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UNLESS WRITTEN NOTIFICATION OF INTENT TO ATTEND A PUBLIC HEARING IS RECEIVED BY THE PROMULGATING AGENCY AT LEAST FIVE (5) DAYS BEFORE THE HEARING DATE, THE HEARING MAY BE CANCELLED.

MEETING NOTICE: The next meeting of the Administrative Regulation Review Subcommittee is April 16, 1986. For information, call 502-564-8100, ext. 312.

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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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REGULATION REVIEW PROCEDURE

Filing and Publication

Administrative bodies shall file with the Regulations Compiler all proposed administrative regulations, including public hearing information (described below), the tiering statement required by KRS 13A.210, the regulatory impact analysis as required by KRS 13A.240, and the fiscal note required by KRS 13A.250.

All proposed administrative regulations received by the deadline required in KRS 13A.050, as well as the information required above, shall be published in the Administrative Register.

Following publication in the Administrative Register, all proposed administrative regulations shall be referred by the Legislative Research Commission to the appropriate committee or subcommittee for review.

Public Hearing

The administrative body shall schedule a public hearing on proposed administrative regulations, proposed amendments to administrative regulations, and proposed repeal of administrative regulations to be held not less than twenty (20) nor more than thirty (30) days following publication of the administrative regulation. The time, date, and place of the hearing and the name and address of the agency contact person shall be included on the last page of the administrative regulation when filed with the Compiler's office.

Any person interested in attending the scheduled hearing must submit written notification of such to the administrative body at least five (5) days before the scheduled hearing. If no written notice is received at least five (5) days before the hearing, the administrative body may cancel the hearing.

If the hearing is cancelled, the administrative body shall notify the Compiler immediately by telephone of the cancellation with a follow-up letter and the Compiler will place the letter of cancellation in the file of the original administrative regulation. If the hearing is held, the administrative body shall submit within fifteen (15) days following the hearing a statement of consideration summarizing the comments received at the hearing and the administrative body's responses to the comments.

No transcript of the hearing need be taken unless a written request for a transcript is made, and the person requesting the transcript shall have the responsibility of paying for same. A recording may be made in lieu of a transcript.

If an administrative body has several proposed administrative regulations published at the same time, the proposed administrative regulations may be grouped at the convenience of the administrative body for purposes of hearings.

Review Procedure

If a proposed administrative regulation is amended as a result of the public hearing, the amended version shall be published in the next Administrative Register; and following publication shall be sent to the appropriate committee for review at its next meeting. If a proposed administrative regulation is not amended as a result of the hearing or if the hearing is cancelled, the regulation shall be sent to the appropriate committee for review at its next meeting. The administrative regulation shall be considered as adopted and in effect as of adjournment on the day the subcommittee meets.

EMERGENCY REGULATIONS NOW IN EFFECT

(NOTE: Emergency regulations expire 90 days from publication or upon replacement or repeal.)

STATEMENT OF EMERGENCY

As a result of recent litigation there is considerable confusion as to the permissible and impermissible political activities by classified employees. Due to the approaching primary election immediate clarification is essential for all parties concerned. A proposed regulation was recommended to the board by the Attorney General. At the regular March Personnel Board meeting, the Attorney General, Commissioner of Personnel and the board reviewed recommendations and suggested amendments concerning the proposal. After public hearing and review of the recommendations, the Personnel Board during regular session approved a final regulation and unanimously concurred that it also be filed as an emergency regulation. An ordinary administrative regulation will not suffice as to the immediate need for guidance prior to the forthcoming primary election. The emergency regulation will be replaced by an ordinary

administrative regulation in accordance with KRS Chapter 13A.

MARTHA LAYNE COLLINS, Governor
ARTHUR HATTERICK, JR., Executive Director

PERSONNEL BOARD

101 KAR 1:160E. Merit system.

RELATES TO: KRS 18A.140
PURSUANT TO: KRS Chapter 13A, 18A.030, 18A.040, 18A.075, 18A.110
EFFECTIVE: March 10, 1986
NECESSITY AND FUNCTION: KRS 18A.140 prohibits certain political activities by classified employees. The following regulation defines permissible and impermissible political activities.

Section 1. Permitted Activities. Permitted political activities while off duty include the following:

(1) Registration and voting. Classified employees may register and vote in any election.

(2) Expression of opinions. All persons subject to the personnel rules have a right to privately express their opinions on all political subjects and candidates, but they may not take an active part in political management and in political campaigns.

(3) Contributions. It is lawful for classified employees to make voluntary cash contributions to political parties, candidates or organizations; provided, however, it shall be unlawful for classified employees to make contributions of goods, labor and services.

(4) Membership in political clubs. Classified employees may join a political club and attend its meetings but may not hold office or serve on committees of the club.

(5) Attendance at political rallies, conventions, etc. Employees covered by the classified service may attend political rallies and conventions and may participate in the selection of committeemen and committeewomen. Additionally, employees covered by the classified service may vote at the lowest level of the selection process for delegates to the party conventions.

(6) Political pictures and signs. It is lawful for classified employees to voluntarily display political pictures or signs on their property.

(7) Badges, buttons, and stickers. It is lawful for classified employees to wear political badges or buttons and voluntarily display political stickers on their private automobiles; provided, however, that no political buttons, badges or other such designations may be worn by any classified employee of the Commonwealth while the employee is on official duty or while such employee is conducting official business for the Commonwealth.

