10) nor more than twenty-seven (27).

(7) [Guidance. An integral part of each] A practical arts (*career exploration*) education program shall include [be] a planned guidance program. The guidance counselor and teachers shall have planned time with students to help the students assimilate the knowledges and experiences in such a way that they become aware of their own interests and abilities and also provide them direction for future study and occupational decisions.

Section 2. All students shall have access to a resource center containing materials on all occupational clusters. The resource center shall be located in a central area that is accessible to all students a majority of the time. [Up-to-date teaching materials and supplies are required to provide a quality program. Since vocational education funds provide resources for local school districts through the minimum foundation program that exceed the basic resources provided for general education, it is required that the local school district will support the cost of operating all aspects of the practical arts program. This will include teaching materials, supplies, and maintenance of equipment.]

Section 3. Approved full-time practical arts (*career exploration*) teachers may be employed for [shall receive the maximum of] one (1) week [month] extended employment to complete the activities of the program and participate in approved in-service education. [Approved part-time practical arts teachers shall receive extended employment based on the fraction of a foundation unit they are receiving.]

[Section 4. The minimum classroom size for a practical arts class shall be 625 square feet. The classroom shall be equipped with chalkboard, bookcases, standard tables and chairs for students, teacher's desk and chair, and file cabinets. A class exploring an occupational cluster shall have access to, and experiences in, the laboratories associated with the cluster. Laboratories and/or work stations shall be permitted to be used as classrooms for practical arts programs.]

Section 4. [5.] [The exploration of an occupational cluster shall be guided (taught) by someone who has sufficient knowledge and experience pertaining to that cluster regardless of his curriculum specialty. Approval of teachers will be based on the following criteria:] T [t]eachers of practical arts (*career exploration*) education shall have an appropriate Kentucky provisional or standard certificate for the grade level being taught. Teachers participating in a practical arts (*career exploration*) education program shall have preservice or inservice experiences in directing students in an exploratory program prior to being approved for teaching in the exploratory program. A [After approval to teach in the program, a] teacher shall [may] be approved by the *Superintendent of Public Instruction* to direct the exploration of a specific occupational cluster which relates to the teacher's major, minor, or area of concentration, or to a specific occupational cluster in which the teacher has 2,000 hours of work experience for which pay has or has not been received.

[Section 6. The local board of education shall provide approved mileage reimbursement for transportation expenses for practical arts teachers to attend conferences, workshops, and other meetings called or approved by the Bureau of Vocational Education; for practical arts teachers to visit work stations where students may observe or gain experiences in order to make an analysis of the job as a learning station for students; or other approved travel necessary by the teacher to carry out the practical arts education program. Reimbursement may also be made for school bus transportation and/or other transportation expenses associated with planned field trips for practical arts classes. Individual student transportation costs for individual observations, work experiences, and interviewing will remain the responsibility of the student.]

RAYMOND BARBER

Superintendent of Public Instruction

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**EDUCATION AND ARTS CABINET
Department of Education
Bureau of Vocational Education
(Proposed Amendment)**

705 KAR 4:160. Public service occupations.

RELATES TO: KRS 156.112, 163.020 [156.070], 163.030

PURSUANT TO: KRS 13.082, 156.112, 163.030

NECESSITY AND FUNCTION: *KRS 156.112 gives the State Board of Education the function and authority to develop and adopt policies and regulations by which the Department for Occupational Education is to be governed in planning, coordinating, administering, supervising, operating, and evaluating occupational education programs, services, and activities; and KRS 163.020 and 163.030 mandate a state vocational education program with certain purposes. This regulation establishes [To establish] program standards for secondary public service education programs.*

Section 1. The following minimum standards shall apply to those schools offering a vocational public service occupations education program at the secondary level:

(1) The school shall offer a two (2) year public service education program of instruction in grades eleven (11) and twelve (12).

(2) Students shall have an occupational card on file specifying a planned sequence of instruction.

(3) The public service occupations education class shall meet for three (3) hours of classroom instruction and work experience and/or supervised on-the-job training per day.

Section 2. The Vocational Industrial Clubs of American (VICA) shall be the official student organization for public service occupations students.

Section 3. All vocational public service occupations teachers shall have a minimum of three (3) weeks extended employment to complete the activities of the program and participate in approved in-service education.

[Section 4. Teaching aids, required space, facilities, and equipment shall be approved by the Assistant Superintendent for Vocational Education. Minimum standards for new facilities and equipment shall be prepared and distributed by the Bureau of Vocational Education.]

Section 4. [5.] The minimum qualifications for a secondary vocational public service occupations education teacher shall be:

(1) High school diploma.

(2) Three (3) years work experience related to the occupation to be taught which shall be approved by the *Superintendent of Public Instruction* [Assistant Superintendent for Vocational Education].

(3) Teacher shall hold a one (1) year vocational education certificate for public service occupations education and shall be approved by the *Superintendent of Public Instruction* [Assistant Superintendent for Vocational Education].

[Section 6. Supervised occupational work experience for students shall be three (3) hours per day. School attendance or work periods may be on alternate half (½) days, weeks, or other periods of time in fulfilling the cooperative

vocational education program which shall be approved by the Assistant Superintendent for Vocational Education.]

[Section 7. The public service occupations education unit shall prepare class descriptions and criteria and distribute to local school districts when the criteria for approval are more specific than these program standards.]

RAYMOND BARBER

Superintendent of Public Instruction

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**EDUCATION AND ARTS CABINET
Department of Education
Bureau of Vocational Education
(Proposed Amendment)**

705 KAR 4:170. Special vocational education.

RELATES TO: KRS 156.112, 163.020 [156.070], 163.030

PURSUANT TO: KRS 13.082, 156.112, 163.030

NECESSITY AND FUNCTION: *KRS 156.112 gives the State Board of Education the function and authority to develop and adopt policies and regulations by which the Department for Occupational Education is to be governed in planning, coordinating, administering, supervising, operating, and evaluating occupational education programs, services, and activities; and KRS 163.020 and 163.030 mandate a state vocational education program with certain purposes. This regulation establishes [To establish] program standards for special vocational education programs at the secondary level.*

Section 1. The following minimum requirements shall apply for schools offering a secondary special vocational education program:

(1) The program shall be designed primarily to serve disadvantaged and handicapped individuals and those persons whose needs for vocational education are unique in that new and innovative methods or combinations of various areas of vocational education are indicated as being required.

(2) The school shall establish the need for the program based on diagnosis of students' needs, interests, abilities, and opportunities for becoming employable.

(3) Records of identification shall be on file at the school for students enrolled in special vocational education programs designed for disadvantaged and handicapped.

(4) Students shall be from any level of the secondary school population or an ungraded class.

(5) The curriculum and teacher's schedule shall be flexible and designed to meet the unique learning needs of the students.

Section 2. Students in special vocational education programs shall be permitted to participate in student organiza-

tions within respective vocational program areas if they meet the membership qualifications as set forth by each organization.

Section 3. All special vocational education teachers involved in *developmental type programs* [programs of orientation and exploration in the world of work,] which have components of work experience and interlocking cooperative vocational education programs, shall have a minimum of one (1) week extended employment to complete the activities of the programs and participate in approved in-service education. Minimum additional extended employment for teacher coordinators of work experience programs shall be four (4) weeks.

[Section 4. The proposed program shall determine the type of classroom space (standard classroom, combination classroom-laboratory or mobile unit), furniture and equipment appropriate for instruction for special vocational programs. The facilities and equipment shall be approved by the Assistant Superintendent for Vocational Education. Minimum standards for new facilities and equipment shall be prepared and distributed by the Bureau of Vocational Education.]

