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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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Emergency Regulations Now In Effect

(NOTE: Emergency regulations expire upon being repealed or replaced.)

MARTHA LAYNE COLLINS, GOVERNOR
Executive Order 83-56
December 28, 1983

EMERGENCY REGULATION Department of Personnel Personnel Board

WHEREAS, the Legislative Research Commission on November 2, 1983, approved proposed amendments in certain Personnel Regulations; and

WHEREAS, that certain current regulation, 101 KAR 1:055E (Compensation, pay for performance), was not subject to amendment because it was an emergency regulation; and

WHEREAS, the proper and efficient functioning of the State Personnel system requires that a personnel regulation such as 101 KAR 1:055E be continuously in effect; and

WHEREAS, the Department of Personnel and Personnel Board has found that the damage and confusion which would be inflicted upon orderly and effective state personnel administration if the above mentioned regulation lapsed would be extensive and that such possibility constitutes a bona fide emergency; and

WHEREAS, the Department of Personnel and the Personnel Board have determined and finds that an emergency exists and that it is necessary to approve emergency regulation 101 KAR 1:051E as it relates to compensation for state employees:

NOW, THEREFORE, I, Martha Layne Collins, Governor of the Commonwealth of Kentucky, pursuant to the authority vested in me by Section 13.088(1) of the Kentucky Revised Statutes, hereby acknowledge the findings of the Department of Personnel and the Personnel Board that an emergency exists and direct that the attached regulation become effective January 1, 1984 upon being filed in the Office of the Legislative Research Commission.

MARTHA LAYNE COLLINS, Governor
Frances Jones Mills, Secretary of State

FINANCE AND ADMINISTRATION CABINET Department of Personnel

101 KAR 1:051E. Compensation and pay for performance plan.

RELATES TO: KRS 18A.030, 18A.075, 18A.110, 18A.165

PURSUANT TO: KRS 13.082, 18A.075, 18A.110

EFFECTIVE: December 29, 1983

REPLACED: January 4, 1984

NECESSITY AND FUNCTION: KRS 18A.110 requires the Commissioner of Personnel to prepare and submit to the board rules which provide for a pay plan for all employees in the classified service, taking into account such factors as the relative level of duties and respon-

sibilities of various classes, rates paid for comparable positions elsewhere, and the state's financial resources. This rule is to assure uniformity and equity in administration of the pay plan in accordance with statutory requirements.

Section 1. Preparation, Approval, and Maintenance of the Plan. (1) After consultation with appointing authorities, the Secretary of the Finance and Administration Cabinet, and after conducting an annual wage and salary survey of relevant labor markets, the commissioner shall prepare a compensation plan for all classes of positions based on the concepts of internal job equity, external market competitiveness, and individual employee merit. The plan shall provide pay grades or specific salary rates as appropriate for the various classes. Each job class shall be assigned an appropriate pay grade or rate with consideration given to internal job evaluation data and external market conditions. All rates of pay for classes shall be consistent with the functions outlined in the classification plan. The compensation plan shall reward individual employee work performance in accordance with a performance increase chart to be developed by the commissioner.

(2) When the commissioner determines through relevant salary surveys that the state's overall compensation plan is inadequate in relation to that of other employers, he may authorize, upon certification of the State Budget Director and the Office for Policy and Management as to the availability of funds, a general adjustment of all pay grades in the pay structure to provide salary rates which are comparable to the external market. Additional surveys may be conducted as necessary to determine market conditions for specific classes.

(3) The commissioner shall submit the plan to the board for its approval. The board shall present the plan, through the Secretary of the Finance and Administration Cabinet, to the Governor for his final approval. The commissioner shall review the plan annually.

Section 2. Appointments. Initial appointments to state service shall be made at the minimum rate of the pay grade established for the class unless the commissioner authorizes appointment of a highly qualified applicant at a rate above the minimum, not to exceed the midpoint of the pay grade. Such exceptions shall be based on the outstanding and unusual nature of the applicant's education and/or experience over and above the minimum requirements set for the class. Such additional qualifications must be in the same or related area of the job duties of the class to which the appointment is to be made. Employees possessing similar qualifications employed in the same class, by the same agency, in the same locality shall have their salaries adjusted to the same rate granted in the in-range appointment if that rate is higher than their current salaries.

Section 3. Re-entrance to State Service. Appointing authorities, with the approval of the commissioner, may place re-employed, reinstated, and probationarily ap-

pointed former employees at a salary determined by one (1) of the following methods:

(1) Reinstatement to a class having the same or lower pay grade that is currently assigned to the employee's former class:

(a) Request the same salary that was paid at the time of separation from the classified service if such salary is within the current pay grade;

(b) Request a salary higher than that paid at the time of separation from the classified service due to salary schedule or pay grade adjustments;

(c) Request a lower salary than that paid at the time of separation from the classified service if such a salary is within the current pay grade.

(d) Request a salary in accordance with the standards used for making new appointments.

(2) Re-employment or probationary appointment of former employees to the same, lower, or higher pay grade:

(a) Request the same salary that was paid at the time of separation from the classified service if such salary is within the current pay grade;

(b) Request a salary higher than that paid at the time of separation from the classified service due to salary schedule or pay grade adjustments;

(c) Request a lower salary than that paid at the time of separation from the classified service if such salary is within the current pay grade.

(d) Request a salary in accordance with the standards used for making new appointments.

(3) Former employees who were separated from state service by lay-off and who are reinstated or re-employed in the same or a similar class within one (1) year from the date of lay-off may receive the salary they were receiving at the time of lay-off, even if such salary is above the maximum of the new pay grade.

(4) Employees re-employed, reinstated or former employees probationarily appointed to a salary:

(a) Below the mid-point of the pay grade shall be considered for a performance increase in accordance with Section 5(1) of this regulation.

(b) Which equals or exceeds the midpoint of the pay grade at the time of completion of the probationary period may be considered for a performance increase in accordance with Section 5(1) of this regulation. If such employee is not considered for a performance increase in accordance with Section 5(1) of this regulation, he shall be considered for a performance increase at the beginning of the month following completion of twelve (12) months service from the date of re-employment, reinstatement or appointment.

Section 4. Salary Adjustments. (1) Promotion. An employee who is promoted shall receive a salary increase of five percent (5%) upon promotion; if an employee's salary is above the maximum of the pay grade for the class to which he is promoted, the employee shall receive a lump-sum payment of five percent (5%) of his annual base salary. An employee may receive a promotional increase of five percent (5%) on the first of the month following successful completion of the probationary period; if an employee's salary is above the maximum of the pay grade he may receive a lump-sum payment of five percent (5%) of his annual base salary. In no case shall the employee's salary be below the minimum of the higher grade following promotion. If the promotion is to a classification which constitutes an unusual increase in the level of responsibility, the appointing authority, with the prior written ap-

proval of the commissioner, may grant upon promotion a ten percent (10%) or fifteen percent (15%) salary increase over the employee's previous salary. If an employee's salary is above the maximum of the pay grade for the class to which he is promoted, the appointing authority, with the prior written approval of the commissioner, may grant upon promotion a lump-sum payment of ten percent (10%) or fifteen percent (15%) of the employee's annual base salary may be granted. A promotional increase shall not change the employee's regular performance increase date.

(2) Demotion. An employee who is demoted may have his salary reduced to a rate which is in the pay grade for the new class; this rate shall not exceed the rate which the employee was receiving prior to the demotion.

(3) Transfer. An employee who is transferred to a job class having the same pay grade shall be paid the same salary that he received prior to the transfer.

(4) Reclassification. An employee who is advanced to a higher pay grade through a reclassification of his position shall receive a salary increase of five percent (5%) except that in no case shall the employee's salary after such increase be below the minimum of the new pay grade. In those cases where the employee's salary is above the maximum of the pay grade for the new class, the employee shall receive a lump-sum payment of five percent (5%) of his annual base salary rate. An employee whose position is placed in a lower pay grade through reclassification shall receive the same salary he was receiving prior to reclassification, even if that salary is above the maximum of the new pay grade.

(5) Reallocation. An employee who is advanced to a higher pay grade through a reallocation of his position may receive a salary increase of five percent (5%) except that in no case shall the employee's salary after such increase be below the minimum of the higher pay grade. In those cases where the employee's salary is above the maximum of the pay grade for the new class, the employee may receive a lump-sum payment of five percent (5%) of his annual base salary. An employee whose current salary exceeds the pay grade maximum assigned to his class following reallocation of his position shall retain that current salary.

(6) Detail to special duty. An employee who is approved for detail to special duty as provided by 101 KAR 1:110, Section 4, may receive a five percent (5%) increase upon detail to a higher class except that in no case shall the employee's salary after such increase be below minimum of the higher grade.

(7) Reversion.

(a) An employee who is returned to his former class after failure to complete the probationary period following promotion or following detail assignment to a higher class shall have his salary reduced to a rate received prior to such promotion or detail assignment and is entitled to all salary advancements and adjustments he would have received had he not left the class even if these advancements place his salary above the maximum of the pay grade applicable to the class to which the employee is returning.

(b) An employee who is returned to a position in the classified service following transfer or promotion to the unclassified service shall have his salary reduced to the rate received prior to the promotion or transfer and is entitled to all salary advancements and adjustments he would have received had he not left the class even if these advancements place his salary above the maximum of the pay grade applicable to the class to which the employee is returning.

(c) The salary for employees who obtain merit status but later resign the classified position to accept appointment to an unclassified position shall have their salary determined, upon re-entry to the classified service, the same as employees who are reverted if there has been no break in service.

Section 5. Salary Advancements. (1) Probationary performance increases. The amount of an employee's probationary performance increase shall be based upon individual employee work performance conducted in accordance with 101 KAR 1:140, Section 10, and the pay plan. Full-time and part-time employees who complete their probationary period with at least a satisfactory performance level shall be granted a performance increase at the beginning of the month following such completion of the probationary period. The service may be provisional or probationary. Employees completing a probationary period following promotion shall not be eligible for a probationary performance increase under this section.

(2) Annual performance increases. The amount of an employee's annual performance increase shall be based upon individual employee work performance conducted in accordance with 101 KAR 1:140, Section 10, and the pay plan. Performance increases shall be limited to permanent full-time and part-time employees. Employees who are on educational leave with pay shall not receive performance increases. Employees in classes assigned flat rate salaries shall not be eligible to receive performance increases.

(a) Employees whose salaries are above the maximum of the pay grade shall be eligible to receive performance increases in a lump-sum amount on the employee's performance increase date.

(b) An employee having at least a satisfactory performance level shall receive a performance increase at the beginning of the month following completion of twelve (12) months service since last receiving a performance or probationary increase.