(8) Precinct election officers - polls. Classified employees may serve as precinct election officers at the polls.

(9) Constitutional amendments, referendums, etc. Classified employees may work actively for or against constitutional amendments, referendums, municipal ordinances.

(10) Transporting voters. Employees under the classified service while on their own time may drive friends or relatives to the polls as a civic gesture, but may not transport voters to the polls as an organized service to a political party, faction, or candidate.

Section 2. Prohibited Political Activities. Prohibited political activities, whether the employee is on or off duty, include but are not limited to the following:

(1) Political party involvement. Classified employees are prohibited from serving on or for any political committee, party, or other similar organization, or serving as a delegate or alternate to a caucus or party convention, but may vote in the selection of delegates to a party convention and in the selection of precinct committeemen and committeewomen.

(2) Political contributions. A classified employee is prohibited from soliciting or handling political contributions.

(3) Political party tickets. A classified employee is prohibited from soliciting the sale of or selling political party, faction, or candidate items or tickets, but a classified employee may voluntarily purchase such items or tickets.

(4) Political club involvement. A classified employee is prohibited from serving as an officer of a political club, as a member or officer of any of its committees, of addressing such a club on any partisan political matters, or of being active in organizing it.

(5) Political meetings and rallies. A classified employee is prohibited from serving in connection with preparation for, organizing or conducting a political meeting or rally or addressing such a meeting on any partisan political matter therein except to vote.

(6) Partisan activity at election polls. A classified employee is prohibited from engaging in partisan activity at the polls (at primary or regular elections) in the position of checker, challenger, or watcher, or in soliciting votes and assisting voters to mark ballots.

(7) Candidacy for office. A classified employee is prohibited from becoming a candidate for nomination or election to any office, federal, state, county, or municipal, which is to be filled in an election in which party candidates are involved or for which compensation is paid (other than a per diem for school district office); or from soliciting others to become candidates for nomination or election to such offices.

(8) Campaign literature distribution. A classified employee is prohibited from distributing campaign literature or material.

(9) Nominating petitions. A classified employee is prohibited from initiating or circulating partisan political nominating petitions.

(10) Solicitation of political support. A classified employee is prohibited from canvasing a district or soliciting political support for a party, faction, or candidate, either in person or in writing.

Section 3. Posting of Regulation. Each appointing authority shall post, in a form prescribed by the Department of Personnel, a copy or copies of KRS 18A.140 and this regulation in a central area accessible to all classified employees of that cabinet, department or agency.

Section 4. Copy of Regulation to Employees. Each appointing authority shall furnish a copy of KRS 18A.140 and this regulation in a form prescribed by the Department of Personnel to each employee and require them to sign an acknowledgment of receipt which shall then be placed in the employee's personnel folder.

ARTHUR HATTERICK, JR., Executive Director
APPROVED BY AGENCY: March 7, 1986
FILED WITH LRC: March 10, 1986 at noon

STATEMENT OF EMERGENCY

In order to continue to operate the Corrections Cabinet in accordance with KRS Chapter 441, the Corrections Cabinet needs to implement this emergency regulation. An ordinary administrative regulation will not suffice because the effected agency policy must be revised as soon as possible to allow the cabinet to process appeals filed by various counties from orders of the Corrections Cabinet concerning local jails pursuant to KRS Chapter 441. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

MARTHA LAYNE COLLINS, Governor
GEORGE W. WILSON, Secretary

CORRECTIONS CABINET

501 KAR 3:150E. Hearings, procedures, disposition.

RELATES TO: KRS Chapter 441
PURSUANT TO: KRS 441.013
EFFECTIVE: February 21, 1986
NECESSITY AND FUNCTION: The Secretary of the Kentucky Corrections Cabinet is authorized by KRS 441.013(3) to hear matters covered by the Order of the Cabinet requesting county jails, correctional or detention facilities to comply with the minimum standards for local jails pursuant to KRS 441.011 and to issue, modify or repeal the order at the conclusion of the hearing.

Section 1. Definitions. (1) "Secretary" means the Secretary of the Corrections Cabinet.
(2) "Cabinet" means the Kentucky Corrections Cabinet.
(3) "Standards" means the minimum jail standards for local jails.
(4) "Hearing officer" means a hearing officer appointed by the secretary pursuant to KRS 441.013.
(5) "Proceeding" means any proceeding before the secretary or before a hearing officer.
(6) "Day" means a calendar day.
(7) "Order" means the order of the secretary requiring the petitioner(s) to comply with the minimum jail standards for local jails as specified.
(8) "Petitioner" means the jailer or county/judge executive who requests a hearing for review of the secretary's order.
(9) "Jail" means county jails and correctional or detention facilities, including correctional facilities defined in KRS 67B.020 and juvenile detention facilities, operated by and under the supervision of any county, city or urban county government.