Section 4. [5.] The minimum qualifications for a special vocational education teacher at the secondary level shall be:

- (1) A baccalaureate degree;
- (2) A provisional or standard certificate for Kentucky; and
- (3) One (1) year or 2,000 hours of wage-earning experience in business and industry. The work experience shall be approved by the *Superintendent of Public Instruction* [Assistant Superintendent for Vocational Education] prior to employment.

[Section 6. The special vocational functions unit shall prepare course descriptions and criteria and distribute to local school districts when the criteria for approval are more specific than these program standards.]

RAYMOND BARBER
Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Vocational Education
(Proposed Amendment)

705 KAR 4:180. *Long term adult* [Postsecondary] program standards.

RELATES TO: KRS 156.112, 163.020 [156.070], 163.030

PURSUANT TO: KRS 13.082, 156.112, 163.030

NECESSITY AND FUNCTION: KRS 156.112 gives the State Board of Education the function and authority to

develop and adopt policies and regulations by which the Department for Occupational Education is to be governed in planning, coordinating, administering, supervising, operating, and evaluating occupational education programs, services, and activities; and KRS 163.020 and 163.030 mandate a state vocational education program with certain purposes. This regulation establishes [To establish] general standards for *long term adult* [postsecondary] vocational educational programs.

Section 1. *Long term adult* [Postsecondary] vocational education programs shall be designed for occupational preparation of persons who have completed or left the regular high school. Students shall be at least sixteen (16) years of age and shall have counseling services before enrollment in vocational programs. The *long term adult* [postsecondary] program shall be organized on a full-time basis during the day or evening hours. Students shall be permitted to enroll in all or any part of the scheduled program. Programs shall be offered in the *state vocational-technical schools* and may be offered in the area vocational schools.

Section 2. A vocational student organization which is organized for *long term adult* [postsecondary] vocational students shall be an integral part of the instructional program.

Section 3. Minimum and maximum class size shall be based upon program design, available facilities, and approval of the required local plan.

Section 4. The vocational preparation program offered in the [area] vocational schools shall provide a curriculum of sufficient length to permit students to acquire entry-level skills in the occupations for which they are training. A program shall be offered on a daily basis and on a time schedule which is consistent with good educational practice. New patterns shall be researched and piloted on a limited basis before implementation throughout the state. Such action shall be recommended by the *Superintendent of Public Instruction* [Assistant Superintendent for Vocational Education].

Section 5. All *long term adult* [postsecondary] programs offered in state operated vocational schools shall meet minimum standards for state accreditation by the State Board of Education.

RAYMOND BARBER
Superintendent of Public Instruction

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**EDUCATION AND ARTS CABINET
Department of Education
Bureau of Vocational Education
(Proposed Amendment)**

705 KAR 5:060. Live work projects, selection of.

RELATES TO: KRS 156.112, 163.020 [156.070], 163.030[, 339.430]

PURSUANT TO: KRS 13.082, 156.112, 163.030

NECESSITY AND FUNCTION: KRS 156.112 gives the State Board of Education the function and authority to develop and adopt policies and regulations by which the Department for Occupational Education is to be governed in planning, coordinating, administering, supervising, operating, and evaluating occupational education programs, services, and activities; and KRS 163.020 and 163.030 mandate a state vocational education program with certain purposes. This regulation establishes [To establish] the procedures for accepting live work projects in state-operated area vocational education facilities.

Section 1. State-operated vocational-technical schools and area vocational education centers shall be permitted to accept live work projects when the administrative and instructional staffs deem these necessary and appropriate for the vocational education of the students.

Section 2. State-operated area vocational schools accepting live work shall adhere to the following standards:

(1) All services performed in a school shop shall be documented on standard shop order forms provided by the Bureau of Vocational Education.

(2) The principal or coordinator of the facility shall be responsible for all unused shop order forms and assigning and recording all services performed in a shop order log book that shall be maintained as a ready reference.

(3) Individuals or organizations committing live work to a school shop shall be provided a copy of the school policies for accepting and performing live work. Persons committing live work shall sign the policy form indicating that they understand the policies and agree with them.

(4) Live work shop orders shall be approved and initialled by the principal or coordinator of the school and by the instructor of the class.

(5) A shop fee [of two dollars (\$2)] shall be charged for each live work project accepted by the school for any person who is not officially enrolled as a student in the preparatory program in the school. To avoid handling money in schools located in correctional institutions, no shop fee shall be charged.

(6) No payments shall be handled by an instructor. Live work shop orders shall not be released until payment for parts, supplies, and other cost items has been made and documented by the authorized personnel in the school.

(7) School employees and members of the State Board of Education shall not quarantine or be liable for any live work performed in the vocational shops, nor shall they be responsible for the theft or loss of any article or articles that may be left in the vocational shops for any reasons.

Section 3. No state-operated vocational school shall be obligated to accept any live work projects. Neither shall any work be done which is of a production nature and in

competition with business or industry, nor shall any live work be done for the purpose of making a profit.

RAYMOND BARBER
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**EDUCATION AND ARTS CABINET
Department of Education
Bureau of Vocational Education
(Proposed Amendment)**

705 KAR 7:040. Eighth grade equivalency certificate.

RELATES TO: KRS 156.070, 156.485, 160.180, 163.020

PURSUANT TO: KRS 13.082, 156.070, 160.180, 163.030

NECESSITY AND FUNCTION: KRS 156.070 gives the State Board of Education the management and control of the common schools and all programs operated therein; KRS 156.485 recognizes a GED certificate for equivalency to a high school diploma for purposes of public employment; KRS 160.180 gives the State Board the duty of adopting a test for eighth grade equivalency; and KRS 163.020 accepts and agrees to comply with federal acts relative to vocational education and to provide training opportunities for out-of-school youth and adults. This regulation establishes [To establish] the means whereby local boards of education can issue an Eighth Grade Equivalency Certificate to persons [adults] who qualify.

Section 1. An Eighth Grade Equivalency Certificate shall be issued by local school districts to persons [adults] who meet the following qualifications: [have completed at least 100 hours of adult basic education instruction in an organized class or an adult learning center;] are residents of Kentucky; are at least sixteen (16) years of age; have been tested at a site designated by the local board of education and by a designated staff member; and have attained a minimum average score of 8.0 on the required test.

Section 2. One (1) of the following tests shall be administered in order to qualify a person for an Eighth Grade Equivalency Certificate: ABLE—Adult Basic Learning Examination, Level III; California Test of Adult Basic Education, Level D; or Follett Adult Basic Education Student Survey, Form A or Form B.

RAYMOND BARBER
Superintendent of Public Instruction

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EDUCATION AND ARTS CABINETS
Department of Library and Archives
(Proposed Amendment)

725 KAR 2:050. Textbooks for non-public schools.

RELATES TO: KRS 171.215

PURSUANT TO: KRS 13.082, 171.215

NECESSITY AND FUNCTION: This regulation is necessary for the Department of Library and Archives to exercise its duties. The Department is designated by KRS Chapter 171 as the agency to administer funds granted for the purpose of providing textbooks to pupils in approved nonpublic schools in Kentucky. This program includes selection, purchase, distribution, and accountability of the textbooks.