(c) An employee whose combined annual increment and performance increase payment places his salary above the maximum of the pay grade shall have his annual increment added to his annual base pay. Any or all of this performance pay increase which places his salary above the maximum of the pay grade shall be awarded as a lump-sum payment as of January 1, 1984.

(d) An employee whose performance level is below standard shall not receive a performance increase on his regularly scheduled increase date, but shall be considered for such increase twelve (12) months following his regularly scheduled date.

(3) Service computation. In computing service for the purpose of determining annual performance increase eligibility, in those cases where an employee is changed from part-time to full-time, part-time service shall be counted in determining increase eligibility for a full-time employee; in those cases where an employee is changed from full-time to part-time, full-time service shall be counted in determining increase eligibility for a part-time employee.

(4) Performance increase and annual increment dates will be established:

(a) Following completion of probation, except probation following promotion, with at least a satisfactory performance level, or following completion of twelve (12) months service from the date of appointment, reinstatement, or re-employment, pursuant to Section 3(4) of this regulation.

(b) When an employee returns from leave without pay pursuant to Section 7(2) of this regulation.

(5) Performance increase and annual increment dates will not change when an employee:

(a) Is in a position which is assigned a new or different salary grade.

(b) Receives a salary adjustment as a result of his position being reallocated or reclassified.

(c) Is transferred.

(d) Receives a demotion.

(e) Is approved for detail to special duty.

(f) Receives an educational achievement increase.

(g) Returns from military leave.

(h) Has his salary advanced above the maximum of the pay grade or has his salary returned to the pay grade due to a salary schedule change or pay grade adjustment.

(i) Is promoted or receives a promotional increase after completion of probation following promotion.

(6) Annual increment. All employees shall receive statutory annual increment of five (5) percent on the employee's regularly scheduled performance increase date. The commissioner shall assign increase dates to employees not having performance increase dates. For purposes of calculating the statutory annual increment of five percent (5%):

(a) Educational achievement increases, employee suggestion systems awards and overtime and/or compensatory leave payments shall not be included in "gross annual salary or wages."

(b) A lump-sum payment made to an employee pursuant to Sections 4(1), 4(4), 4(5), and 5(2)(a) of this regulation, and previous regulatory provision providing for a continuous service award shall be included in "gross annual salary or wages."

Section 6. Educational Achievement Increase. Subject to the approval of the commissioner, any permanent, full-time employee who, after completion of his initial probationary period, satisfactorily completes 260 classroom hours (or the equivalent as determined by the commissioner) of job related instruction or receives a high school diploma or GED is eligible for a lump-sum educational achievement increase of five percent (5%) of his annual base salary the first of the month following the approval of the increase.

Section 7. Return from Leave. (1) Leave with pay. The appointing authority shall grant an employee on leave with pay or returning to duty from leave with pay a performance increase on the employee's regularly scheduled increase date if such increase is warranted and the employee's performance level can be properly documented.

(2) Leave without pay. Employees returning to duty from leave without pay shall receive an annual increment and be considered for a performance increase when they have completed twelve (12) months service since the date they last received an annual increment pursuant to Section 5(3) of this regulation.

(3) Military Leave. An employee returning to duty from military leave without pay, or from military service in accordance with KRS 61.373, shall receive the same or similar pay (same salary plus grade changes) and all other increases he would have received. Satisfactory performance shall be assumed when computing the amount of performance increase(s) due.

Section 8. Salary Schedule Adjustment. When the commissioner authorizes an adjustment of all grades in the pay schedule, employees who are below the new minimum rates shall have their salaries adjusted at least to the minimum rates of their grades.

Section 9. Class Re-evaluation and Grade Adjustment. (1) Class re-evaluation is the assignment of a different pay grade to a class based upon a change in relation to other classes or to labor market conditions.

(2) Change in pay grade. Whenever it becomes necessary to assign a class a different pay grade due to changes defined in Section 9(1) of this regulation, the commissioner may make a new or different pay grade applicable to a class of positions. Persons employed in positions of that class at the effective date of the change in pay grade shall have their salary placed at least at the minimum salary of the higher grade. In no event shall an employee's salary be placed at a rate less than he received prior to the change in the pay grade. Employees whose salaries are already within the higher grade shall retain their current salaries following the adjustment. Employees in a class assigned to a lower pay grade through class re-evaluation shall retain their current salary even if that salary is above the maximum rate of the lower grade. The commissioner shall review the use of this provision for retaining employees' salaries above pay grade maximums and report to the Board July 1, 1984.

(3) Recruitment difficulties. Whenever the commissioner determines that it is not possible to recruit qualified employees at the established entrance salary in a specific area or for a specific class, he may at the request of the appointing authority, authorize the recruitment for a class of position at a higher rate in the pay grade, provided that all other employees in the same class of position in the same agency in the same locality are adjusted in salary to the same rate. When the commissioner determines that it is not possible to relieve salary inadequacies using this provision, Section 9(2) of this regulation shall apply.

(4) Increases resulting from this section shall not affect an employee's performance increase date.

Section 10. Paid Overtime. Overtime for which pay is authorized shall have the approval of the Commissioner of Personnel and the Secretary of the Finance and Administration Cabinet.

Section 11. Maintenance and Maintenance Allowance. In each case where an employee or the employee and his family are provided with full or part maintenance, consisting of one (1) or more meals per day, lodging or living quarters, and domestic or other personal services, such compensation shall be treated as part payment. The value of these services shall be deducted from the appropriate salary rate in accordance with a maintenance schedule developed by the commissioner after consultation with the appointing authority and the Secretary of the Finance and Administration Cabinet.

Section 12. Supplemental Shift Premium. Upon request of the appointing authority, the commissioner may authorize the payment of a supplemental shift premium for those employees directed to work an evening or night shift. However, no employee shall receive a supplemental shift premium subsequent to a transfer to a position that is ineligible for a shift differential premium payment. The employee's loss of shift differential pay shall not be a basis for an appeal to the Personnel Board.

Section 13. 101 KAR 1:055 and 101 KAR 1:055E, Compensation plan, pay for performance, are hereby repealed.

DEE MAYNARD, Commissioner

ADOPTED: October 14, 1983

RECEIVED BY LRC: December 29, 1983 at 1 p.m.

MARTHA LAYNE COLLINS, GOVERNOR

Executive Order 83-57

December 29, 1983

EMERGENCY REGULATION

Department of Fish and Wildlife Resources

WHEREAS, the Bernheim Forest in Bullitt and Nelson Counties is overpopulated with deer, a situation which threatens the continued existence of deer and other wildlife on the property and which subjects surrounding landowners to unusually high deer depredation upon their agricultural crops; and

WHEREAS, the Bernheim Forest is operated by the Bernheim Foundation as a wildlife refuge and as such is not subject to the annually designated hunting seasons by which deer populations are normally controlled; and

WHEREAS, the Department of Fish and Wildlife Resources and the Bernheim Foundation have mutually agreed to apply a public hunt to the Bernheim Forest and its immediate vicinity to effect the necessary deer population reduction; and

WHEREAS, the Kentucky Department of Fish and Wildlife Resources has promulgated a regulation for a controlled hunt at Bernheim Forest; and

WHEREAS, the Commissioner of the Department of Fish and Wildlife Resources has determined in a letter dated December 28, 1983, that an emergency exists with respect to said regulation and that, therefore, said regulation should, pursuant to the provisions of KRS 13.088(1), become effective upon filing with the Legislative Research Commission:

NOW, THEREFORE, I, Martha Layne Collins, Governor of the Commonwealth of Kentucky, by the authority vested in me by Section 13.088(1) of the Kentucky Revised Statutes, hereby acknowledge the finding of the Department of Fish and Wildlife Resources that an emergency exists and direct that the attached regulation become effective immediately upon being filed in the Office of the Legislative Research Commission as provided under KRS 13.088(1).

MARTHA LAYNE COLLINS, Governor

Frances Jones Mills, Secretary of State

COMMERCE CABINET

Department of Fish and Wildlife Resources

301 KAR 2:160E. Deer season on Bernheim Forest Refuge and surrounding zone.

RELATES TO: KRS 150.010, 150.025, 150.105, 150.170, 150.176, 150.200, 150.305, 150.330, 150.340, 150.360, 150.370, 150.390, 150.400, 150.415, 150.416

PURSUANT TO: KRS 13.082

EFFECTIVE: December 29, 1983

NECESSITY AND FUNCTION: This regulation pertains to establishing a deer hunting season on the Bernheim Forest Refuge and a surrounding zone. It is necessary to effect the removal of deer from this area to relieve a severe deer overpopulation problem. The function of this regulation is to set season dates, specify areas open to deer hunting, and to prescribe the methods by which deer may be taken.

Section 1. Gun Season Dates, Limits and Restrictions. All provisions of 301 KAR 2:150 apply except as otherwise specified in this regulation.

(1) The Bernheim Forest Refuge and the surrounding zone as described in Section 3 of this regulation shall be considered a designated special area as provided in 301 KAR 2:150, Section 4(3).

(2) Hunters must have a valid 1983 deer tag and a 1984 hunting license unless exempted by KRS 150.170(3), (5), or (6).

(3) Gun season dates for the Bernheim Forest Refuge and described surrounding zone are February 3 through February 6, 1984.

(4) Hunters must check any deer taken at the check station designated for this hunt.

Section 2. Requirements for the Bernheim Forest Refuge Hunt.

(1) Antlered deer may not be taken.

(2) Only breech-loading and muzzle-loading shotguns of ten (10) gauge maximum and twenty (20) gauge minimum firing a single projectile are permitted.

(3) Only those selected in a random drawing conducted by the department may participate. Applications which do not meet the specifications set forth by the department will be rejected.

(4) Hunters may hunt on assigned date and in assigned areas only.

(5) All hunters must check in and out with their assigned party leaders.

Section 3. Description and Requirements for the surrounding zone.

(1) This zone is defined as follows: The area between the Bernheim Forest Refuge boundary and the following roads: In Bullitt County from the Nelson County line north on State Route (SR) 61 to I-65, north on I-65 to SR 480, east on SR 480 to SR 1604, south on SR 1604 to Deatsville Road, south on Deatsville Road, to the Nelson County line. In Nelson county from the Bullitt County line south on Deatsville-Cedar Grove Road, to SR 523, west on SR 523 to SR 245, south on SR 245 to US 31E, south on US 31E to US 62, west on US 62 to SR 61, and north on SR 61 to the Bullitt County line.

(2) Either sex deer may be taken.