Section 2. Assignment of Hearing; Filings. (1) Pursuant to KRS 441.013(3), cases coming before the secretary may be assigned to a hearing officer within the discretion of the secretary for a hearing and a finding of facts, conclusions of law, and recommended order. Cases may be withdrawn by agreement, dismissed for cause, or otherwise disposed of before hearing in the discretion and judgment of the secretary.
(2) A recommended order or adjudication by the hearing officer or the initial order of the secretary, if dismissed or disposed of as provided in subsection (1) of this section, or any modification of repeal of the initial order, shall become the final order of the secretary under the provisions of KRS 441.013(3), appealable to the Franklin Circuit Court, thirty (30) days from the date of issue.
(3) Prior to the assignment of a case to a hearing officer, the county jailer or county judge/executive shall, within seventy-two (72) hours of receipt of notification of order, request in writing a public hearing before the secretary or his designee on the matters covered by said order to the Secretary of Corrections, State Office Building, Fifth Floor, Frankfort, Kentucky 40601. Subsequent to the assignment of the case to a hearing officer and prior to the issuance of his decision, all papers shall be filed with the hearing officer at the address given in the notice of hearing.
(4) All evidence and witnesses of both parties and intervenors and all proof must be presented at the time of hearing. No additional evidence will be permitted thereafter except in unusual circumstances and within the discretion of the secretary or the hearing officer. No subpoenas will be issued.
(5) All hearings shall be held in Frankfort, Kentucky unless otherwise ordered by the secretary.
(6) Unless otherwise ordered, all filing may be accomplished by first class mail.
(7) Filing is deemed effective at the time of mailing.

Section 3. Scope of Rules; Applicability of Kentucky Rules of Civil Procedure. (1) These rules shall govern all proceedings before the cabinet and its hearing officers.
(2) In the absence of a specific provision, procedure shall be in accordance with the Kentucky Rules of Civil Procedure.

Section 4. Computation of Time. (1) In computing any period of time prescribed or allowed in these rules, the day from which the designated period begins to run shall be included unless it is a Saturday, Sunday, or federal or state holiday, in which event the period begins to run on the next working day. The last day of the period so computed is to be included unless it is a Saturday, Sunday or legal holiday in which event the period runs until the end of the next working day. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.
(2) Where service of a pleading or documents is by mail pursuant to Section 2 of this regulation, three (3) days shall be added to the

time allowed by these rules for the filing of a responsive pleading.

Section 5. Notice and Time of Hearing. (1) Notice of hearings shall be given to all parties and intervenors within forty-five (45) days from the receipt of the request for hearing unless otherwise ordered by the secretary or his designee. No hearing shall be held later than ninety (90) days from the date of request.

(2) The notice of hearing shall include:

(a) Statement of the time and place of the hearing.

(b) The name and address of the assigned hearing officer.

(c) Statement of the legal authority and jurisdiction under which the hearing is held.

Section 6. Continuance of Hearing. (1) Continuance of a hearing ordinarily will not be allowed.

(2) Except in the case of an extreme emergency or in unusual circumstances, no such request will be considered unless received in writing at least three (3) days in advance of the time set for the hearing. The request for continuance must include the reasons therefor.

(3) Continuance of hearing not in excess of fifteen (15) days may be granted in the discretion of the hearing officer. One (1) additional continuance not in excess of fifteen (15) days may be granted by the hearing officer in extreme emergency or under unusual circumstances. No additional continuance may be granted without approval of the secretary.

Section 7. Failure to Appear. (1) Subject to the provisions of subsection (3) of this section, the failure of a party to appear at a hearing shall be deemed to be a waiver of all rights except the rights to be served with a copy of the decision of the hearing officer.

(2) Requests for a newly scheduled hearing must be made in the absence of extraordinary circumstances within five (5) days after the scheduled hearing date.

(3) The secretary or the hearing officer, upon a showing of good cause, may excuse such failure to appear. In such event, the hearing will be rescheduled.

Section 8. Consolidation. Cases may be consolidated on the motion of any party, on the hearing officer's own motion, or on the secretary's own motion, where there exist common parties, common questions of law or fact, or both, or in such other circumstances as justice and the administration of the Act require.

Section 9. Severance. Upon its own motion, or upon motion of any party or intervenor, the secretary or the hearing officer may, for good cause, order any proceeding severed with respect to some or all issues or parties.

Section 10. Intervention. (1) A petition for leave to intervene may be filed at any stage of a proceeding before commencement of the hearing, or in the event of a settlement or dismissal before issuance of a recommended order.

(2) The petition shall set forth the interest of the petitioner in the proceeding and show that participation of the petitioner will assist in the determination of the issues in question and that the intervention will not unnecessarily delay the proceeding.

(3) The secretary or the hearing officer may grant a petition for intervention to such an extent and upon such terms as the secretary or the hearing officer shall determine.

(4) The caption of all cases where intervention is allowed shall reflect such intervention by adding to the caption after the name of the respondent the name of the intervenor, followed by the designation "intervenor."

Section 11. Service. (1) At the time of filing pleadings or other documents a copy thereof shall be served by the filing party or intervenor on every other party or intervenor.

(2) Service upon a party or intervenor who has appeared through a representative shall be made only upon such representative.

(3) Unless otherwise ordered, service may be accomplished by postage prepaid first-class mail or by personal delivery. Service is deemed effected at the time of mailing (if by mail) or at the time of personal delivery (if by personal delivery).

(4) Proof of service shall be accomplished by a written statement of the same which sets forth the date and manner of service. Such statement shall be filed with the pleading or document.

(5) Where service is accomplished by posting, proof of such posting shall be filed not later than the first working day following the posting.

Section 12. Statement of Position. At any time prior to the commencement of the hearing before the hearing officer, any person entitled to appear as a party, or any person who has been granted leave to intervene, may file a statement of position with respect to any or all issues to be heard.

Section 13. Response to Motions. Any party or intervenor upon whom a motion is served shall have ten (10) days from service of the motion to file a response.