Section 1. Hereinafter, the expression "eligible non-public school" refers to a [those] nonpublic school[s], grades one (1) through twelve (12) which is [are] approved by the Kentucky Department of Education as provided for in 704 KAR 6:010, Section 3; and which either furnishes proof of tax exempt status under section 501(c)(3) of the Internal Revenue Code or furnishes a written statement to the Department of Library and Archives that such institution does not engage in racially discriminatory practices with respect to the composition of its student population that are contrary to the state or federal law. [, the] The initials "D.L.A." refer to the Department of Library and Archives, and the term "textbooks" refers to textbooks approved by the State Textbook Commission and which conform to the State Board of Education distribution schedule.

Section 2. (1) Textbook Selection, Acquisition, and Distribution. [During the first year of implementation (1978-79) the selection of the subject and grade level will be determined by a committee appointed by the State Librarian within the DLA in consultation with the Kentucky Department of Education.] Beginning with the 1979-80 school year an advisory committee shall be appointed by the State Librarian to advise the DLA regarding implementation of KRS 171.215 [selections]. Membership on this committee shall not exceed five (5) in number and shall be composed of the chief executive or administrative officer of eligible schools and shall, as far as possible, represent the various types of eligible schools. The quantity of textbooks purchased shall be determined annually based on the amount of available funds.

(2) Pupils attending any eligible nonpublic school in Kentucky may use textbooks purchased by the DLA. The principal or head teacher of each eligible school shall make annual application for use of textbooks, on a form provided by the DLA for that purpose. The DLA shall notify each eligible school of the availability of funds for the purchase of textbooks. Apportionment of funds will be according to an equal per-pupil amount, based on the number of pupils enrolled in participating nonpublic schools and the total amount of the appropriation for each fiscal year. The principal or head teacher of each school will be responsible for the administration of the free textbook program within that school, which includes assignment of textbooks to pupils and end of year reporting as required. [The Technical Services Division of the DLA shall order and process the textbooks. The textbooks shall

be received, counted, and stamped with the DLA property stamp, and held for distribution as eligible applications are filled or processed in the order in which they are received. Should the supply of textbooks prove inadequate to meet the demand within the specified application period, applicants shall be mailed written notification of the status of their request, i.e., availability of a partial supply of requested number or unable to provide due to exhausted supply.]

(3) *Selections will be made from the State Multiple List of Adoptions, to conform to the subject area schedule in use by the Kentucky Department of Education for distribution of textbooks to public schools. Each school will forward its list of selections to the DLA, on a form provided by the DLA for that purpose. The DLA will submit orders to publishers; books will be shipped directly from publishers to schools.*

(4) *Books will be labeled as property of the DLA. An inventory of textbooks provided will be submitted by the administrator of each school at the end of each school year, on a form provided for that purpose by the DLA.*

Section 3. (1) [(2)] A deadline for application and reporting shall be established annually. [Application. (1) Any approved nonpublic school in Kentucky shall be eligible to make annual application for the available textbooks. Applications shall be made according to the following procedure. The DLA shall officially notify all eligible schools of the availability of the textbooks, specifying that applications will be considered on a first-come, first-served basis. This notice shall include a brief application form requesting basic data:]

- [(a) Name of school;]
- [(b) Address;]
- [(c) Chief executive or administrative officer;]
- [(d) Total school enrollment;]
- [(e) Total enrollment in specified grade level and subject; and]
- [(f) Additional information as deemed necessary on a year to year basis.]

(2) *When use of the textbooks is discontinued, the administrator of each school shall notify the DLA, which will direct the school as to proper disposition of the textbooks.*

[Section 4. (1) The textbooks shall be distributed to the qualified applicants for use by pupils in the specified subject and grade level with the stipulation that the textbooks remain the property of the DLA and that an annual inventory report will be required. The annual report shall consist of an accounting at the end of each school year, indicating:]

- [(a) The number of textbooks allotted to the school;]
- [(b) The number of textbooks distributed to pupils during the current school year;]
- [(c) The number of textbooks collected and held at the end of the school year for redistribution within that school the following year; and]
- [(d) The condition and location of the textbooks.]

(2) *When use of the textbooks is discontinued, the schools shall notify the DLA which will direct the school as to the proper disposition of these books.]*

[(3) The chief executive or administrative officer of reci-

pient schools shall be responsible for the care of the textbooks allotted to their respective institutions and for the accountability of same to the DLA.]

JAMES A. NELSON, State Librarian
RAYMOND BARBER, Secretary

ADOPTED: January 12, 1981

RECEIVED BY LRC: January 15, 1981 at 11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: James A. Nelson, State Librarian, Kentucky Department of Library and Archives, P.O. Box 537, Frankfort, Kentucky 40602.

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

811 KAR 1:035. Claiming races.

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

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

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

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

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

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

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

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

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

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

Section 3. Claiming Procedure. (1) Owner's credit. The owner must have to his credit with the track giving the race

an amount equivalent to the specified claiming price plus the existing Kentucky sales tax and requisite fees for transfer of registration. By accepting the claim, the racetrack assumes responsibility for payment to the owner of the horse claimed. The money due for a claimed horse is to be paid to the owner losing said horse within forty-eight (48) hours (Sundays excepted) by the track, provided that said horse has a current test complying with subsection (14) of this section.

(2) Owner's consent. No declaration may be accepted unless written permission of the owner is filed with the race secretary at the time of declaration.

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

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

(5) Opening of claim box. No official shall open said box or give any information on claims filed until after the horses leave the paddock for the post parade. Immediately after the race, the claim box shall be opened and the claim, if any, examined by the judges.

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

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

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

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

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

(11) Penalty for thirty (30) days. For a period of thirty (30) days after the claim, a claimed horse shall not start in a race in which the claiming price is less than the price at which it was claimed. The day claimed shall not count, but the following calendar day shall be the first day and the horse may be entered whenever necessary so that the horse may start on the 31st calendar day following the claim for any claiming price. If a horse is claimed no right, title or interest therein shall be sold or transferred except in a claiming race for a period of thirty (30) days following the date of claiming. Further, such horse shall be required to con-

tinue to race at the track where claimed for a period of thirty (30) days or the balance of the current racing meeting whichever comes first.

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

(13) Scratched horse. A horse scratched from a claiming race is not eligible to be claimed. The owner or trainer of a horse entered in a subsequent claiming race may request the judge to scratch the horse from that race.

(14) Blood sample where horse is claimed. No blood sample shall be taken of a horse which has been claimed, if said horse has a valid veterinarian certificate within twelve (12) months of said claim, which certificate includes the horse's lip tattoo number and which is negative for Equine Infectious Anemia. In the event that said horse does not have said certificate, then a blood sample shall be taken immediately after the race in the paddock by a licensed veterinarian, and the sample identified as being from a claimed horse shall be forwarded within twenty-four (24) hours to an approved laboratory to be tested for Equine Infectious Anemia. Pending the receipt of a negative test for Equine Infectious Anemia the monies paid for the claimed horse shall be held by the track. In the event of a positive test for Equine Infectious Anemia the ownership of the claimed horse shall revert to the owner from whom the horse was claimed and the claiming monies shall be returned to the person or persons who claimed the horse. The cost of the test is to be borne by said owner and the test may be waived by the claimant at his discretion by so indicating on the claiming slip.

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

Section 5. Claiming Conditions. Whenever possible claiming races shall be written to separate horses five (5) years old and up from young horses and to separate males from females. If sexes are mixed, mares shall be given a *twenty (20) [ten (10)] percent minimum price allowance*, provided, however, that there shall be no price allowance given to a spayed mare racing in a claiming race. *An [No] allowance for age shall be given. Two (2) year-olds shall be given a 100 percent allowance, three (3) year-olds fifty (50) percent allowance, and four (4) year-olds twenty-five (25) percent allowance.* Claiming races for two (2) year-olds may be conditioned. Claiming races for three (3) year-olds may be conditioned. The lowest claiming class written at a specific meeting may be conditioned.