Section 4. This regulation will not be valid after February 15, 1984.

CARL E. KAYS, Commissioner
ROBERT C. WEBB, Chairman

ADOPTED: December 5, 1983

APPROVED: CARROLL KNICELY, Secretary

RECEIVED BY LRC: December 29, 1983 at 3 p.m.

MARTHA LAYNE COLLINS, GOVERNOR

Executive Order 84-52

January 10, 1984

EMERGENCY REGULATION

Cabinet for Human Resources

Department for Social Insurance

WHEREAS, the Secretary of the Cabinet for Human Resources is responsible under Section 194.050 of the Kentucky Revised Statutes, for setting forth, by regulation, the policies of the Cabinet with regard to administration of the Food Stamp Program; and

WHEREAS, through enactment of Public Law 97-35, the Omnibus Budget Reconciliation Act of 1981, the Congress has revised the requirements as to certification process for the Food Stamp Program; and

WHEREAS, pursuant to this federal act, the revision is to become effective January 1, 1984, in accordance with dates set through the regulatory process by the Secretary of the United States Department of Agriculture; and

WHEREAS, the Secretary has found that to conform with requirements of Public Law 97-35, it is necessary to revise the certification process of the Food Stamp Program in the Commonwealth of Kentucky; and

WHEREAS, the secretary has found that an emergency exists with respect to said regulation and that, therefore, said regulation should, pursuant to the provisions of KRS 13.088(1), become effective upon filing with the Legislative Research Commission:

NOW, THEREFORE, I, MARTHA LAYNE COLLINS, Governor of the Commonwealth of Kentucky, by virtue of the power vested in me by Section 13.088(1) of the Kentucky Revised Statutes, do hereby acknowledge the finding of the Secretary of the Cabinet for Human Resources with respect to the filing of said regulation on Certification Process, and hereby direct that said regulation shall become effective upon being filed with the Legislative Research Commission, as provided in Chapter 13 of the Kentucky Revised Statutes.

MARTHA LAYNE COLLINS, Governor
DREXELL R. DAVIS, Secretary of State

CABINET FOR HUMAN RESOURCES
Department for Social Insurance

904 KAR 3:035E. Certification process.

RELATES TO: KRS 194.050

PURSUANT TO: KRS 13.082, 194.050

EFFECTIVE: January 10, 1984

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer a Food Stamp Program as prescribed by the Food Stamp Act of 1977, as amended, and 7 CFR Part 270 through 280. KRS 194.050 provides that the secretary shall, by regulation, develop policies and operate programs concerned with the welfare of the citizens of the Commonwealth. This regulation sets forth the certification process used by the cabinet in the administration of the Food Stamp Program.

Section 1. Eligibility and Benefit Levels. Eligibility and benefit levels shall be determined by the cabinet by considering the households circumstances for the entire mon-

th(s) for which each household is certified. Procedures specified in 7 CFR Parts 273.3, 273.10(a), 273.10(b), 273.10(c), 273.10(d), 273.10(e) and, as appropriate, 273.21(e) shall be used, *unless specifically waived by the federal Food and Nutrition Service (FNS)*, to determine eligibility and calculate net income and benefit levels. The criteria set forth in this section shall be applicable to all households. In addition, certain households require special/additional certification procedures as specified in Section 5 of this regulation.

Section 2. Certification Periods. The cabinet shall establish a definite period of time within which a household shall be eligible to receive benefits. At the expiration of each certification period entitlement to food stamp benefits ends. Further eligibility shall be established only upon a recertification based upon a newly completed application, an interview, and verification. Certification periods for non-public assistance households shall be in accordance with those specified in 7 CFR Part 273.10(f)(3)(4)(5)(6). Households in which all members are included in a PA grant shall be certified [, effective July 1, 1983,] for a period of time which ensures, to the extent possible, that the recertification date and the PA reinvestigation date coincide.

Section 3. Certification Notices to Households. The cabinet shall provide applicants with one (1) of the following written notices as soon as a determination is made, but no later than thirty (30) days after the date of the initial application:

- (1) Notice of eligibility.
- (2) Notice of denial.
- (3) Notice of pending status.

Section 4. Application for Recertification. The cabinet shall process applications for recertification in accordance with 7 CFR Part 273.10(g)(2), Part 273.14 and Part 273.21(p), *unless specifically waived by FNS*.

Section 5. Certification Process for Specific Households. The following households have circumstances that are substantially different from other households and therefore require special/additional certification procedures:

- (1) Households with self-employed members shall have their cases processed in accordance with 7 CFR Part 273.11(a).
- (2) Households with boarders shall have their case processed in accordance with 7 CFR Part 273.11(b).
- (3) Households with excluded household members which have been disqualified from program participation due to intentional program violation, failure to provide a Social Security number, because they are ineligible aliens or because they have not verified their citizenship or alien status prior to certification, shall have their case processed in accordance with 7 CFR Part 273.11(c).
- (4) Households with non-household members shall be processed in accordance with 7 CFR Part 273.11(d).
- (5) Residents of drug/alcoholic treatment and rehabilitation programs shall have their case processed in accordance with 7 CFR Part 273.11(e).
- (6) Residents of group living arrangements who are blind or disabled receive benefits under Title II or Title XVI of the Social Security Act shall have their case processed in accordance with 7 CFR Part 273.11(f), which allows residents to apply in their own behalf or through the

use of an authorized/certified facility's authorized representative.

(7) Residents of shelters for battered women and children shall have their case processed in accordance with 7 CFR 273.11(g).

(8) Households consisting only of Supplemental Security Income (SSI) applicants or recipients shall have their case processed in accordance with 7 CFR 273.2(k).

(9) Households with a member who is on strike shall have their case processed in accordance with 7 CFR 273.1(g).

(10) Households requesting replacement allotments shall be processed in accordance with 7 CFR 273.11(h), 274.2(h) and 274.3(c).

(11) Student households or households containing a member(s) who is a student shall have their case processed in accordance with 7 CFR Part 273.5.

(12) Households containing a sponsored alien(s) shall have their case processed in accordance with 7 CFR Part 273.11(h).

(13) Households [residing in a county which is implementing mandatory monthly reporting and] which are required to *comply with mandatory* [report] *monthly reporting criteria*, shall have their case processed in accordance with 7 CFR Part 273.21 and *waivers thereto approved by FNS*, with selected options as follows:

(a) A two (2) month system shall be used whereby the issuance month is the second month following its corresponding budget month. This system includes *two (2) or three (3) beginning months*, the month of application and/or approval and the following month.

(b) Ongoing eligibility and benefits shall be determined by considering all factors of eligibility *retrospectively*, except that any factor which causes ineligibility in a future month shall be acted upon immediately [prospectively for each of the issuance months]. Initial eligibility and benefit calculation shall be determined *prospectively* [in accordance with 7 CFR Part 273.21(e)] for the beginning months.

(c) *Circumstances and* [Actual earned and unearned] income received in the *appropriate* [corresponding] budget month shall be considered *for the corresponding issuance month*.

(d) Consider the *amount of the PA grant which was* [to be] issued in the corresponding budget month.

(e) Counties will terminate [cases in accordance with 7 CFR Part 273.21(m)] or [will] suspend cases in accordance with 7 CFR Part 273.21(m) [(n)].

(f) Households shall be recertified using the recertification form *which shall serve as the* [and a] monthly report [will not be] required for that month.

(g) All households specified in 7 CFR Part 273.21(b)(2), as well as any others exempted by the appropriate federal agency, shall be excluded from mandatory monthly reporting.

Section 6. Reporting Changes. Certified households are required to report those changes in household circumstances specified in 7 CFR Part 273.12(a) within ten (10) days of the date the change becomes known to the household. An applying household shall report all changes related to its food stamp eligibility and benefits at the certification interview, or for changes occurring after the interview but prior to receipt of the notice of eligibility, within ten (10) days of the date of the notice. The cabinet shall act on reported changes in accordance with 7 CFR Part 273.12(c). The cabinet shall comply with other change

reporting provisions outlined in 7 CFR Part 273.12. Households participating in a county which is implementing mandatory monthly reporting and which are required to report monthly, shall not be required to submit any reports of changes other than the [monthly] reports required under Section 5(13) of this regulation.

JOHN CUBINE, Commissioner

ADOPTED: January 5, 1984

APPROVED:

E. AUSTIN, JR., Secretary

RECEIVED BY LRC: January 10, 1984 at 2:45 p.m.

Proposed Amendments

TOURISM CABINET

Department of Fish and Wildlife Resources (Proposed Amendment)

301 KAR 1:016. Private camps; boat docks, etc.

RELATES TO: KRS 150.025, 150.090, 150.620, 150.625, 150.640

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: This regulation sets forth the conditions that govern the construction of private boat docks on department-owned waters. It provides for the use of lake water for domestic purposes and sets forth the permitted and prohibited activities on department-owned and controlled land surrounding department-owned waters. It is necessary so that the department may have control over the activities on its lands and waters. *This amendment is necessary in order to restrict the use of metal drums and further control activities on department lands.*

Section 1. Each owner or lessee of any private camp which is established on property immediately adjacent to any department-owned lake may, upon written consent of the Department of Fish and Wildlife Resources, construct and place in the waters of the lake one (1) boat dock (one (1) dock for each individual or separate real lot). Each boat dock placed in the waters of the lake must conform to the following specifications:

(1) Float or dock must measure no larger than fourteen (14) feet in length and six (6) feet in width.

(2) No enclosed superstructure may be built upon any float or dock.

(3) A canopy constructed of wood, metal or fiberglass is permitted.

(4) Any superstructure built or placed upon any float or dock must have prior approval of the Department of Fish and Wildlife Resources.

(5) *The use of metal drums as flotation devices is prohibited as well as any flotation device that will sink when punctured. At such time when the docks currently using metal drums for flotation are in need of replacement, as provided in subsection (6) of this section, those drums shall be replaced with acceptable flotation devices.*

(6) [(5)] Boat docks must be kept in a state of good repair. If the owner of the dock fails to keep his dock in good repair, he will be notified by the department in

writing to place the dock in a proper state of maintenance as to safety and appearance. If, within sixty (60) days of written notification, substantial work toward repair of the boat dock has not been accomplished, the department shall revoke the owner's boat dock permit and the dock shall be removed from the lake by the owner.

Section 2. Only one (1) boat may be tied or moored to an individual float or dock located on a state-owned lake on a permanent basis. More than one (1) boat may be tied or moored to an individual float or dock for a period of time not in excess of twenty-four (24) hours.