Section 14. Failure to File. Failure to file any pleading pursuant to these rules when due, may, in the discretion of the secretary or the hearing officer, constitute a waiver of right to further participation in the proceedings.

Section 15. Withdrawal of Notice of Hearing. At any stage of a proceeding, a party may withdraw his notice of hearing, subject to the approval of the secretary.

Section 16. Prehearing Conference. (1) At any time before a hearing, the secretary or the hearing officer, on their own motion or on motion of a party, may direct the parties or their representatives to exchange information or to participate in a prehearing conference for the purpose of considering matters which will tend to simplify the issues or expedite the proceedings.

(2) The secretary or the hearing officer may issue a prehearing order which includes the agreements reached by the parties. Such order shall be served on all parties and shall be a part of the record.

Section 17. Requests for Admissions. (1) At

any time after the filing of responsive pleadings, any party may request of any other party admissions of facts to be made under oath. Each admission requested shall be set forth separately. The matter shall be deemed admitted unless, within fifteen (15) days after service of the request, or within such shorter or longer time as the secretary or the hearing officer may prescribe, the party to whom the request is directed serves upon the party requesting the admission of a specific written response.

(2) Copies of all requests and responses shall be served on all parties in accordance with the provisions of these rules and filed with the secretary within the time allotted and shall be a part of the record.

Section 18. Discovery Depositions and Interrogatories. (1) Except by special order of the secretary or the hearing officer, discovery depositions of parties, intervenors, or witnesses, and interrogatories directed to parties, intervenors, or witnesses shall not be allowed.

(2) In the event the secretary or the hearing officer grants an application for the conduct of such discovery proceedings, the order granting the same shall set forth appropriate time limits governing the discovery.

Section 19. Failure to Comply with Orders for Discovery. If any party or intervenor fails to comply with an order of the secretary or the hearing officer to permit discovery in accordance with the provisions of these rules, the secretary or the hearing officer may issue appropriate orders.

Section 20. Reporter's Fees. Reporter's fees shall be equally shared by all parties. This shall include the reporter's per diem costs and the cost of the original transcript. All other copies will be paid by the requesting party.

Section 21. Transcript of Testimony. Hearings shall be transcribed verbatim. A copy of the transcript of testimony taken at the hearing, duly certified by the reporter, shall be filed with the hearing officer before whom the matter was heard. The hearing officer shall promptly serve notice upon each of the parties and intervenors of such filing. Participants desiring copies of such transcripts may obtain the same from the official reporter upon payment of fees fixed therefor.

Section 22. Duties and Powers of Hearing Officers. It shall be the duty of the hearing officer to conduct a fair and impartial hearing, to assure that the facts are fully elicited, to adjudicate all issues and avoid delay. The hearing officer shall have authority with respect to cases assigned to him, between the time he is designated and the time he issues his decision, subject to the rules and regulations of the cabinet; to:

(1) Administer oaths and affirmations;

(2) Rule upon offers of proof and receive relevant evidence;

(3) Regulate the course of the hearing and, if appropriate or necessary, exclude persons or counsel from the hearing for contemptuous conduct and strike all related testimony of witnesses refusing to answer any proper questions;

(4) Hold conferences for the settlement or simplification of the issues;

(5) Dispose of procedural requests or similar matters including motions referred to the hearing officer by the secretary and motions to amend pleadings; also to dismiss complaints or portions thereof, and to order hearings reopened or, upon motion, consolidated prior to issuance of this decision;

(6) Examine witnesses and to introduce into the record documentary or other evidence;

(7) Request the parties at any time during the hearing to state their respective positions concerning any issue in the case or theory in support thereof;

(8) Adjourn the hearing as the needs of justice and good administration require; and

(9) Take any other action necessary under the foregoing and authorized by the published rules and regulations of the cabinet.

Section 23. Exhibits. (1) All exhibits offered in evidence shall be numbered and marked with a designation identifying the party or intervenor by whom the exhibit is offered.

(2) In the absence of objection by another party or intervenor, exhibits shall be admitted into evidence as a part of the record, unless excluded by the hearing officer pursuant to Section 27 of this regulation.

(3) Unless the hearing officer finds it impractical, a copy of each such exhibit shall be given to the other parties and intervenors.

(4) All exhibits offered, but denied admission into evidence, shall be identified as in subsection (1) of this section and shall be placed in a separate file designed for rejected exhibits.

Section 24. Rules of Evidence. Hearings before the cabinet and its hearing officers insofar as practicable shall be governed by the rules of evidence applicable in the courts of the Commonwealth of Kentucky.

Section 25. Burden of Proof. In all proceedings commenced by the filing of a notice of hearing, the burden of proof shall rest with the cabinet.

Section 26. Objections. (1) Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence or a ruling of the hearing officer, may be stated orally or in writing, accompanied by a short statement of the grounds for the objection, and shall be included in the record. No such objection shall be deemed waived by further participation in the hearing.

(2) Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the record of the proceeding.

Section 27. Recommendations [Decision] of Hearing Officer[s]; Exceptions; Final Order. (1) The decision of the hearing officer shall include findings of fact, conclusions of law, and a recommended order to the secretary disposing of all issues before him.

(2) Any party may file exceptions to the hearing officer's findings of fact, conclusions of law, and recommended order within ten (10)

days of the date of said findings of fact, conclusions of law, and recommended order. [This shall become the final order of the cabinet on the date of issuance.]