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

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

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

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

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

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

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

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

JAY SPURRIER, Chairman

ADOPTED: January 9, 1981

APPROVED: H. FOSTER PETTIT, Secretary

RECEIVED BY LRC: January 14, 1981 at 2 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Carl Larsen, Deputy Commissioner, Kentucky Harness Racing Commission, 369 Waller Avenue, Lexington, Kentucky 40504.

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

811 KAR 1:065. Starting.

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

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

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

Section 1. With Starting Gate. (1) Starter's control. The starter shall have control of the horses from the formation of the parade until he gives the word "go."

(2) Scoring. After one (1) or two (2) preliminary warming up scores, the starter shall notify the drivers to fasten their helmet chin straps and come to the starting gate. During or before the parade the drivers must be informed as to the number of scores permitted.

(3) The horses shall be brought to the starting gate as near one-quarter ($\frac{1}{4}$) of a mile before the start as the track will permit.

(4) Speed of gate. Allowing sufficient time so that the speed of the gate can be increased gradually, the following minimum speeds will be maintained:

(a) For the first one-eighth ($\frac{1}{8}$) mile, not less than eleven (11) miles per hour.

(b) For the next one-sixteenth ($\frac{1}{16}$) of a mile not less than eighteen (18) miles per hour.

(c) From that point to the starting point, the speed will be gradually increased to maximum speed.

(5) On mile tracks horses will be brought to the starting gate at the head of the stretch and the relative speeds mentioned in subsection (4) will be maintained.

(6) The starting point will be a point on the inside rail a distance of not less than 200 feet from the first turn. The starter shall give the word "go" at the starting point.

(7) When a speed has been reached in the course of a start there shall be no decrease except in the case of a recall.

(8) Recall notice. In case of a recall a light plainly visible to the driver shall be flashed and a recall sounded and wherever possible the starter shall leave the wings of the gate extended and gradually slow the speed of the gate to assist in stopping the field of horses. In an emergency, however, the starter shall use his discretion to close the wings of the gate.

(9) There shall be no recall after the word "go" has been given and any horse, regardless of his position or an accident, shall be deemed a starter from the time he entered into the starter's control unless dismissed by the starter.

(10) Breaking horse. The starter shall endeavor to get all horses away in position and on gait but no recall shall be had for a breaking horse [except as provided in subsection (11)(e)].

(11) Recall; reasons for. The starter may sound a recall only for the following reasons:

(a) A horse scores ahead of the gate.

(b) There is interference.

(c) A horse has broken equipment.

(d) A horse falls before the word "go" is given.

[(e) Where a horse refuses to come to the gate or is on a break before the gate reaches the recall pole, one-eighth ($\frac{1}{8}$) of a mile before the start, the field must be turned.]

(12) Penalties. A fine not to exceed \$100 or suspension from driving not to exceed fifteen (15) days, or both, may be applied to any driver, by the starter for:

(a) Delaying the start.

(b) Failure to obey the starter's instructions.

(c) Rushing ahead of the inside or outside wing of the gate.

(d) Coming to the starting gate out of position.

(e) Crossing over before reaching the starting point.

(f) Interference with another driver during the start.

(g) Failure to come up into position.

(13) Riding in gate. No persons shall be allowed to ride in the starting gate except the starter and his driver or operator, and a patrol judge, unless permission has been granted by the commission.

(14) Loudspeaker. Use of a mechanical loudspeaker for any purpose other than to give instructions to drivers is prohibited. The volume shall be no higher than necessary to carry the voice of the starter to the drivers.

(15) The penalty for violation of this section shall be a fine of not to exceed \$500 or suspension not to exceed thirty (30) days, after a hearing by the commission. A hearing must be granted before any penalty is imposed.

Section 2. Holding Horses Before Start. Horses may be held on the backstretch not to exceed three (3) minutes awaiting post time, except when delayed by an emergency.

Section 3. Two Tiers. (1) In the event there are two (2) tiers of horses, the withdrawing of a horse that has drawn or earned a position in the front tier shall not affect the position of the horses that have drawn or earned positions in the second tier.

(2) Whenever a horse is drawn from any tier, horses on the outside move in to fill up the vacancy.

Section 4. Starters. The horses shall be deemed to have started when the word "go" is given by the starter and all the horses must go the course except in case of an accident in which it is the opinion of the judges that it is impossible to go the course.

Section 5. Unmanageable Horse. (1) If, in the opinion of the judges or the starter, a horse is unmanageable or liable to cause accidents or injury to any other horse or to any driver, it may be sent to the barn. When this action is taken, the starter will notify the judges who will in turn notify the public.

(2) A horse shall be considered unmanageable if such horse causes more than one (1) recall in the same dash or heat and such horse may be excused by the starter and sent to the barn.

Section 6. Bad Acting Horse. At meetings where there is no wagering, the starter may place a bad acting horse on the outside at his discretion. At pari-mutuel meetings such action may be taken only where there is time for the starter to notify the judges who will in turn notify the public prior to the sale of tickets on such race. If tickets have been sold, the bad acting horse must be scratched under the provisions of Section 5.

Section 7. Post Positions; Heat Racing. The horse winning heat shall take the pole (or inside position) the succeeding heat, unless otherwise specified in the published conditions, and all others shall take their positions in the order they were placed the last heat. When two (2) or more horses shall have made a dead heat, their positions shall be settled by lot.

Section 8. Shield. The arms of all starting gates shall be provided with a screen or a shield in front of the position for each horse, and such arms shall be perpendicular to the rail.

Section 9. Malfunction of the Gate. Every licensed starter is required to check his starting gate for malfunctions before commencing any meeting and to practice the procedure to be followed in the event of a malfunction. Both the starter and the driver of the gate must know and

practice emergency procedures, and the starter is responsible for the training of drivers in such procedures.

CARL B. LARSEN, Deputy Commissioner

ADOPTED: January 9, 1981

APPROVED: H. FOSTER PETTIT, Secretary

RECEIVED BY LRC: January 14, 1981 at 2 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

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

Proposed Regulations

DEPARTMENT OF REVENUE

103 KAR 18:130. Portion of current month's remittance required.

RELATES TO: KRS 141.330, 141.990

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: Under authority of KRS 141.330, this regulation prescribes a procedure whereby employers whose average monthly withholding of income tax for a calendar year equals or exceeds \$2,000 are required to remit a portion of the tax withheld for the current month when filing the withholding return for the previous month.

Section 1. Employers whose average monthly withholding of Kentucky income tax for the preceding calendar year equaled or exceeded \$2,000 shall remit with each monthly report the amount of tax withheld for any payroll period or periods ending during the first fifteen (15) calendar days of the current month when filing the report for the previous month. Credit shall be allowed for the amount of the current month payment on the next monthly return filed.

Section 2. Following the close of each calendar year, the Department of Revenue shall review all employer accounts for the year and identify those employers who first meet the \$2,000 test based on the average monthly tax liability for the immediately preceding calendar year. The department shall notify such employers of their obligation to start making current month payments at least forty (40) days in advance of the date the first current month payment is to be forwarded to the department.

Section 3. Monthly reports filed by employers who are required to make current month payments as provided in Section 1 shall be filed on or before the twentieth of the month following the close of the month for which the return is filed.