Section 3. Each owner or lessee of any private camp or group of private camps that are established on property immediately adjacent to any department-owned lake may, upon written consent of the Department of Fish and Wildlife Resources, take water from the above lakes for domestic use only at the camp sites. Plumbing and sanitary facilities must meet specifications prescribed by the Bureau of Health Services, Department for Human Resources.

Section 4. *The cutting of weeds or grass and clearing of underbrush and trees from the department-owned or controlled lands around said lakes is not permitted.* [It is permitted to cut weeds or grass and clear underbrush which is less than two (2) inches in diameter from the department-owned or controlled land around any said lakes.]

Section 5. The construction or placement of roads, ramps, buildings, steps, fences, gardens, or any structure or equipment on the lands owned or controlled by the Department of Fish and Wildlife Resources which surround the lakes included in this regulation is prohibited. No mechanical equipment of any type may be placed or operated on these lands unless specifically authorized by the department after careful investigation indicates that this would be in the best interest of the lake concerned.

Section 6. All officers and agents of the Department of Fish and Wildlife Resources shall have full authority to enforce the provisions of this regulation. Failure to comply with the rules and specifications set forth in this regulation shall constitute grounds for revocation of the rights and

privileges of any person to admittance to and to the use of these public waters.

CARL E. KAYS, Commissioner

ADOPTED: January 13, 1984

APPROVED: G. WENDELL COMBS, Secretary

RECEIVED BY LRC: January 13, 1984 at 11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: The Commissioner, Department of Fish and Wildlife
Resources, Arnold L. Mitchell Building, No. 1 Game Farm
Road, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Housing, Buildings and Construction
(Proposed Amendment)

815 KAR 7:020. Building code.

RELATES TO: KRS Chapter 198B

PURSUANT TO: KRS 198B.040(7), 198B.050

NECESSITY AND FUNCTION: The Kentucky Board of Housing, Buildings and Construction is required by KRS 198B.040(7) to adopt and promulgate a mandatory uniform state building code, which establishes standards for construction of buildings in the state. This regulation establishes the Kentucky Building Code basic provisions relating to new construction, including general building limitations, special use and occupancy, light, ventilation and sound transmission control, means of egress, structural and foundation loads and stresses, acceptable materials and tests, fire resistive construction and fire protection systems, safety during building operations, mechanical systems, energy conservation and electrical systems.

Section 1. The Kentucky Building Code shall include the National Electrical Code, 1984 Edition, N.F.P.A. #70, published by and copies available from the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269. The National Electrical Code is hereby adopted by reference.

Section 2. The Kentucky Building Code shall include the "BOCA Basic Building Code/1981," Eighth Edition, published by and copies available from Building Officials and Code Administrators International, 17926 South Halsted Street, Homewood, Illinois 60430. That code, including all standards listed in Appendices A through F are hereby adopted by reference with the following additions, exceptions and deletions:

(1) Delete Article 1 in its entirety.

(2) Change subsection 201.0 to include the following additional definitions:

(a) "Construction: The erection, fabrication, reconstruction, substantial alteration or conversion of a building, or the installation of equipment therein."

(b) "Equipment: Facilities or installations including but not limited to, heating, electrical, ventilating, air-conditioning, and refrigerating facilities or installations."

(c) "Reconstruction: The process of reproducing by new construction the exact form and detail of a vanished building, structure or object or a part thereof as it appeared at a specific period of time."

(d) "Rehabilitation: The process of returning a property to a state of utility through repair or alteration which

makes possible an efficient contemporary use of while preserving those portions or features of the property which are significant to historical, architectural and cultural values."

(e) "Restoration: The process of accurately recovering the form and details of the property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work."

(f) "Stabilization: The process of applying measures designed to re-establish a weather-resistant enclosure and the structural stability of an unsafe or deteriorated property while maintaining the essential form as it exists."

(3) Change subsection 201.0 definitions to read as follows:

(a) "Basement: That portion of a building the average height of which is at least half below grade, which is ordinarily used for purposes such as storage, laundry facilities, household tool shops, and installation and operation of heating, cooling, ventilating facilities, but which is not ordinarily used for purposes of general household habitation."

(b) "Story: That part of the building comprised between a floor and the floor or roof next above which is not a basement or an attic."

(4) Change subsection 308.5 to read as follows: "308.5 Use group R-4 Structures: This use group shall include all detached one (1) or two (2) family dwellings not more than three (3) stories in height, and their accessory structures as indicated in the Appendix A Standard, One- and Two-Family Dwelling Code. All such structures shall be designed and built in accordance with the requirements of this code for use group R-3 structures or shall be designed and built in accordance with all the requirements of the one (1) and two (2) family dwelling code as listed in Appendix B, except that the requirements of the state plumbing code (Article 22) shall supersede those conflicting requirements of the one (1) and two (2) family dwelling code. This choice shall be made by the builder at the time of plans submission."

(5) Change subsection 504.1 to read as follows: "504.1 Limitations: These provisions shall not be deemed to prohibit alterations within the limitations of Section 6 of 815 KAR 7:010 provided an unlawful change of use is not involved."

(6) Delete Sections 515.1 through 515.11 and substitute the following: "515.1 Requirements for accessibility of the handicapped: Please see 815 KAR 7:060 for construction requirements providing accessibility to the handicapped in public buildings and public accommodations."

(7) Change subsection 516.1 to read as follows: "516.1 Approval: The provisions of this code relating to the reconstruction, restoration, stabilization, rehabilitation, and moving of buildings or structures shall not be mandatory for existing buildings or structures, identified and classified on the National Register of Historic Places or otherwise classified as historic by the Kentucky Heritage Commission or the department when such buildings or structures are judged by the department to be safe and in the public interest of health, safety and welfare. The department may require submission of architectural and engineering plans and specifications prior to a determination."

(8) Change subsection 603.2 to read as follows: "603.2 Housekeeping: Periodic inspections of existing uses and occupancies shall be made by the appropriate fire and health officials to insure maintenance of good housekeeping conditions."

(9) Change Section 613.1 to read as follows: "Private garages located beneath a one- and two-family dwelling shall have walls, partitions, floors and ceilings separating the garage space from the dwelling constructed of not less than one (1) hour fire-resistance rating. Private garages attached to a one- and two-family dwelling shall be completely separated from the dwelling and its attic area by means of one-half (½) inch gypsum board or equivalent applied to the garage side. In lieu of the required one and three quarter (1¾) inch solid core door, an approved automatic sprinkler head located directly above the door in the garage and properly connected to the domestic water system or an approved automatic smoke detector located directly above the door in the garage shall be acceptable."

(10) Delete Section 705 and Section 804 in their entirety.

(11) Change Section 900.0 by creating a new subsection which shall read as follows: "900.2 Certificate of Compliance: the provisions of this article may be deemed to have been satisfied when certification of an architect or engineer registered in Kentucky to that effect is placed on drawings submitted to the building official."

(12) Delete subsections 1404.4.2, 1404.4.3, 1404.4.4 in their entirety.

(13) Change subsection 1600.2 to read as follows: "1600.2 Boilers: All boilers and associated pressure piping shall meet the standards for construction, installation and inspection as set forth in Title 815, Chapter 15, Kentucky Administrative Regulations."

(14) Add two new subsections to Section 1600.0 which shall read as follows:

(a) "1600.3 Unfired Pressure Vessels. All unfired pressure vessels shall meet the standards set forth in Section VIII of the 1977 Edition of the ASME Boiler and Pressure Vessel Code, ANSI/ASME BPV-VIII-1."

(b) "1600.4 Mechanical Code: All mechanical equipment and systems not covered by 1600.2 or 1600.3 but which are required by other provisions of this code to be installed in accordance with the mechanical code listed in Appendix B, shall be constructed, installed and maintained in conformity with the BOCA Basic Mechanical Code/1981 including all applicable standards listed within Appendices B through E."

(15) Delete Article Nineteen (19) in its entirety.

(16) Delete subsections 2000.1 through 2005.3 and substitute the following:

(a) "2000.1 Installations and Repairs. All electrical wiring and equipment shall be installed in conformity with the National Electrical Code incorporated by reference in the Kentucky Building Code.

(b) "2000.2 Electrical Inspections. Inspections conducted to determine compliance with the National Electrical Code shall be conducted by a certified electrical inspector in accordance with 815 KAR 35:010.

(c) "2000.3 Certificate of Approval:"

1. After the Kentucky Building Code becomes effective pursuant to KRS 198B.110 and after a certified electrical inspector has been employed, contracted for or with, or otherwise provided for by the local government or the department, no utility shall initiate permanent electrical service to any new building until a final certificate of approval has been issued by a certified electrical inspector. Unless the department shall notify the utility in writing as to which buildings are subject to departmental approval, it shall be presumed by the utility that the building is subject to the jurisdiction of the local government.

2. Nothing in this section shall prohibit the supply or use of necessary electrical services during the construction and testing process.

(d) "Section 2000.4 Temporary use and Permission: The building official may in his discretion give temporary permission for a reasonable time to supply and use current in part of an electrical installation before such installation has been fully completed and the final certificate of approval has been issued; provided, that the part covered by the temporary certificate complies with all the requirements specified for lighting, heat or power in the National Electrical Code."

(17) Delete subsections 2200.1 through 2206.3.1 in their entirety and substitute the following: "2200.1 Scope: The design and installation of all plumbing systems, including sanitary and storm water sewage disposal in buildings shall comply with the requirements of Chapter 318 of the Kentucky Revised Statutes and the Kentucky State Plumbing Code as set out in Title 815, Chapter 20, Kentucky Administrative Regulations."

(18) Change subsection 809.4 to read as follows:

"809.4 Emergency escape: Every sleeping room below the fourth story in buildings of Use Group R shall have at least one (1) operable window or exterior door approved for emergency egress or rescue. The units must be operable from the inside to a full clear opening without the use of separate tools. Where windows are provided as a means of egress or rescue, they shall have a sill height not more than forty-four (44) inches (1118 mm) above the floor. All egress or rescue windows from sleeping rooms must have a minimum net clear opening of five and seven-tenths (5.7) square feet (0.532). The minimum net clear opening height dimension shall be twenty-four (24) inches (610 mm). The minimum net clear opening width dimension shall be twenty (20) inches (508 mm).

Bars, grilles or screens placed over emergency escape windows shall be releasable or removable from the inside without the use of a key, tool or excessive force.

EXCEPTIONS

1. Grade floor windows may have a minimum net clear opening of five (5) square feet (0.47m²).

2. In buildings of Use Group R-3, where the sleeping room is provided with a door to a corridor having access to two (2) remote exits in opposite directions, then an outside window or an exterior door for emergency escape from each such sleeping room is not required.