(3) The secretary shall, within forty-five (45) days of the date of the hearing officer's findings of fact, conclusions of law, and recommended order, issue a final order modifying, repealing, or adopting the findings of fact, conclusions of law and recommended order of the hearing officer.

GEORGE W. WILSON, Secretary
APPROVED BY AGENCY: February 19, 1986
FILED WITH LRC: February 21, 1986 at 8 a.m.

STATEMENT OF EMERGENCY

In order to continue to operate the Corrections Cabinet in accordance with KRS Chapter 196, the Corrections Cabinet needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because the effected agency policy must be revised as soon as possible to allow the cabinet to continue to effectively operate a Special Security Unit, a Special Needs Unit and a Protective Custody Unit at the Kentucky State Penitentiary and to continue to receive reports of extraordinary occurrences from its correctional institutions. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

MARTHA LAYNE COLLINS, Governor
GEORGE W. WILSON, Secretary

CORRECTIONS CABINET

501 KAR 6:020E. Corrections policies and procedures.

RELATES TO: KRS Chapters 196, 197, 439
PURSUANT TO: KRS 196.035, 197.020, 439.470, 439.590, 439.640
EFFECTIVE: February 20, 1986
NECESSITY AND FUNCTION: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorize the secretary to adopt, amend or rescind regulations necessary and suitable for the proper administration of the cabinet or any division therein. These regulations are in conformity with those provisions.

Section 1. Pursuant to the authority vested in the Corrections Cabinet the following policies and procedures are incorporated by reference on February 19, 1986 [January 15, 1986] and hereinafter should be referred to as Corrections Policies and Procedures or institutional policies and procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Corrections Cabinet, State Office Building, Frankfort, Kentucky 40601.

(1) The corrections policies and procedures:

1.1 Legal Assistance for Corrections Staff
1.2 News Media
1.6 Extraordinary Occurrence Reports (Amended 2/19/86)
1.11 Population Counts and Reporting Procedures
2.1 Inmate Canteen
3.1 Code of Ethics
3.2 Inclement Weather and Emergency Conditions Policy
3.3 Holding of Second Jobs by Bureau Employees
3.7 Employment of Relatives
3.10 Staff Clothing and Personal Appearance
3.12 Institutional Staff Housing
3.14 Corrections Cabinet Payroll Deduction Policy and Procedure
4.1 Attendance at Professional Meetings
4.2 Staff Training and Development
4.3 Firearms and Chemical Agents Training
4.4 Educational Assistance Program
6.1 Open Records Law
8.4 Emergency Preparedness
9.1 Use of Force
9.3 Transportation of Convicted Offenders
9.4 Transportation of Inmates to Funerals or Bedside Visits
9.5 Return of Escapees by Automobile
9.6 Contraband
9.7 Storage, Issue and Use of Weapons Including Chemical Agents
9.8 Search Policy
9.9 Transportation of Inmates
9.10 Security Inspections
9.15 Institutional Entry and Exit Policy and Procedures
9.18 Informants
10.1 Inmates Serving a Sentence of Death
10.2 Special Management Inmates
10.3 Safekeepers
10.4 Special Needs Inmates
11.2 Nutritional Adequacy of the Diet for Inmates
11.3 Special Diet Procedures
12.1 Resident Clothing
13.1 Pharmacy Policy and Formulary
13.2 Health Maintenance Services
13.3 Medical Alert System
13.4 Health Program Audits
14.2 Personal Hygiene Items
14.3 Marriage of Inmates
14.4 Legal Services Program
15.1 Hair and Grooming Standards
15.2 Offenses and Penalties
15.3 Meritorious Good Time
15.4 Governor's Meritorious Good Time Award
15.5 Restoration of Forfeited Good Time
15.6 Adjustment Procedures and Programs
16.1 General Inmate Visiting Procedure
16.2 Inmate Correspondence
16.3 Telephone Calls
17.1 Inmate Personal Property
17.2 Assessment Center Operations [(Amended 1/13/86)]
17.3 Controlled Intake of Inmates
18.4 Classification of the Inmate
18.5 Custody/Security Guidelines
18.6 Classification Document
18.7 Transfers
18.8 Guidelines for Transfers Between Institutions
18.9 Out-of-State Transfers
18.10 Pre-Parole Progress Reports
18.11 Kentucky Correctional Psychiatric Center Transfer Procedures
18.12 Referral Procedure for Inmates Adjudicated Guilty But Mentally Ill
18.13 Population Categories
19.1 Government Services Projects
19.2 Community Services Projects
20.1 Study Release
20.6 Vocational Study Release

22.1 Privilege Trips
25.1 Gratuities
25.2 Public Official Notification of Release of an Inmate
25.3 Pre-Release
25.4 Inmate Furloughs
25.6 Community Center Program [(Amended 12/13/85)]
25.7 Expedient Release
25.8 Extended Furloughs
27.1 Supervision: Case Classification
27.2 Risk/Needs Administration
27.4 Supervision Plan: General
27.8 Travel Restrictions
27.9 Conditions of Supervision
27.10 Preliminary Revocation Procedures
27.11 Apprehension and Transportation of Violators of Probation, Parole and Conditional Release
27.12 Fugitive Section/Probation and Parole
27.13 Supervision Fee
27.18 Absconder Procedures
27.19 Technical Violators
27.20 Intensive Supervision
28.2 Investigations: General
28.3 Pre-Sentence Investigations (To the Court)
28.4 Pre-Parole (Pre-Sentence) Investigation (To the Institution and State Parole Board)
28.5 Special Report to the Parole Board
28.7 Out-of-State Investigations