Section 4. Employers required to make current month payments as provided in Section 1 shall continue such practice until notified otherwise in writing by the department. Employers will be relieved of such responsibility if their average monthly withholding liability for the year is less than \$1,900 for two (2) successive calendar years or if the

average monthly tax liability does not exceed \$1,000 for one (1) calendar year.

Section 5. Employers failing to comply with the provisions of this regulation shall be subject to penalties as provided by KRS 141.990(6)(a).

Section 6. The Department of Revenue shall develop procedures for implementing and administering the current month payment program and shall notify employers in writing of their obligation to make such payments.

ROBERT H. ALLPHIN, Commissioner

ADOPTED: January 15, 1981

RECEIVED BY LRC: January 15, 1981 at 11:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Commissioner, Department of Revenue, Capitol Annex Building, Frankfort, Kentucky 40620.

DEPARTMENT OF REVENUE

103 KAR 25:120. Partial remittance for current month required.

RELATES TO: KRS 139.590, 139.980, 139.990

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: To facilitate payment of the sales and use taxes levied in Chapter 139, KRS 139.590 permits the Department of Revenue, within its discretion, to require tax payments for periods other than monthly. This regulation prescribes a procedure whereby taxpayers whose average monthly tax liability is equal to or exceeds \$3,000 are required to remit a portion of the tax due for the current month at the time of filing the return for the previous month.

Section 1. Taxpayers whose average monthly tax liability for a calendar year equals or exceeds \$3,000 are required to remit, in addition to the tax due for the reporting period, the amount of sales and use tax applicable to transactions occurring during the first fifteen (15) calendar days of the month immediately following the month for

which the return is filed. Credit shall be allowed for the amount of the current month payment on the next monthly return filed.

Section 2. Following the close of each calendar year, the Department of Revenue shall review all taxpayer payments for the year and identify those taxpayers who first meet the \$3,000 test based on tax liability for the immediately preceding calendar year. The department shall notify such taxpayers of their obligation to start making current month payments at least forty (40) days in advance of the date the first current month payment is to be forwarded to the department.

Section 3. Taxpayers required to make the current month payments described in Section 1 shall continue such practice until notified otherwise in writing by the department. Taxpayers will be relieved of such responsibility if their average monthly tax liability for the year is less than \$2,850 for two (2) successive calendar years or if the average monthly tax liability does not exceed \$1,500 for one (1) calendar year.

Section 4. The Department of Revenue shall develop procedures for implementing and administering the current month payment program and shall notify taxpayers in writing of their obligations to make such payments.

Section 5. Taxpayers shall pay a penalty of ten percent (10%) of any underpayment of the amount of current month payment required by this regulation, except that no penalty will be applied if the amount of the current month payment equals or exceeds fifty percent (50%) of the actual tax liability for the previous month.

ROBERT H. ALLPHIN, Commissioner

ADOPTED: January 15, 1981

RECEIVED BY LRC: January 15, 1981 at 11:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Commissioner, Department of Revenue, Capitol Annex Building, Frankfort, Kentucky 40620.

CABINET FOR DEVELOPMENT Industrial Development Authority

305 KAR 1:011. Repeal of 305 KAR 1:010.

RELATES TO: KRS 65.510 to 65.650, 152.810 to 153.930

PURSUANT TO: KRS 13.082, 154.020, 154.110, 154.150

NECESSITY AND FUNCTION: The Kentucky Development Finance Authority, pursuant to HB 464 of the 1980 General Assembly, underwent significant statutory revision. Certain programs offered under prior legislation were combined, revised or eliminated. In addition, a new program "manufacturing projects," KRS 154.010, was added. Due to these various changes, and due to policy changes, the authority, at its regular monthly meeting on November 12, 1980, resolved to repeal this regulation.

Section 1. 305 KAR 1:010 is hereby repealed.

W. BRUCE LUNSFORD, Chairman

ADOPTED: November 12, 1980

APPROVED: LARRY G. TOWNSEND, Secretary

RECEIVED BY LRC: December 29, 1980 at 11:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Chairman, Development Finance Authority, Suite 300, State National Bank Building, Frankfort, Kentucky 40601.

CABINET FOR DEVELOPMENT Industrial Development Authority

305 KAR 2:011. Repeal of 305 KAR 2:010.

RELATES TO: KRS 154.001 to 154.060, KRS Chapter 154

PURSUANT TO: KRS 154.010(17), 154.060

NECESSITY AND FUNCTION: The Kentucky Development Finance Authority, pursuant to HB 464 of the 1980 General Assembly, underwent significant statutory revision. Certain programs offered under prior legislation were combined, revised or eliminated. In addition, a new program "manufacturing projects," KRS 154.010, was added. Due to these various changes, and due to policy changes, the authority, at its regular monthly meeting on November 12, 1980, resolved to repeal this regulation.

Section 1. 305 KAR 2:010 is hereby repealed.

W. BRUCE LUNSFORD, Chairman

ADOPTED: November 12, 1980

APPROVED: LARRY G. TOWNSEND, Secretary

RECEIVED BY LRC: December 29, 1980 at 11:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Chairman, Development Finance Authority, Suite 300, State National Bank Building, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET Department of Education

701 KAR 5:030. Budgets.

RELATES TO: KRS Chapters 43, 45; KRS 156.010, 156.024, 156.070, 156.118, 163.030, 163.140

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS Chapters 43 and 45 place the primary jurisdiction for auditing and for the budget and financial administration of state budgetary units with the State Auditor of Public Accounts and with the Department of Finance respectively; KRS 156.010 requires the Department of Education to exercise all administrative functions of the state relative to various spheres of education; KRS 156.024 gives the State Board the authority to investigate, review, and make recommendations relative to the budget requests of the Department of Education; KRS 156.118 establishes the Office of Fiscal Control within the Department of Education; and KRS

156.070, 163.030, and 163.140 gives the State Board the authority to manage, control, and administer the various spheres of education. This regulation properly establishes uniform responsibility and authority for budgeting, accounting, and auditing, procedures to be carried out within the Department of Education.

Section 1. The Office of Fiscal Control, utilizing guidelines developed and recommended by the Department of Finance and the Office of the State Auditor of Public Accounts, shall coordinate the development of the Kentucky Department of Education budget requests and budgets; shall establish internal accounting and auditing procedures for the department; and shall act as the primary liaison between the Department of Finance and the Department of Education in respect to fiscal policy and management. Internal accounting and auditing procedures shall include payroll, time, and attendance accounting procedures.

Section 2. Biennial budget requests shall present a complete financial plan for the two (2) succeeding fiscal years including a detailed statement of anticipated receipts and expenditures by source of funds, major program areas, and subprogram areas. Source of funds includes, but is not limited to, state general funds, federal funds, and agency receipts for elementary and secondary education programs, vocational education programs, vocational rehabilitation programs, and adult education programs.

Section 3. Annual budget requests shall present a complete financial plan for the next fiscal year and shall include detailed budgets by location, program area, budget unit, and major object code.

Section 4. Expenditures of funds to support elementary and secondary education programs, vocational education programs, vocational rehabilitation programs, and adult education programs shall be authorized by the Superintendent of Public Instruction or his authorized representative in accordance with federal laws, state statutes, and regulations.

Section 5. 705 KAR 2:020 is hereby repealed.