3. Egress windows located on the first and second stories in multiple family dwellings (R-2 and R-3 use groups) and one (1) and two (2) family dwellings, may have a minimum net clear opening height dimension of twenty-two (22) inches and a minimum height dimension of twenty (20) inches; and the net clear opening area may be reduced to no less than four (4) square feet. The minimum total glazed area must be five (5) square feet in the case of a ground floor window and not less than five and seven-tenths (5.7) square feet in the case of a second story window. (This exception applies only if the sash frames can be readily broken or removed.)

Section 3. Elevator Installation and Maintenance. The following subsections of Article 21 of the BOCA Basic Building Code are deleted or changed to read as follows:

(1) 2100.1 Scope: Except as may be otherwise provided by statute, the provisions of this article shall control the design, construction, installation, maintenance and operation of all elevators, escalators, moving stairways, moving walks, hereafter operated, installed, relocated or altered in all buildings and structures. The design, construction, installation, maintenance and operation of all miscellaneous hoisting and elevating equipment shall be subject to such

special requirements as are deemed necessary by the building official to secure their safe operation. The provisions of this article shall not apply to portable elevating devices used to handle materials only, and located and operated entirely within one (1) story. All such equipment shall be constructed, operated and maintained in compliance with accepted engineering practice. The construction, alteration, maintenance, operation, inspection and tests of manlifts shall be in conformity to the Safety Standard for Manlifts listed in ANSI A17.1.

(2) 2101.3 Identification of equipment: All elevators which are subject to periodic inspections shall be identified by a serial number stamped on the crosshead of the elevator car and on the front of the car door sill; and on devices other than elevators, on truss or frame, in figures not less than three-eighths (3/8) inch high. After such devices have been so designated, their numbers shall not be changed except by permission of the building official, and all correspondence in regard to such device shall refer to said number.

(3) 2102.3.2 Deleted.

(4) 2102.4.1 Periodic inspection intervals: Annual inspection. Every passenger elevator and escalator shall be inspected once every twelve (12) months.

(5) 2107.4.2 Maintenance test intervals: Full load safety tests shall be made at intervals not exceeding the following:

(a) Power elevator car and counterweight safeties, governors and oil buffers, every five (5) years; and

(b) Hydraulic elevator shall have pressure relief test at no less than every twelve (12) months.

(6) 2102.5.2 Deleted.

(7) 2102.5.3 Manlifts: All equipment and machinery of manlifts shall be inspected and tested to insure reasonable safety of operation and shall include tests of the brake, terminal stopping device, cables and emergency stopping device. Acceptance tests shall also include a load capacity test as provided in the accepted standard listed in ANSI A17.1.

(8) 2102.5.4 Deleted.

(9) 2107.2.1 Buildings with elevator service: In all buildings and structures serviced by an elevator, all elevators shall be provided with a minimum clear distance between walls, or between wall and door excluding return panels, not less than sixty-eight (68) inches by fifty-four (54) inches (1727 mm by 1372 mm), and a minimum distance from wall to return panel not less than fifty-one (51) inches (1295 mm). The minimum clear width of the door shall be thirty-two (32) inches (813 mm).

(10) 2107.2.2 Elevators for fire department use: In all structures where elevator service is required for fire department use (see Section 629.8), all elevators shall be provided with a minimum distance between walls, or between wall and door excluding return panels, not less than eighty (80) inches by fifty-four (54) inches (2032 mm by 1372 mm) and a minimum distance from wall to return panel not less than fifty-one (51) inches (1295 mm), with a forty-two (42) inch (1067 mm) side slide door to allow for turning a wheelchair or accommodating an ambulance stretcher in its horizontal position.

(11) 2107.4 Use by handicapped persons: If interior access in multi-story buildings is provided by elevator(s), all passenger elevators shall meet the following requirements of Sections 2107.4.1 through 2107.4.11.

(a) 2107.4.4 Car call: The minimum acceptable time for doors to remain open shall not be less than five (5) seconds.

(b) 2107.4.6 Car controls: Elevator control panels shall have the following features:

1. Buttons. All control buttons shall be at least three-fourths (3/4) inch (nineteen (19) mm) in their smallest dimensions. They may be raised, flush, or recessed.

2. Tactile and visual control indicators. All control buttons shall be designated by raised or indented standard alphabet characters for letters, arabic characters for numerals, or standard symbols, and as required in ANSI A17.1-1978 and A17.1a-1979. Raised and indented characters and the main entry floor shall be designated by a raised or indented star at the left of the floor designation. All raised or indented designations for control buttons shall be placed immediately to the left of the button to which they apply. Applied plates, permanently attached, are an acceptable means to provide raised or indented control designations. Floor buttons shall be provided with visual indicators to show when each call is registered. The visual indicators shall be extinguished when each call is answered.

3. Height. All floor buttons shall be no higher than fifty-four (54) inches (1370 mm) above the floor. Emergency controls, including the emergency alarm and emergency stop, shall be grouped at the bottom of the panel and shall have their centerlines no less than thirty-five (35) inches (890 mm) above the floor.

4. Location. Controls shall be located on a front wall if cars have center opening doors, and at the side wall or at the front wall next to the door if cars have side opening doors.

(c) 2107.4.7 Hall buttons: The centerline of the hall call buttons shall be a nominal forty-two (42) inches above the floor. Director buttons, exclusive of border, shall be a minimum of three-fourths (3/4) inch (nineteen (19) mm) in size and raised, flush or recessed. Visual indication shall be provided to show each call registered, and extinguished when the call is answered. Depth of flush or recessed buttons when operated shall not exceed 3.8 inch (ten (10) mm). Button shall not be obstructed by chairs, ashtrays, or decorative ornaments, etc.

(d) 2107.4.10 Car position indicators: In elevator cars, a visual car position indicator shall be provided above the car control panel or over the door to show the position of the elevator in the hoistway. As the car passes or stops at a floor served by the elevators, the corresponding numeral shall illuminate. Numerals shall be a minimum of one-half (1/2) inch (thirteen (13) mm) high.

(e) 2107.4.11 Emergency communications: Emergency two (2) way communication systems between the elevator and a point outside the hoistway, shall comply with ANSI A17.1-1980. The highest operable part of a two (2) way communication system shall be a maximum of fifty-four (54) inches (1370 mm) from the floor of the car. It shall be identified by raised or recessed symbol and lettering complying with Section 30, and located adjacent to the device. If the system uses a handset, then the length of the cord from the panel to the handset, shall be at least twenty-nine (29) inches (735 mm).

(12) 2108.4 Vents shall be located:

(a) In the side of the hoistway enclosure directly below the floor or floors at the top of the hoistway, and shall open either directly to the outer air or through non-combustible ducts to the outer air; or

(b) In the wall or roof of the penthouse or overhead machinery space above the roof, provided that openings have a total of not less than the minimum specified in Section 2108.5 in lieu of the required vents.

(13) 2114.1 Restricted use: Special purpose personnel elevators shall be restricted to employees only. They shall

comply with the applicable requirements of this Article and shall be installed only when permitted by the building official in feed, flour and cereal mills, grain elevators and in similar buildings of other use groups.

(14) 2114.2 Hoistways and hoistway enclosures: Where the hoistway is adjacent to areas permitting passage of people (e.g., passageways, stairwells, elevator landings), it shall be enclosed to a height of not less than seven (7) feet above the floor or stair treads. The enclosure shall be of sufficient strength to prevent contact between the enclosure material and the car or counterweight when the enclosure is subjected to a force of 250 pounds applied at right angles at any point over an area of four (4) inches by four (4) inches. Openwork enclosures may be used and shall reject a ball one (1) inch in diameter.

(15) 2114.2.1 Enclosure required: Except at the entrance, cars shall be fully enclosed with metal at sides and top. The enclosure at the sides shall be solid or of openwork which will reject a ball of one (1) inch in diameter. The minimum clear height inside the car shall be seventy-eight (78) inches.

(16) 2114.3 Limitation of load, speed and platform area: The rated load shall not exceed 650 pounds. The inside net platform area shall not exceed nine (9) square feet. The minimum rated load shall not be less than that based on seventy (70) pounds per square foot of inside net platform area or 250 pounds, whichever is greater. The rated speed shall not exceed 100 feet per minute.

(17) 2114.4 Emergency signal and/or communication: Each elevator shall be equipped with an alarm button or switch in the car operating station and an alarm device mounted in a location which shall be readily available to a person who is normally situated in the vicinity when the elevator is in use, or a means of voice communication to a receiving station always attended when the installation is in use. If the alarm device or means of voice communication is normally activated by utility power supply, it shall be backed up by a manual or battery operated device.

(18) 2114.5 through 2117.5 Deleted.

Section 4. Elevators. Appendix A and B, of the BOCA Basic Building Code under "Elevators, Escalators and Moving Walks," shall be changed to read as follows:

(1) Change the standard citation for "Practice for the Inspection of" by changing to read "ANSI A17.2-1982."

(2) Change all citations relating to the "Safety Code for" and substitute "ANSI 17.1-1980."

Section 5. A new subsection of Article 3 of the Kentucky Building Code is hereby added to read as follows: "309.5 Tobacco auction warehouses: Warehouses, construction, may be constructed without a sprinkler system when all the following requirements have been met:

(1) The initial submission of plans to the Department of Housing, Buildings and Construction shall include a signed certificate by the owner that the warehouse will be used solely for the sale of tobacco on a seasonal basis or for the storage of non-combustibles.

(2) A manual fire alarm and smoke detection system with notification to the local fire service shall be provided with installation in accordance with Section 1707.0 of this code.

(3) An eighteen (18) foot paved and posted fire lane surrounding the entire perimeter of the building shall be provided and be accessible from a public street.

(4) A fifty (50) foot fire separation shall be maintained

between the warehouse and the lot line and the warehouse and the nearest building."

CHARLES A. COTTON, Commissioner

ADOPTED: January 13, 1984

APPROVED: MELVIN H. WILSON, Secretary

RECEIVED BY LRC: January 13, 1984 at 1:50 p.m.

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

CABINET FOR HUMAN RESOURCES Department for Social Insurance (Proposed Amendment)

904 KAR 2:115. Eligibility, criteria for home energy assistance program.

RELATES TO: KRS 194.050

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility as prescribed by P.L. 97-35 (Title XXVI of the Omnibus Budget Reconciliation Act of 1981) to administer a program to provide assistance for eligible low income households within the Commonwealth of Kentucky to help meet the costs of home energy. KRS 194.050 provides that the secretary shall, by regulation, develop policies and operate programs concerned with the welfare of the citizens of the Commonwealth. This regulation sets forth the eligibility and benefits criteria for each of two (2) components of energy assistance, regular and crisis under the Home Energy Assistance Program (HEAP).