(2) The Kentucky State Reformatory Procedures Memorandum:

KSR 01-00-09 Public Information and News Media Relations
KSR 01-00-10 Entry Authorization for All Cameras and Tape Recorders Brought into the Institution
KSR 01-00-14 Extraordinary Occurrence Report
KSR 01-00-15 Cooperation and Coordination with Oldham County Court
KSR 01-00-18 Assistant Duty Officers
KSR 01-00-19 Personal Service Contract Personnel
KSR 01-00-20 Consent Decree Notification to Inmates [(Added 1/13/86)]
KSR 02-00-01 Inmate Canteen
KSR 02-00-03 Screening Disbursements from Inmate Personal Accounts
KSR 02-00-11 Inmate Personal Accounts
KSR 02-00-12 Institutional Funds and Issuance of Checks
KSR 03-00-01 Shift Assignment/Reassignment
KSR 03-00-02 Employee Dress and Personal Appearance
KSR 03-00-05 Intra-Agency Promotional Opportunity Announcements
KSR 03-00-06 Employee Time and Attendance
KSR 03-00-07 Travel Expense Reimbursement
KSR 03-00-08 Employee Tuition Assistance Reimbursement [(Amended 12/13/85)]
KSR 03-00-10 Workers' Compensation [(Amended 12/13/85)]
KSR 03-00-11 Equal Employment Opportunity Complaints [(Amended 1/13/86)]
KSR 03-00-12 Employee Greivance Procedure
KSR 03-00-14 Prohibited Employee Conduct, Disciplinary Actions, and Appeals Process [(Amended 12/13/85)]
KSR 03-00-15 Affirmative Action Program
KSR 03-00-16 Confidentiality of Personnel Records [(Amended 12/13/85)]
KSR 03-00-19 Establishment of Personnel Records and Employee Right to Challenge Information Contained Therein [(Amended 12/13/85)]
KSR 03-00-20 Personnel Selection, Retention and Promotion
KSR 03-00-21 Equal Employment Opportunities for Institutional Job Assignments and Job Classification Promotions
KSR 03-00-23 Work Planning and Performance Review (WPPR)
KSR 03-00-24 Inclement Weather and Employee Work Attendance
KSR 03-00-25 Medical Examination Requirements for New Employees
KSR 04-00-02 Staff Training and Development
KSR 05-00-02 Research Activities
KSR 05-00-03 Management Information Systems
KSR 06-00-01 Inmate Master File
KSR 06-00-02 Records Audit
KSR 06-00-03 Security of Inmate Records
KSR 07-00-02 Institutional Tower Room Regulations
KSR 07-00-03 Guidelines for Contractors
KSR 08-00-07 Inmate Family Emergency - Life Threatening Illness or Death in Inmate's Immediate Family
KSR 08-00-08 Notification of Inmate Family in Case of Serious Injury, Critical Medical Emergency, Major Surgery, or Death of an Inmate
KSR 08-00-09 Emergency Preparedness Training
KSR 09-00-04 Horizontal Gates/Box 1 Enter and Exit Procedure
KSR 09-00-05 Gate I Entrance and Exit Procedure
KSR 09-00-14 Use of Force
KSR 09-00-21 Crime Scene Camera
KSR 09-00-22 Collection, Preservation, and Identification of Physical Evidence
KSR 09-00-23 Drug Abuse Testing
KSR 09-00-25 Inmate Motor Vehicle Operator's License
KSR 10-00-02 Special Management Inmates - Operations, Rules and Regulations for Unit D
KSR 10-00-03 Special Needs Unit
KRS 10-00-04 Unit D Admission/Release Ticket
KSR 11-00-01 Meal Planning for the General Population
KSR 11-00-02 Special Diets
KSR 11-00-03 Food Service Inspections
KSR 11-00-04 Dining Room Dress Code for Inmates
KSR 11-00-06 Health Standards/Regulations for Food Service Employees
KSR 11-00-07 Early Chow Line Passes for Medically Designated Inmates
KSR 12-00-01 Inmate Summer Dress Regulations
KSR 12-00-02 Sanitation and General Living Conditions
KSR 12-00-03 State Items Issued to Inmates [(Amended 12/13/85)]
KSR 12-00-07 Regulations for Inmate Barbershop
KSR 13-00-01 Identification of Mentally Retarded Inmates
KSR 13-00-02 Regulations for Hospital Patients
KSR 13-00-03 Medication for Inmates Leaving Institution Grounds
KSR 13-00-04 Dental Care for Inmates
KSR 13-00-05 Medical and Dental Sick Call
KSR 13-00-06 Services for Mentally Retarded Inmates
KSR 13-00-07 Referral of Inmates Considered to Have Severe Emotional Disturbances
KSR 13-00-08 Institutional Laboratory Procedures
KSR 13-00-09 Institutional Pharmacy Procedures