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: December 2, 1980

RECEIVED BY LRC: December 30, 1980 at 2:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Mr. Fred Schultz, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET Department of Education

701 KAR 5:040. Audits.

RELATES TO: KRS Chapter 43; KRS 156.010, 156.070, 156.118, 163.030, 163.140

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS Chapter 43 places the primary jurisdiction for auditing with the State Auditor of Public Accounts; KRS 156.010 requires the Department of Education to exercise all administrative

functions of the state relative to various spheres of education; KRS 156.118 establishes the Office of Fiscal Control within the Department of Education; and KRS 156.070, 163.030, and 163.140 gives the State Board of Education the authority to manage, control, and administer the various spheres of education. This regulation properly establishes uniform responsibility for the scope of routine audits to be carried out within the Department of Education.

Section 1. Audits shall be conducted on a periodic routine basis. Audits shall be coordinated through the Office of Fiscal Control and shall be correlated with the regulations, policies, and procedures of the federal government and the Office of the State Auditor of Public Accounts. Generally accepted accounting practices shall be followed.

Section 2. Audits shall be conducted on the Kentucky School for the Blind, the Kentucky School for the Deaf, and vocational education regions' financial records at least once each fiscal year and shall also include follow-up. Financial records shall be deemed to include inventory records of equipment and facilities. Audits shall be conducted on site in as many facilities or sites deemed necessary to establish valid conclusions. A copy of audit findings and recommendations shall be submitted to the appropriate Assistant Superintendent or Deputy to the Superintendent of Public Instruction who is responsible for program implementation.

Section 3. 705 KAR 2:090 is hereby repealed.

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: December 2, 1980

RECEIVED BY LRC: December 30, 1980 at 2:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Mr. Fred Schultz, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET Department of Education Bureau of Vocational Education

705 KAR 2:111. Repeal of 705 KAR 2:110.

RELATES TO: KRS 157A.060

PURSUANT TO: KRS 13.082, 156.070, 163.030

NECESSITY AND FUNCTION: KRS 157A.060, providing for add-on weights in calculating the Foundation Program based on program costs, has been repealed; so 705 KAR 2:110, which implements that statute, needs to be repealed.

Section 1. 705 KAR 2:110 is hereby repealed.

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: December 2, 1980

RECEIVED BY LRC: December 30, 1980 at 2:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Mr. Fred Schultz, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
 Department of Education
 Bureau of Vocational Education

705 KAR 3:071. Repeal of 705 KAR 3:070.

RELATES TO: KRS 163.020, 163.030

PURSUANT TO: KRS 13.082, 156.070

NECESSITY AND FUNCTION: Since federal funds have never been appropriated for such schools, even on an experimental basis, and since reference made to residential facilities tends to make for confusion with the existing long-term student dormitory facilities, this regulation needs to be repealed.

Section 1. 705 KAR 3:070 is hereby repealed.

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: December 2, 1980

RECEIVED BY LRC: December 30, 1980 at 2:30 p.m.

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

DEPARTMENT FOR HUMAN RESOURCES
 Bureau for Social Insurance

904 KAR 1:092. Repeal of 904 KAR 1:091E.

RELATES TO: KRS 194.050

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Emergency Heat Assistance Program, funded and authorized by the Community Services Administration, Department of Health and Human Services, provides that benefits terminate on October 31, 1980 and administration funds to terminate on November 15, 1980. Repeal will prevent confusion by employees and clients regarding available benefits.

Section 1. 904 KAR 1:091E is hereby repealed.

WILLIAM L. HUFFMAN, Commissioner

ADOPTED: December 22, 1980

APPROVED: W. GRADY STUMBO, Secretary

RECEIVED BY LRC: December 29, 1980 at 1 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
 TO: Secretary for Human Resources, DHR Building, 275 East Main Street, Frankfort, Kentucky 40621.

EDUCATION AND ARTS CABINET
 Department of Education
 Bureau of Vocational Education

705 KAR 5:031. Repeal of 705 KAR 5:030.

RELATES TO: KRS 156.160, 157.370, 157A.090

PURSUANT TO: KRS 13.082, 156.070, 156.160, 163.030

NECESSITY AND FUNCTION: KRS 157.370 and 157A.090 require the State Board of Education to adopt regulations setting forth the method of calculating the amount of cost and reimbursement to a local school district for transporting its pupils from the parent school to a vocational school. 702 KAR 5:110, however, implements this requirement, so 705 KAR 5:030 is not necessary.

Section 1. 705 KAR 5:030 is hereby repealed.

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: December 2, 1980

RECEIVED BY LRC: December 30, 1980 at 2:30 p.m.

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

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of the January 6-7, 1981 Meeting

(Subject to subcommittee approval at its February 4, 1981 meeting.)

The Administrative Regulation Review Subcommittee held its regularly scheduled meeting on Tuesday and Wednesday, January 6 and 7, 1981, in Room A of the Capitol Annex. Present were:

Members: Representative William T. Brinkley, Chairman; Senators Helen Garrett, James P. Bunning and William Quinlan; Representatives James E. Bruce and Albert Robinson.

Guests: Senator John A. "Eck" Rose; Representative Paul W. Richardson; Charles E. McCoy and Mike Salyers, Department of Labor; Carl B. Larsen, Harness Racing Commission; Richard Casey, Kentucky Higher Education Assistance Authority; Gregory T. Guess, Department of Energy; Eugene Perkins and Judith Walden, Department of Housing, Buildings and Construction; Hisham M. Saaid, Norman Schell, Martha L. Hall, Marjorie A. Mullen, Susan M. Schrage, Roger Blair and Caroline Patrick Haight, Department for Natural Resources and Environmental Protection; Ellyn Elise Crutcher and Charles S. Buechel, Energy and Utility Regulatory Commissions; Owen Caster, William C. Debord, Phil Thomas and George E. Franke, Department of Transportation; Ked Fitzpatrick and Tina Craft, Department of Human Resources; George Geoghegan, Board of Medical Licensure; Ralph Schiefferle, Lieutenant Governor's Office; John M. Leinenbach, Blue Grass Chapter A.G.C.; Edward H. Flint, H.B.P.A.; Ron Sheets, Kentucky Association of Rural Electric Co-ops; Howard G. Myers, Kentucky Forest Industries Assn.; Hayden Timmons, Big Rivers Electric Corporation; William M. Smith, Chester R. Babst and Kent Riggs, National Southwire Aluminum Co.; Tony Sholar, Kentucky Chamber of Commerce.

LRC Staff: Mabel D. Robertson, Deborah Herd, O. Joseph Hood, Susan Martin, Mary Helen Wilson, and Mike Greenwell.

Press: Herb Sparrow, AP; Mark L. Roberts, Department of Public Information.

Chairman Brinkley called the meeting to order. On motion of Senator Bunning, seconded by Representative Robinson, the minutes of the December meeting were approved.

The following regulations were accepted by the subcommittee and order filed:

HIGHER EDUCATION ASSISTANCE AUTHORITY KHEAA

11 KAR 4:010. Board meetings.

DEPARTMENT OF ENERGY Energy Conservation and Distribution

115 KAR 3:005. Set-aside fuel reserves.

DEPARTMENT OF TRANSPORTATION Bureau of Vehicle Regulation

Traffic

603 KAR 5:077. Trucks prohibited on Louisville Hill, Frankfort.

DEPARTMENT OF LABOR

Labor Standards; Wages and Hours

803 KAR 1:063. Trading time.

Occupational Safety and Health

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

803 KAR 2:021. Identification, classification and regulation of potential occupational carcinogens.

803 KAR 2:022. Repeal of 803 KAR 2:017.

HARNESS RACING COMMISSION

Harness Racing Rules

811 KAR 1:030. Eligibility and classification.

811 KAR 1:035. Claiming races.

811 KAR 1:090. Stimulants and drugs. (As amended.)

811 KAR 1:110. Timing and records.

811 KAR 1:125. Pari-mutuel rules.

DEPARTMENT FOR HUMAN RESOURCES

Bureau for Social Insurance

Public Assistance

904 KAR 2:010. AFDC; standards for need and amount.

904 KAR 2:084. Repeals 904 KAR 2:085.

The following regulations were deferred until the February meeting.