Section 1. Application. Each household requesting assistance shall be required to complete an application and provide such information as may be deemed necessary to determine eligibility and benefit amount in accordance with the procedural requirements prescribed by the cabinet.

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" is defined to include electricity, gas, and any other fuel such as coal, wood, oil, bottled gas, that is used to sustain reasonable living conditions.

(3) "Household" means any individual or group of individuals who are living together as one (1) economic unit for whom residential energy is customarily purchased in common or who make undesignated payments for energy in the form of rent.

(4) "Economic unit" is one (1) or more persons sharing common living arrangements.

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

(6) A "partially vulnerable household" is any household

in subsidized housing which pays energy costs directly to the provider or whose energy costs are included in the rental payment.

(7) [(6)] "Regular component" is that portion of benefits reserved as energy assistance for heating for households containing at least one (1) member who is elderly (age sixty (60) or older) or receiving benefits on the basis of 100 percent disability and who are fully vulnerable.

(8) [(7)] "Crisis component" is that portion of benefits reserved for use as emergency energy assistance after the regular component is terminated for fully or partially vulnerable eligible households in emergency or crisis situations.

Section 3. Eligibility Criteria. (1) A household must meet the following conditions of eligibility for receipt of a HEAP payment under the regular and crisis components:

(a) The household must be fully vulnerable for energy cost or, for the crisis component, fully or partially vulnerable.

(b) 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.

(c) 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. 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 JTPA) normally disregarded in AFDC, federal payments or benefits which must be excluded according to federal law, and Supplemental Medical Insurance premiums.

Family Size	Income Scale	
	Monthly	Yearly
1	\$500	\$6,000
2	600	7,200
3	700	8,400
4 or more	800	9,600

(d) 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, principal residence, cash surrender value of insurance policies, and prepaid burial policies.

(e) Applicants for the crisis component must attest that an immediate need for energy exists because the household is financially incapable of meeting their energy costs at the time of application or within fifteen (15) days. The thirty (30) day extension of service prior to energy cut-off granted by Public Service Commission regulations does not affect eligibility for the crisis component.

(2) Households are eligible to receive benefits under either the regular or crisis component.

Section 4. Benefit Levels. Payment amounts for the regular and crisis components are set at a level to serve a maximum number of households while providing a reasonably adequate payment relative to energy costs. The highest level of assistance will be provided to households

with lowest incomes and highest energy costs in relation to income, taking into account family size.

(1) Payments to fully vulnerable eligible households will be made for the full benefit amount based on type of energy for heating, monthly household income, and household size as specified in the following benefit scales. Payments to partially vulnerable households shall be one-half (½) of the amount which is paid to a fully vulnerable household as specified in the following benefit scales.

Benefit Scales Fully Vulnerable Households

Scale A.

Energy Sources: LP Gas (Propane), Fuel Oil, Electricity, Wood, Kerosene

Monthly Household Income	Payment Amount	
	Household Size 1 and 2	Household Size 3 or more
\$ 0-300	\$275	\$300
301-600	238	263
over 600	—	225

Scale B.

Energy Sources: Natural Gas, Coal, Wood

Monthly Household Income	Payment Amount	
	Household Size 1 and 2	Household Size 3 or more
\$ 0-300	\$225	\$250
301-600	188	213
over 600	—	175

(2) If the cabinet receives only a percentage of the federal funds authorized by Congress, benefits to eligible households under the regular or crisis components may be reduced proportionately.

Section 5. Benefit Delivery Methods. Benefits shall be provided to eligible households as follows:

(1) Payment authorization under the regular and crisis components is of two (2) types.

(a) If the recipient utilizes an energy provider who has a continuous billing cycle, payment is authorized by a two (2) party check made payable to the provider and the recipient, whenever feasible.

(b) When there is no continuous billing cycle or heating is included as an undesignated portion of rent, payment shall be made by a check payable to the recipient and the provider/landlord whenever feasible.

(c) When a two (2) party check is not feasible, the recipient shall sign an affidavit prior to receipt of funds stating that benefits received under HEAP shall be utilized solely for home energy.

(2) Under the regular and crisis components, at the recipient's discretion, the total benefit may be made in separate authorizations to facilitate payment to more than one (1) provider (e.g., when the recipient heats with both a wood stove and electric space heaters). However, the total amount of the payments may not exceed the maximum for the primary source of energy for heating. The household will decide how to divide payment if more than one (1) provider is used.

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.

Section 7. Time Standards. The cabinet 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) Applications for the regular component shall be accepted beginning December 5, 1983, and ending no later than December 16, 1983, at the close of business.

(2) Applications for the crisis component shall be accepted beginning January 16, 1984.

(3) Application shall be processed in the order taken until funds are expended. HEAP regular and crisis components shall be terminated by the secretary when actual and projected component expenditures have resulted in utilization of available funds or March 31, 1984, whichever comes first.

(4) 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.

Section 9. Allocation of Funds. (1) Up to fifteen (15) percent of the total HEAP allocation shall be reserved for weatherization assistance.

(2) Up to \$250,000 shall be reserved for use if special circumstances develop related to winter heating or shelter needs. If a determination is made that special circumstances will not be present, the funds shall be utilized for benefits in the crisis component.

(3) Remaining benefit funds available under Public Law 97-35 shall be reserved for the regular and crisis components.

Section 10. Energy Provider Responsibilities. Any provider accepting payment from HEAP for energy provided to eligible recipients is required to comply with the following:

(1) Reconnection of utilities and/or delivery of fuel must be accomplished upon certification for payment;

(2) The household must be charged in the normal billing process the difference between the actual cost of the home energy and the amount of payment made through this program. For balances remaining after acceptance of the HEAP payment, the customer must be offered the opportunity for a deferred payment arrangement or a level payment plan;

(3) HEAP recipients shall not be treated differently than households not receiving benefits; and

(4) The household on whose behalf benefits are paid shall not be discriminated against, either in the costs of goods supplied or the services provided.

(5) A landlord shall not increase the rent of recipient households on the basis of receipt of this payment.

Section 11. Provisions of this regulation shall be effective January 16, 1984.

JACK F. WADDELL, Commissioner

ADOPTED: January 9, 1984

APPROVED: E. AUSTIN, JR., Secretary

RECEIVED BY LRC: January 10, 1984 at 9 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, CHR Building, 275 East Main Street, Frankfort, Kentucky 40621.

CABINET FOR HUMAN RESOURCES Department for Social Insurance (Proposed Amendment)

904 KAR 3:035. Certification process.

RELATES TO: KRS 194.050

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer a Food Stamp Program as prescribed by the Food Stamp Act of 1977, as amended, and 7 CFR Part 270 through 280. KRS 194.050 provides that the secretary shall, by regulation, develop policies and operate programs concerned with the welfare of the citizens of the Commonwealth. This regulation sets forth the certification process used by the cabinet in the administration of the Food Stamp Program.

Section 1. Eligibility and Benefit Levels. Eligibility and benefit levels shall be determined by the cabinet by considering the households circumstances for the entire month(s) for which each household is certified. Procedures specified in 7 CFR Parts 273.3, 273.10(a), 273.10(b), 273.10(c), 273.10(d), 273.10(e) and, as appropriate, 273.21(e) shall be used, *unless specifically waived by the federal Food and Nutrition Service (FNS)*, to determine eligibility and calculate net income and benefit levels. The criteria set forth in this section shall be applicable to all households. In addition, certain households require special/additional certification procedures as specified in Section 5 of this regulation.

Section 2. Certification Periods. The cabinet shall establish a definite period of time within which a household shall be eligible to receive benefits. At the expiration of each certification period entitlement to food stamp benefits ends. Further eligibility shall be established only upon a recertification based upon a newly completed application, an interview, and verification. Certification periods for non-public assistance households shall be in accordance with those specified in 7 CFR Part 273.10(f)(3)(4)(5)(6). Households in which all members are included in a PA grant shall be certified [, effective July 1, 1983,] for a period of time which ensures, to the extent possible, that the recertification date and the PA reinvestigation date coincide.

Section 3. Certification Notices to Households. The cabinet shall provide applicants with one (1) of the following written notices as soon as a determination is made, but no later than thirty (30) days after the date of the initial application:

- (1) Notice of eligibility.
- (2) Notice of denial.
- (3) Notice of pending status.

Section 4. Application for Recertification. The cabinet shall process applications for recertification in accordance with 7 CFR Part 273.10(g)(2), Part 273.14 and Part 273.21(p), *unless specifically waived by FNS*.

Section 5. Certification Process for Specific Households. The following households have circumstances that are substantially different from other households and therefore require special/additional certification procedures:

- (1) Households with self-employed members shall have

their cases processed in accordance with 7 CFR Part 273.11(a).

(2) Households with boarders shall have their case processed in accordance with 7 CFR Part 273.11(b).

(3) Households with excluded household members which have been disqualified from program participation due to intentional program violation, failure to provide a Social Security number, because they are ineligible aliens or because they have not verified their citizenship or alien status prior to certification, shall have their case processed in accordance with 7 CFR Part 273.11(c).

(4) Households with non-household members shall be processed in accordance with 7 CFR Part 273.11(d).

(5) Residents of drug/alcoholic treatment and rehabilitation programs shall have their case processed in accordance with 7 CFR Part 273.11(e).

(6) Residents of group living arrangements who are blind or disabled receive benefits under Title II or Title XVI of the Social Security Act shall have their case processed in accordance with 7 CFR Part 273.11(f), which allows residents to apply in their own behalf or through the use of an authorized/certified facility's authorized representative.

(7) Residents of shelters for battered women and children shall have their case processed in accordance with 7 CFR 273.11(g).

(8) Households consisting only of Supplemental Security Income (SSI) applicants or recipients shall have their case processed in accordance with 7 CFR 273.2(k).

(9) Households with a member who is on strike shall have their case processed in accordance with 7 CFR 273.1(g).

(10) Households requesting replacement allotments shall be processed in accordance with 7 CFR 273.11(h), 274.2(h) and 274.3(c).

(11) Student households or households containing a member(s) who is a student shall have their case processed in accordance with 7 CFR Part 273.5.

(12) Households containing a sponsored alien(s) shall have their case processed in accordance with 7 CFR Part 273.11(h).