KSR 13-00-10 Requirements for Medical Personnel
KSR 13-00-11 Preliminary Health Evaluation and Establishment of Inmate Medical Record
KSR 13-00-12 Vision Care/Optometry Services
KSR 13-00-14 Periodic Health Examinations for Inmates
KSR 13-00-15 Medical Alert System
KSR 13-00-16 Suicide Prevention and Intervention Program
KSR 14-00-01 Inmate Rights
KSR 14-00-02 A/C Center and Unit D Inmate Access to Legal Aide Services
KSR 14-00-04 Inmate Grievance Procedure
KSR 15-00-01 Operational Procedures and Rules and Regulations for Unit A, B, and C
KSR 15-00-02 Regulations Prohibiting Immate Control or Authority Over Other Inmate(s)
KSR 15-00-03 Governor's Meritorious Good Time Award [(Amended 12/13/85)]
KSR 15-00-04 Restoration of Forfeited Good Time [(Amended 12/13/85)]
KSR 15-00-05 Differential Status for SU (QUIT) Inmates
KSR 15-00-06 Inmate I.D. Cards
KSR 15-00-07 Inmate Rules and Discipline - Adjustment Committee Procedures
KSR 16-00-01 Visiting Regulations
KSR 16-00-02 Inmate Correspondence and Mailroom Operations
KSR 16-00-03 Inmate Access to Telephones
KSR 17-00-01 Housing Unit Assignment
KSR 17-00-03 Notifying Inmates' Families of Admission and Procedures for Mail and Visiting
KSR 17-00-04 Assessment/Classification Center Operations, Rules and Regulations
KSR 17-00-05 Dormitory 10 Operations
KSR 17-00-06 Identification Department Admissions and Discharge Procedures [(Amended 12/13/85)]
KSR 17-00-07 Inmate Personal Property
KSR 18-00-01 Special Management Inmates - Unit D Classification
KSR 18-00-04 Returns from Other Institutions
KSR 18-00-05 Transfer of Residents to Kentucky Correctional Psychiatric Center
KSR 18-00-06 Classification
KSR 18-00-07 Special Notice Form [(Added December 13, 1985)]
KSR 19-00-01 Inmate Work Incentives
KSR 19-00-02 On-the-Job Training Program
KSR 19-00-03 Safety Inspections of Inmate Work Assignment Locations
KSR 20-00-01 Vocational School Referral and Release Process
KSR 20-00-03 Academic School Programs
KSR 20-00-04 Criteria for Participation in Jefferson Community College Program
KSR 20-00-08 Integration of Vocational and Academic Education Programs
KSR 21-00-01 Legal Aide Office and Law Library Services and Supervision [(Amended 12/13/85)]
KSR 21-00-02 Inmate Library Services
KSR 21-00-03 Library Services for Unit D [(Amended 12/13/85)]
KSR 22-00-03 Inmate Organizations
KSR 23-00-02 Chaplain's Responsibility and Inmate Access to Religious Representatives
KSR 23-00-03 Religious Programming
KSR 25-00-01 Discharge of Residents to Hospital or Nursing Home
KSR 25-00-02 Violations of Law or Code of Conduct by Inmates on Parole Furlough
KSR 25-00-03 Pre-Parole Progress Report

(3) The Kentucky State Penitentiary Operations Memorandum:

KSP 000000-06 Administrative Regulations
KSP 010000-04 Public Information and Media Communication
KSP 020000-01 General Guidelines for KSP Employees
KSP 020000-02 Service Regulations, Attendance, Hours of Work, Accumulation and Use of Leave [(Amended 12/13/85)]
KSP 020000-03 Work Planning and Performance Review (WPPR)
KSP 020000-04 Employee Disciplinary Procedure
KSP 020000-05 Proper Dress for Uniformed and Non-Uniformed Personnel
KSP 020000-06 Employee Grievance Procedure
KSP 020000-07 Personnel Registers and Advertisements
KSP 020000-09 Maintenance, Confidentiality, and Informational Challenge of Material Contained in Personnel Files
KSP 020000-10 Overtime Policy
KSP 020000-15 Legal Assistance
KSP 020000-20 Equal Employment Opportunity Complaints
KSP 020000-23 Recruitment and Employment of Ex-Offenders
KSP 020000-24 Educational Assistance Program
KSP 020000-25 Mediation and Appeal Procedure for WPPR
KSP 020000-29 Promotional Opportunity Announcement Program
KSP 030000-01 Inventory Records and Control
KSP 030000-04 Requisition and Purchase of Supplies and Equipment [(Amended 12/13/85)]
KSP 030000-05 Inmate Personal Funds [(Amended by Court Order 11/20/85)]
KSP 030000-06 Inmate Commissary Program
KSP 040000-02 Inmate Records Section
KSP 040000-08 Inmate Equal Opportunity Policy
KSP 050000-14 Searches of Inmates, Visitors, Staff, Vehicles, Cells and Area Shakedown and Preservation of Evidence
KSP 060000-01 Special Security Unit (Added 2/19/86)
KSP 060000-02 Operational Procedures for Disciplinary Segregation, Administrative Segregation, Administrative Control and Behavioral Control Units [(Amended 1/13/86)]
KSP 060000-04 Operational Procedures for Special Management Inmates Assigned to Protective Custody (Amended 2/19/86)
KSP 060000-11 Criteria for Disciplinary Segregation and Incentive Time Reduction Program
KSP 060000-12 Maximum Protective Custody
KSP 070000-01 Hospital Services
KSP 070000-02 Sick Call
KSP 070000-03 Health Evaluations
KSP 070000-04 Consultations