DEPARTMENT OF TRANSPORTATION

Bureau of Vehicle Regulation

Motor Carriers

601 KAR 1:025. Transporting hazardous materials; permit.

KENTUCKY SCHOOL BUILDING AUTHORITY School Building Construction

723 KAR 1:005. Funding procedures.

The following regulation was rejected by the subcommittee.

HARNESS RACING COMMISSION

Harness Racing Rules

811 KAR 1:015. Race officials.

The meeting was recessed on January 6 at 4 p.m. until 10 a.m. on January 7.

The meeting was reconvened at 10 a.m. on January 7 in Room A of the Capitol Annex.

Chairman Brinkley called the meeting to order.

The following regulations were accepted by the subcommittee and ordered filed:

PUBLIC SERVICE COMMISSIONS

Energy Regulatory Commission

807 KAR 50:020. Advertising.

807 KAR 50:066. Prohibition of master metering.

**DEPARTMENT OF HOUSING,
BUILDINGS AND CONSTRUCTION**

Plumbing

- 815 KAR 20:090. Soil, waste and vent systems.
- 815 KAR 20:120. Water supply and distribution.
- 815 KAR 20:191. Minimum fixture requirements.

Electrical Inspectors

- 815 KAR 35:010. Electrical inspectors' certification. (As Amended.)

**DEPARTMENT OF TRANSPORTATION
Bureau of Highways**

Traffic

- 603 KAR 5:096. Highway classifications.
Rep. Paul Richardson and Sen. "Eck" Rose appeared before the subcommittee regarding 603 KAR 5:096. There was considerable discussion on this regulation as to whether Highway 89 should be reclassified as a AAA road. For many years Highway 89 has been classified as a AA road. The main question that the subcommittee had regarding the reclassification was whether it would be maintained as a AAA road. Deputy Secretary Clair Nichols of the Dept. of Transportation sent a letter to the subcommittee stating that Highway 89 would be maintained as a AAA road and would be checked as to its safety and maintenance. After reviewing the letter the subcommittee approved this regulation.

**DEPARTMENT FOR NATURAL RESOURCES
AND ENVIRONMENTAL PROTECTION**

Bureau of Environmental Protection

Hazardous Material and Waste Management

- 401 KAR 2:070. Recordkeeping, operating standards, and reporting procedures.
- 401 KAR 2:085. Standards applicable to transportation of hazardous waste.

Air Pollution

New Source Standards

- 401 KAR 59:005. General provisions.
- 401 KAR 59:015. New indirect heat exchangers. (Amended after hearing.)
- 401 KAR 59:016. New electric utility steam regenerating units. (Amended after hearing.)
- 401 KAR 59:018. New stationary gas turbines. (Amended after hearing.)
- 401 KAR 59:020. New incinerators. (Amended after hearing.)
- 401 KAR 59:045. New petroleum refineries. (Amended after hearing.)
- 401 KAR 59:125. New primary aluminum reduction plants.
- 401 KAR 59:185. New solvent metal cleaning equipment.

Existing Source Standards

- 401 KAR 61:005. General provisions.
- 401 KAR 61:095. Existing solvent metal cleaning equipment.
- 401 KAR 61:145. Existing petroleum refineries. (Amended after hearing.)
- 401 KAR 61:165. Existing primary aluminum reduction plants. (Amended after hearing.)

The following regulations were deferred until the February meeting:

PUBLIC SERVICE COMMISSIONS

Energy Regulatory Commission

- 807 KAR 50:067. Electric consumer information.
There was discussion on this regulation as to the time limitation being changed from 30 to 60 days in order to notify customers of rate changes.

DEPARTMENT OF FINANCE

Board of Medical Licensure

- 201 KAR 9:005. Ethical conduct.

HARNESS RACING COMMISSION

Harness Racing Rules

- 811 KAR 1:180. Personnel to be licensed; fees.
The subcommittee directed Joe Hood, the counsel for the subcommittee, to notify the Harness Racing Commission that after his study he has found that the fees they are collecting are possibly illegal and he found no written authority on collecting the fees.

On motion of Senator Quinlan the meeting was adjourned at 12:10 p.m., to meet again on February 4, 1981, in Room A of the Capitol Annex Building.

Administrative Register ^{of} kentucky

Cumulative Supplement

Regulation Locator—Effective Dates G 2

KRS Sections Cited or Related to KAR G 6

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Regulation Locator—Effective Dates

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405 KAR 7:030E	710	6-11-80	405 KAR 16:160E	787	6-11-80	405 KAR 20:050E	831	6-11-80
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405 KAR 7:080E	714	6-11-80	405 KAR 16:190E	789	6-11-80	405 KAR 20:080E	833	6-11-80
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405 KAR 7:090E	716	6-11-80	405 KAR 16:200E	791	6-11-80	405 KAR 24:020E	834	6-11-80
Expired		10-9-80	Expired		10-9-80	Expired		10-9-80
405 KAR 7:100E	720	6-11-80	405 KAR 16:210E	793	6-11-80	405 KAR 24:030E	835	6-11-80
Expired		10-9-80	Expired		10-9-80	Expired		10-9-80
405 KAR 7:110E	721	6-11-80	405 KAR 16:220E	795	6-11-80	405 KAR 24:040E	837	6-11-80
Expired		10-9-80	Expired		10-9-80	Expired		10-9-80
405 KAR 8:010E	721	6-11-80	405 KAR 16:250E	797	6-11-80			
Expired		10-9-80	Expired		10-9-80			
405 KAR 8:020E	730	6-11-80	405 KAR 18:010E	797	6-11-80			
Expired		10-9-80	Expired		10-9-80			
405 KAR 8:030E	732	6-11-80	405 KAR 18:020E	798	6-11-80			
Expired		10-9-80	Expired		10-9-80			
405 KAR 8:040E	740	6-11-80	405 KAR 18:030E	799	6-11-80			
Expired		10-9-80	Expired		10-9-80			
405 KAR 8:050E	749	6-11-80	405 KAR 18:040E	799	6-11-80			
Expired		10-9-80	Expired		10-9-80			
405 KAR 10:010E	753	6-11-80	405 KAR 18:050E	800	6-11-80	11 KAR 4:030		
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405 KAR 10:020E	754	6-11-80	405 KAR 18:060E	801	6-11-80	11 KAR 5:035		
Expired		10-9-80	Expired		10-9-80	Amended	681	8-6-80
405 KAR 10:030E	755	6-11-80	405 KAR 18:070E	803	6-11-80	11 KAR 5:090		
Expired		10-9-80	Expired		10-9-80	Amended	681	8-6-80
405 KAR 10:040E	758	6-11-80	405 KAR 18:080E	804	6-11-80	102 KAR 1:020		
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405 KAR 10:060E	761	6-11-80	405 KAR 18:100E	807	6-11-80	Amended	682	8-6-80
Expired		10-9-80	Expired		10-9-80	102 KAR 1:070		
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405 KAR 12:020E	763	6-11-80	405 KAR 18:120E	809	6-11-80	102 KAR 1:155		
Expired		10-9-80	Expired		10-9-80	Amended	683	8-6-80
405 KAR 12:030E	766	6-11-80	405 KAR 18:130E	811	6-11-80	105 KAR 1:010		
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405 KAR 16:010E	767	6-11-80	405 KAR 18:140E	814	6-11-80	200 KAR 2:005	649	
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405 KAR 16:020E	768	6-11-80	405 KAR 18:150E	816	6-11-80	201 KAR 11:037		
Expired		10-9-80	Expired		10-9-80	Amended	683	8-6-80
405 KAR 16:030E	769	6-11-80	405 KAR 18:160E	816	6-11-80	301 KAR 1:035		
Expired		10-9-80	Expired		10-9-80	Amended	684	8-6-80
405 KAR 16:040E	769	6-11-80	405 KAR 18:170E	817	6-11-80	301 KAR 1:140		
Expired		10-9-80	Expired		10-9-80	Amended	684	8-6-80
405 KAR 16:050E	770	6-11-80	405 KAR 18:180E	818	6-11-80	301 KAR 1:145		
Expired		10-9-80	Expired		10-9-80	Amended	685	8-6-80
405 KAR 16:060E	771	6-11-80	405 KAR 18:190E	818	6-11-80	502 KAR 25:190		
Expired		10-9-80	Expired		10-9-80	Amended	686	8-6-80
405 KAR 16:070E	773	6-11-80	405 KAR 18:200E	819	6-11-80	603 KAR 2:015		
Expired		10-9-80	Expired		10-9-80	Amended	686	8-6-80
405 KAR 16:080E	774	6-11-80	405 KAR 18:210E	822	6-11-80	702 KAR 4:040		
Expired		10-9-80	Expired		10-9-80	Amended	688	8-6-80
405 KAR 16:090E	776	6-11-80	405 KAR 18:220E	823	6-11-80	703 KAR 2:070		
Expired		10-9-80	Expired		10-9-80	Amended	688	8-6-80
405 KAR 16:100E	777	6-11-80	405 KAR 18:230E	824	6-11-80	704 KAR 3:175		
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405 KAR 16:110E	778	6-11-80	405 KAR 18:260E	826	6-11-80	704 KAR 15:080		
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405 KAR 16:130E	782	6-11-80	405 KAR 20:020E	828	6-11-80	803 KAR 2:021		
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405 KAR 16:140E	785	6-11-80	405 KAR 20:030E	829	6-11-80	902 KAR 1:101	701	8-6-80
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Volume 7