(13) Households [residing in a county which is implementing mandatory monthly reporting and] which are required to *comply with mandatory* [report] monthly *reporting criteria*, shall have their case processed in accordance with 7 CFR Part 273.21 and *waivers thereto approved by FNS*, with selected options as follows:

(a) A two (2) month system shall will be used whereby the issuance month is the second month following its corresponding budget month. This system includes two (2) or three (3) beginning months, the month of application and/or approval and the following month.

(b) Ongoing eligibility and benefits shall be determined by considering all factors of eligibility *retrospectively*, except that any factor which causes ineligibility in a future month shall be acted upon immediately [prospectively for each of the issuance months]. Initial eligibility and benefit calculation shall be determined *prospectively* [in accordance with 7 CFR Part 273.21(e)] for the beginning months.

(c) *Circumstances and* [Actual earned and unearned] income received in the *appropriate* [corresponding] budget month shall be considered *for the corresponding issuance month*.

(d) Consider the *amount of the PA grant which was* [to be] issued in the corresponding budget month.

(e) Counties will terminate [cases in accordance with 7 CFR Part 273.21(m)] or [will] suspend cases in accordance with 7 CFR Part 273.21(m) [(n)].

(f) Households shall be recertified using the recertification form *which shall serve as the* [and a] monthly report [will not be] required for that month.

(g) All households specified in 7 CFR Part 273.21(b)(2), as well as any others exempted by the appropriate federal agency, shall be excluded from mandatory monthly reporting.

Section 6. Reporting Changes. Certified households are required to report those changes in household circumstances specified in 7 CFR Part 273.12(a) within ten (10) days of the date the change becomes known to the household. An applying household shall report all changes related to its food stamp eligibility and benefits at the certification interview, or for changes occurring after the interview but prior to receipt of the notice of eligibility, within ten (10) days of the date of the notice. The cabinet shall act on reported changes in accordance with 7 CFR Part 273.12(c). The cabinet shall comply with other change reporting provisions outlined in 7 CFR Part 273.12. Households participating in a county which is implementing mandatory monthly reporting and which are required to report monthly, shall not be required to submit any reports of changes other than the [monthly] reports required under Section 5(13) of this regulation.

JOHN CUBINE, Commissioner

ADOPTED: January 5, 1984

APPROVED:

E. AUSTIN, JR., Secretary

RECEIVED BY LRC: January 6, 1984 at 8:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Secretary for Human Resources, CHR Building, 275 East Main Street, Frankfort, Kentucky 40621.

Proposed Regulation

COMMERCE CABINET Department of Fish and Wildlife Resources

301 KAR 2:160. Deer season on Bernheim Forest Refuge and surrounding zone.

RELATES TO: KRS 150.010, 150.025, 150.105, 150.170, 150.176, 150.200, 150.305, 150.330, 150.340, 150.360, 150.370, 150.390, 150.400, 150.415, 150.416

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: This regulation pertains to establishing a deer hunting season on the Bernheim Forest Refuge and a surrounding zone. It is necessary to effect the removal of deer from this area to relieve a severe deer overpopulation problem. The function of this regulation is to set season dates, specify areas open to deer hunting, and to prescribe the methods by which deer may be taken.

Section 1. Gun Season Dates, Limits and Restrictions. All provisions of 301 KAR 2:150 apply except as otherwise specified in this regulation.

(1) The Bernheim Forest Refuge and the surrounding zone as described in Section 3 of this regulation shall be considered a designated special area as provided in 301 KAR 2:150, Section 4(3).

(2) Hunters must have a valid 1983 deer tag and a 1984 hunting license unless exempted by KRS 150.170(3), (5), or (6).

(3) Gun season dates for the Bernheim Forest Refuge and described surrounding zone are February 3 through February 6, 1984.

(4) Hunters must check any deer taken at the check station designated for this hunt.

Section 2. Requirements for the Bernheim Forest Refuge Hunt.

(1) Antlered deer may not be taken.

(2) Only breech-loading and muzzle-loading shotguns of

ten (10) gauge maximum and twenty (20) gauge minimum firing a single projectile are permitted.

(3) Only those selected in a random drawing conducted by the department may participate. Applications which do not meet the specifications set forth by the department will be rejected.

(4) Hunters may hunt on assigned date and in assigned areas only.

(5) All hunters must check in and out with their assigned party leaders.

Section 3. Description and Requirements for the surrounding zone.

(1) This zone is defined as follows: The area between the Bernheim Forest Refuge boundary and the following roads: In Bullitt County from the Nelson County line north on State Route (SR) 61 to I-65, north on I-65 to SR 480, east on SR 480 to SR 1604, south on SR 1604 to Deatsville Road, south on Deatsville Road, to the Nelson County line. In Nelson county from the Bullitt County line south on Deatsville-Cedar Grove Road, to SR 523, west on SR 523 to SR 245, south on SR 245 to US 31E, south on US 31E to US 62, west on US 62 to SR 61, and north on SR 61 to the Bullitt County line.

(2) Either sex deer may be taken.

Section 4. This regulation will not be valid after February 15, 1984.

CARL E. KAYS, Commissioner
ROBERT C. WEBB, Chairman

ADOPTED: December 5, 1983

APPROVED: CARROLL KNICELY, Secretary

RECEIVED BY LRC: December 28, 1983 at 3 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: The Commissioner, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, No. 1 Game Farm Road, Frankfort, Kentucky 40601.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of the December 20-21, 1983 Meeting

(Subject to subcommittee approval at the January 23, 1984 meeting.)

The Administrative Regulation Review Subcommittee held its monthly meeting on Tuesday, December 20 at 2 p.m., and on Wednesday, December 21, at 10 a.m. in Room 103 of the Capitol Annex. Present were:

Members: Representative William T. Brinkley, Chairman; Senator Pat McCuiston; Representatives Albert Robinson, Greg Stumbo and Jim Bruce.

Guests: Clifford Jennings, Sharon Rodriguez, and Ked R. Fitzpatrick, Cabinet for Human Resources; Denis B. Fleming, Jr., KAHCF; Roland D. Mullins, KARP; Bill Doll, Kentucky Medical Association; David E. Bell, Jr. and Marcia Carter, Mt. Comprehensive Care Center; John W. Dunn

and Joan Williams, Northern Kentucky Mental Health and Mental Retardation Board; Olen Harris, Northern Kentucky Comprehensive Care Center; J. W. Osbourne, North Central Comprehensive Care Center; David True, Region XIV, Community Mental Health; Bill Debord, Ronald Jackson, Charles D. Moore, Jr., Dennis O'Toole, Thomas W. Brawner and John Stephenson, Transportation Cabinet; Edward Martin and Jesse Sams, Kentucky Airport Zoning Commission; J. K. Navolio, Keene Daingerfield and John Ward, Kentucky State Racing Commission; Jane Bristow, Richard Casey and Bill E. Lunceford, Kentucky Higher Education Assistance Authority; Arthur Hatterick, Jr., Personnel Board; Harold Newton, Personnel Department; Jim Ramsey and Grant Satterly, State Investment Commission; Carroll Roberts and Pat Wilson, Board of Hair-

dressers; Nancy Brinly, Jean M. Davis and Richard McDougall, Board of Physical Therapy; Greg Holmes, Kentucky State Board of Podiatry; George Risk, Richard Shogren, T. Michael Taimi, Steve Taylor, Valerie Timmons and James R. Villines, Natural Resources and Environmental Protection Cabinet; Andrew Cammack, Environmental Quality Commission; Lloyd Cress, Kentucky Oil and Gas Association; Tom Fitzgerald, Appalachian Research and Defense Fund; W. Patrick Stallard, Kentucky Power Company; Gary Bale and Sidney Simandle, Department of Education; Larry D. Stanley, Public Service Commission; and Judith Walden, Department of Housing, Buildings and Construction.

LRC Staff: Susan Harding, Joe Hood, Dan Risch, Jim Peyton, Glenn Osborne and Carla Arnold.

Press: Ron Smith, WTVQ, Lexington; and Mark Chellgren, Associated Press.

Chairman Brinkley announced that a quorum was present and called the meeting to order. On motion of Representative Bruce, seconded by Representative Stumbo, the minutes of the November 29-30, 1983 meeting were approved.

The following regulations were recommended for deferral by the subcommittee until the January 23, 1984 meeting:

CABINET FOR HUMAN RESOURCES **Department for Social Insurance**

Medical Assistance

904 KAR 1:010. Payments for physician's services.

904 KAR 1:045. Payments for mental health center services.

PUBLIC PROTECTION AND REGULATION CABINET **State Racing Commission**

810 KAR 1:001. Definitions.

810 KAR 1:003. Licensing fees.

810 KAR 1:004. Stewards.

810 KAR 1:006. Telephones.

TRANSPORTATION CABINET **Department of Highways**

Right-of-Way

603 KAR 4:035. Advertising devices, placement along limited access highways of four (4) or more lanes.

The subcommittee took no action on the following emergency regulations:

FINANCE AND ADMINISTRATION CABINET **Department of Administration**

State Investment Commission

200 KAR 14:060E. Public depository priority.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET

Administration

400 KAR 1:030E. Administrative rules of procedure, service of process.

400 KAR 1:040E. Administrative rules of procedure, discovery.

400 KAR 1:050E. Administrative rules of procedure, burden of proof.

Department for Surface Mining Reclamation and Enforcement

General Provisions

405 KAR 7:020E. Definitions and abbreviations.

405 KAR 7:030E. Applicability.

405 KAR 7:090E. Hearings.

Permits

405 KAR 8:030E. Surface coal mining permits.

405 KAR 8:040E. Underground coal mining permits.

Performance Standards for Surface Mining Activities

405 KAR 16:060E. General hydrologic requirements.

405 KAR 16:090E. Sedimentation ponds.

405 KAR 16:140E. Disposal of coal processing waste.

405 KAR 16:190E. Backfilling and grading.

Performance Standards for Underground Mining Activities

405 KAR 18:090E. Sedimentation ponds.

405 KAR 18:140E. Disposal of coal processing waste.

405 KAR 18:190E. Backfilling and grading.

CABINET FOR HUMAN RESOURCES **Department for Social Insurance**

Public Assistance

904 KAR 2:115E. Eligibility, criteria for home energy assistance program.

The subcommittee recommended that the following regulations be approved for filing:

CABINET FOR HUMAN RESOURCES **Department for Social Insurance**

Medical Assistance

904 KAR 1:004. Resource and income standard of medically needy.

Public Assistance

904 KAR 2:115. Eligibility, criteria for home energy assistance program.

Food Stamp Program

904 KAR 3:020. Eligibility requirements. (With technical amendment.)

TRANSPORTATION CABINET **Department for Vehicle Regulation**

Motor Vehicle Licensing

601 KAR 9:080. Assigned or replacement vehicle identification number.

601 KAR 9:085. Procedures for becoming a certified motor vehicle inspector. (With technical amendment.)

601 KAR 9:090. Procedures for inspecting vehicles.

601 KAR 9:095. Information entered into the Automated Vehicle Information System (AVIS).

601 KAR 9:100. Alternate procedures.

601 KAR 9:105. Filing of duplicate applications.

Division of Aeronautics and Airport Zoning

Airport Zoning

602 KAR 50:010. Definitions.

602 KAR 50:020. Administrator. (With technical amendment.)

602 KAR 50:030. Jurisdiction of commission.

602 KAR 50:040. Airport land uses.

602 KAR 50:050. Airport zoning map.

602 KAR 50:060. Construction with jurisdictional airspace conical surface permit. (With technical amendment.)

602 KAR 50:070. Standards for determining obstructions.

602 KAR 50:080. Permit application content.

602 KAR 50:090. Application procedure. (With technical amendment.)

602 KAR 50:100. Marking and lighting obstruction standards. (With technical amendment.)

602 KAR 50:110. Alteration construction, valid permit period.

602 KAR 50:115. Enforcement procedures; violations.

602 KAR 50:120. Hearing procedures.

Department of Highways**Traffic**

603 KAR 5:070. Truck dimension limits.

**KENTUCKY HIGHER EDUCATION ASSISTANCE
AUTHORITY****Kentucky Loan Program**

11 KAR 3:020. Loan insurance program.

KHEAA Grant Programs

11 KAR 5:080. Disbursement procedures.

**KENTUCKY HIGHER EDUCATION STUDENT LOAN
CORPORATION****Guaranteed Student Loans and Loans to Parents**

15 KAR 1:020. Purchasing policies. (With technical amendment.)

FINANCE AND ADMINISTRATION CABINET**Department of Personnel****Personnel Rules**

101 KAR 1:051. Compensation and pay for performance plan.

101 KAR 1:120. Separations and disciplinary actions.

101 KAR 1:130. Appeals.

Department of Administration**State Investment Commission**

200 KAR 14:060. Public depositories, priority.

Division of Occupations and Professions**Board of Hairdressers and Cosmetologists**

201 KAR 12:125. Schools' student regulations.

Board of Physical Therapy

201 KAR 22:031. Therapist's licensing procedure.

201 KAR 22:040. Procedure for renewing licenses.

201 KAR 22:106. Assistant's certification procedure.

201 KAR 22:110. Renewal of assistant's certification.

Board of Podiatry

201 KAR 25:031. Continuing education.

**NATURAL RESOURCES AND ENVIRONMENTAL
PROTECTION CABINET****Department for Environmental Protection****Division of Water Quality**

401 KAR 5:090. Control of water pollution from oil and gas facilities. (Roll call vote—3 yeas, 2 nays.)

EDUCATION AND HUMANITIES CABINET**Department of Education****Bureau of Instruction****Teacher Certification**

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

PUBLIC PROTECTION AND REGULATION CABINET**Public Service Commission****Utilities**

807 KAR 5:001. Rules of procedure.

Department of Housing, Buildings and Construction**Kentucky Building Code**

815 KAR 7:020. Building code.

The meeting was adjourned at 11:15 a.m. on December 21 until January 23, 1984.

Administrative Register ^{of} *kentucky*

Cumulative Supplement

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NOTE: Emergency regulations expire on being repealed or replaced.

Volume 9

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101 KAR 1:055			405 KAR 30:280			704 KAR 3:305		
Amended	225		Amended	960	10-5-83	Amended	1037	
Amended	556		405 KAR 30:320			Amended	1208	8-3-83
Repealed		12-29-83	Amended	34		704 KAR 10:022		
200 KAR 14:040	1348	9-7-83	Withdrawn		10-19-82	Amended	257	9-8-82
Repealed		11-21-83	Amended	962	10-5-83	Amended	1038	
401 KAR 5:100	1268		405 KAR 30:360	84		Amended	1209	8-3-83
Withdrawn		8-12-83	Withdrawn		10-19-82	807 KAR 5:006		
405 KAR 30:020			Resubmitted	1072	11-2-83	Amended	217	
Amended	21		405 KAR 30:370	85		Amended	473	8-24-82
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Amended	945	11-2-83	Resubmitted	986	10-5-83	Amended	1210	
405 KAR 30:070			405 KAR 30:390			815 KAR 25:020		
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405 KAR 30:121			Withdrawn		10-19-82	900 KAR 2:010	299	12-1-82
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405 KAR 30:130			702 KAR 5:080			Reprint	1085	
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Withdrawn		10-19-82	703 KAR 2:010			902 KAR 20:115		
Amended	951	10-5-83	Amended	1036		Amended	976	8-3-83
405 KAR 30:190			Amended	1207	8-3-83	904 KAR 1:020		
Repealed	986	9-7-83	704 KAR 3:304			Amended	1244	
405 KAR 30:200			Amended	256	9-8-82	Withdrawn		7-11-83
Repealed	986	9-7-83	Amended	1037				
405 KAR 30:201	986	9-7-83	Amended	1208	8-3-83			
			Amended	1315	8-3-83			

Volume 10

Emergency Regulation	10 Ky.R. Page No.	Effective Date	Emergency Regulation	10 Ky.R. Page No.	Effective Date	Regulation	10 Ky.R. Page No.	Effective Date
101 KAR 1:051E	957	12-29-83	902 KAR 20:006E	519	10-5-83	40 KAR 2:010	949	
Replaced	849	1-4-84	904 KAR 1:010E	270	6-30-83	101 KAR 1:020		
105 KAR 1:010E	391	9-1-83	904 KAR 1:012E	398	9-1-83	Amended	404	11-2-83
Replaced	426	11-2-83	904 KAR 1:013E	270	6-30-83	101 KAR 1:030		
200 KAR 14:040E	267	6-21-83	Replaced	315	9-7-83	Amended	404	12-2-83
Replaced		9-7-83	904 KAR 1:015E	271	6-30-83	101 KAR 1:040		
200 KAR 14:060E	870	11-21-83	Replaced	316	9-7-83	Amended	405	11-2-83
Replaced	852	1-4-84	904 KAR 1:027E	272	6-30-83	101 KAR 1:051	849	1-4-84
301 KAR 2:044E	335	8-8-83	Replaced	316	9-7-83	101 KAR 1:060		
Replaced	344	10-5-83	904 KAR 1:036E	273	6-30-83	Amended	406	11-2-83
301 KAR 2:088E	394	9-15-83	Replaced	317	12-2-83	101 KAR 1:070		
Replaced	504	11-2-83	904 KAR 1:045E	277	6-30-83	Amended	408	11-2-83
301 KAR 2:160E	960	12-29-83	904 KAR 1:055E	278	6-30-83	101 KAR 1:080		
400 KAR 1:030E	703	10-31-83	Replaced	323	9-7-83	Amended	409	12-2-83
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 Incapacity of owners, operators, guarantors, financial institutions; 401 KAR 35:130
 Incinerators; 401 KAR 35:240
 Landfill; 401 KAR 35:230
 Land treatment; 401 KAR 35:220
 Liability requirements; 401 KAR 35:120
 Manifest system; 401 KAR 35:050
 Post-closure financial requirements; 401 KAR 35:100
 Preparedness, prevention; 401 KAR 35:030
 Surface impoundments; 401 KAR 35:200
 Tanks; 401 KAR 35:190
 Thermal treatment; 401 KAR 35:250
 Underground injection; 401 KAR 35:270
 Waste piles; 401 KAR 35:210
 New Hazardous Waste Site Standards
 Cash account, certificate of deposit; 401 KAR 34:168
 Certificate of insurance; 401 KAR 34:156
 Certificate of liability; 401 KAR 34:176
 Closure financial requirements; 401 KAR 34:090
 Closure, post-closure; 401 KAR 34:070
 Closure, post-closure mechanism; 401 KAR 34:110
 Corporate guarantee; 401 KAR 34:165
 Financial test; closure, post-closure; 401 KAR 34:159

WASTE MANAGEMENT (cont'd)

- Financial test, liability coverage; 401 KAR 34:162
- General facility standards; 401 KAR 34:020
- General financial requirements; 401 KAR 34:080
- Groundwater protection; 401 KAR 34:060
- Incapacity; owners, operators, guarantors, financial institutions; 401 KAR 34:130
- Incinerators; 401 KAR 34:240
- Landfills; 401 KAR 34:230
- Land treatment; 401 KAR 34:220
- Letter of credit; 401 KAR 34:152
- Liability endorsement; 401 KAR 34:172
- Liability requirements; 401 KAR 34:120
- Manifest system; 401 KAR 34:050
- Post-closure financial requirements; 401 KAR 34:100
- Statistical testing; 401 KAR 34:320
- Surety bond; 401 KAR 34:144; 401 KAR 34:148
- Surface impoundments; 401 KAR 34:200
- Trust funds; 401 KAR 34:140
- Waste piles; 401 KAR 34:210
- Permitting Process, Hazardous Waste
 - Application procedures; 401 KAR 38:070
 - Approval provisions; 401 KAR 38:500
 - Changes, expiration; 401 KAR 38:040
 - Conditions; 401 KAR 38:030
 - Containers; 401 KAR 38:150
 - General provisions; 401 KAR 38:010
 - Groundwater protection; 401 KAR 38:100
 - Incinerators; 401 KAR 38:190
 - Interim status provisions; 401 KAR 38:020
 - Landfills; 401 KAR 38:210
 - Land treatment facilities; 401 KAR 38:200
 - Part A application; 401 KAR 38:080
 - Part B application; 401 KAR 38:090
 - Public information; 401 KAR 38:050
 - Special permits; 401 KAR 38:060
 - Surface impoundments; 401 KAR 38:170
 - Tanks; 401 KAR 38:160
 - Waste piles; 401 KAR 38:180
- Solid Waste Standards
 - Operator certification; 401 KAR 47:070
 - Permit process; 401 KAR 47:020
 - Sanitary landfills; 401 KAR 47:040
- Transporter Standards, Hazardous Waste
 - General provisions; 401 KAR 33:010
 - Manifest system; 401 KAR 33:020

WATER**Oil and Gas Facilities**

- Permit fees to control water pollution; 401 KAR 5:120

- Produced water disposal; 401 KAR 5:110

- Water pollution control; 401 KAR 5:090

Quality

- Biochemically degradable wastes, management of; 401 KAR 5:045

- Classification; 401 KAR 5:026

WORKERS' COMPENSATION

- Attorneys, charges; 803 KAR 25:070