NOTE: Effective July 15, 1980, emergency regulations expire upon being repealed, replaced or sine die adjournment of the next regular session of the General Assembly.

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103 KAR 35:020E	394	10-24-80	11 KAR 4:010 Amended	481	1-6-81	201 KAR 22:106 Amended	362	11-6-80
200 KAR 2:006E	288	10-6-80	101 KAR 1:120 Amended	221	10-1-80	201 KAR 22:110 Amended	445	11-6-80
200 KAR 4:005E	291	9-5-80	103 KAR 18:130	629		201 KAR 22:120 Amended	223	
200 KAR 5:308E	395	9-19-80	103 KAR 25:120	629		201 KAR 22:125 Repealed	402	10-1-80
301 KAR 2:029E Expires	77	8-7-80	104 KAR 1:010 Amended	222	10-1-80	201 KAR 26:010 Amended	361	11-6-80
302 KAR 20:040E Replaced	2	7-15-80	107 KAR 1:030	584		201 KAR 26:020 Amended	311	
302 KAR 20:070E Replaced	19	9-3-80	115 KAR 3:005	519	1-6-81	201 KAR 26:030 Reprinted	446	11-6-80
401 KAR 51:016E	293	7-15-80	200 KAR 4:010 Repealed	291	9-5-80	201 KAR 26:040 Rejected	208	8-6-80
401 KAR 51:051E	293	9-11-80	201 KAR 2:020 Amended	291	9-5-80	201 KAR 26:050 Amended	211	8-6-80
603 KAR 5:077E Replaced	437	11-12-80	201 KAR 9:005	403	12-3-80	201 KAR 26:060 Rejected	285	8-6-80
902 KAR 14:005E	521	1-6-81	201 KAR 11:140 Amended	572		201 KAR 26:070 Amended	433	10-1-80
902 KAR 14:015E	396	10-14-80	201 KAR 11:147 Amended	573		201 KAR 26:080 Amended	211	8-6-80
902 KAR 20:007E	397	10-14-80	201 KAR 12:020 Amended	481		201 KAR 26:090 Withdrawn	211	8-6-80
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902 KAR 20:017E	93	8-8-80	201 KAR 12:065 Amended	483		301 KAR 2:085 Amended	311	11-6-80
902 KAR 20:020E	95	8-8-80	201 KAR 12:082 Amended	483		301 KAR 3:021 Amended	314	
902 KAR 20:025E	98	7-24-80	201 KAR 12:083 Amended	486		301 KAR 3:053 Amended	446	11-6-80
902 KAR 20:030E	106	8-8-80	201 KAR 12:085 Amended	486		302 KAR 1:035 Amended	573	
902 KAR 20:035E	115	7-24-80	201 KAR 12:130 Amended	487	11-6-80	302 KAR 20:040 Amended	363	11-6-80
902 KAR 20:040E	118	7-24-80	201 KAR 12:161	521		302 KAR 20:070 Amended	19	9-3-80
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902 KAR 20:047E	127	7-24-80	201 KAR 20:056 Amended	309	11-6-80	305 KAR 2:011	630	
902 KAR 20:050E	136	7-24-80	201 KAR 20:200	399	10-1-80	401 KAR 2:070 Amended	315	
902 KAR 20:055E	138	7-24-80	201 KAR 20:205	399	10-1-80	401 KAR 2:085 Amended	450	1-7-81
902 KAR 20:057E	147	7-24-80	201 KAR 20:210	400	10-1-80	401 KAR 4:050	364	1-7-81
902 KAR 20:059E	154	8-8-80	201 KAR 20:215	400	10-1-80	401 KAR 50:010 Amended	365	11-6-80
902 KAR 20:065E	157	8-8-80	201 KAR 20:220	401	10-1-80	401 KAR 50:015 Amended	574	
902 KAR 20:070E	161	8-8-80	201 KAR 20:225	402	10-1-80	401 KAR 51:010 Amended	224	12-3-80
902 KAR 20:075E	165	8-8-80	201 KAR 22:010 Amended	310		401 KAR 51:036 Amended	271	
902 KAR 20:077E	172	8-8-80	201 KAR 22:020 Amended	442	11-6-80	401 KAR 51:015 Repealed	597	
902 KAR 20:080E	176	7-24-80	201 KAR 22:030 Repealed	310	11-6-80	401 KAR 51:016 Withdrawn	226	12-3-80
902 KAR 20:085E	179	8-8-80	201 KAR 22:031 Amended	442	11-6-80	401 KAR 51:050 Repealed	577	
902 KAR 20:090E	183	8-8-80	201 KAR 22:035 Amended	359	11-6-80	401 KAR 51:051 Withdrawn	293	9-11-80
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902 KAR 20:100E	193	8-8-80	201 KAR 22:051 Repealed	361	11-6-80			
902 KAR 20:105E	201	8-8-80	201 KAR 22:060 Repealed	361	11-6-80			
902 KAR 20:110E	205	8-8-80	201 KAR 22:061 Amended	361	11-6-80			
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