KSP 070000-05	Emergency Medical Procedure
KSP 070000-13	Pharmacy Procedures
KSP 070000-14	Medical Records
KSP 070000-16	Psychiatric and Psychological Services
KSP 070000-17	Dental Services for Special Management Units
KSP 070000-19	Optometric Services
KSP 070000-20	Menu Preparation and Planning
KSP 070000-24	Food Service, General Sanitation, Safety, and Protection Standards and Requirements
KSP 070000-25	Food Service Inspections
KSP 070000-30	Therapeutic Diets
KSP 090000-01	Inmate Work Programs [(Amended 12/13/85)]
KSP 090000-03	Correctional Industries [(Amended 12/13/85)]
KSP 100000-02	Visiting Program
KSP 100000-03	Disposition of Unauthorized Property
KSP 100000-04	Inmate Grooming and Dress Code
KSP 100000-05	Procedures for Providing Clothing, Linens and Other Personal Items [(Amended 12/13/85)]
KSP 100000-06	Mail [(Amended 1/13/86)]
KSP 100000-07	Inmate Telephone Access
KSP 100000-08	Behavioral Counseling Record
KSP 100000-09	Due Process/Disciplinary Procedures [(Amended 12/13/85)]
KSP 100000-11	Authorized and Unauthorized Property for Inmates
KSP 100000-14	Property Room: Clothing Storage and Inventory
KSP 100000-15	Uniform Standards for Fire Safety, Sanitation and Security of all Cells [(Amended 12/13/85)]
KSP 100000-18	Inmate Grievance Committee Hearings
KSP 100000-20	Legal Services Program
KSP 100000-21	Photocopies for Non-Indigent Inmates with Special Court Deadlines
KSP 100000-22	Special Management Unit Legal Services Program
KSP 100000-24	Resident Legal Services Office Library
KSP 100000-25	WKFC Resident - Access to Kentucky State Penitentiary Legal Library
KSP 110000-03	Governor's Meritorious Good Time Award Committee
KSP 110000-04	Pre-Parole Progress Report
KSP 110000-06	General Guidelines of the Classification Committee [(Amended 1/13/86)]
KSP 110000-07	Statutory Good Time Restoration
KSP 110000-08	Award of Meritorious Good Time
KSP 110000-10	Special Needs Inmates (Amended 2/19/86)
KSP 110000-11	Classification Committee - Transfer Requests
KSP 110000-12	Classification Committee - Inmate Work Assignments
KSP 110000-13	Classification Document
KSP 110000-14	Vocational School Placement
KSP 110000-15	Transfers to Kentucky Correctional Psychiatric Center (KCPC)
KSP 110000-16	Consideration of Further Treatment Requirements for Inmates Prior to Release
KSP 110000-19	Custody/Security Guidelines
KSP 120000-04	Academic Education
KSP 120000-07	Community Center Program
KSP 120000-08	Inmate Furloughs
KSP 120000-11	Religious Services - Staffing [(Amended 12/13/85)]
KSP 120000-18	Religious Services - Religious Programming
KSP 120000-20	Marriage of Inmates
KSP 120000-24	Muslim Services
KSP 120000-31	Extended Furloughs
KSP 120000-32	Discharge of Inmates by Shock Probation
KSP 130000-10	Execution Plan

(4) The Luther Luckett Correctional Complex Policies and Procedures:

LLCC 01-08-01	Institutional Legal Assistance
LLCC 01-09-01	Public Information and News Media Access
LLCC 01-12-01	Duty Officer Responsibilities
LLCC 02-01-02	Fiscal Management: Accounting Procedures
LLCC 02-01-03	Fiscal Management: Agency Funds
LLCC 02-01-04	Fiscal Management: Insurance
LLCC 02-03-01	Fiscal Management: Audits
LLCC 02-06-01	Property Inventory
LLCC 03-01-01	General Guidelines for LLCC Employees
LLCC 03-01-02	Service Regulations, Attendance Accumulation and use of Leave
LLCC 03-02-01	Proper Dress for Uniformed Personnel
LLCC 03-03-01	Employee Grievance Mechanism
LLCC 03-04-01	Employee Records
LLCC 03-05-01	Personnel Registers
LLCC 03-06-01	Work Planning: Employee Evaluations and Evaluation Control
LLCC 03-08-01	Shift Transfers
LLCC 03-08-02	Rotation of Correctional Officers Between Central Security and Unit Management Staff
LLCC 03-09-01	Promotion Board
LLCC 03-10-01	Affirmative Action: EEO
LLCC 03-12-01	Confidentiality of Information Roles and Services of Consultants, Contract Personnel and Volunteers
LLCC 08-01-01	Offender Records
LLCC 08-04-01	Storage of Expunged Records
LLCC 10-03-09	Duties and Responsibilities of Building 1 and 2 Officer
LLCC 11-03-01	LLCC Population Categories
LLCC 11-07-01	Adjustment Procedures for Minor Rule Violations
LLCC 11-09-01	Rules and Regulations of the Unit
LLCC 11-13-01	Inmate Dress and Use of Access Areas
LLCC 11-15-01	Post-Parole Furloughs
LLCC 11-16-01	Restoration of Forfeited Good Time
LLCC 11-18-02	Use of Monitor Telephone
LLCC 11-19-01	Unit Shakedowns/Control of Excess Property
LLCC 11-20-01	Program Services for "Special Needs"/Mentally Ill Inmates
LLCC 12-01-01	Special Management Inmates
LLCC 12-04-01	Guidelines for (7E) PC Unit/General Living Conditions
LLCC 13-04-01	Food Service: Meals
LLCC 13-04-02	Food Service: Menu, Nutrition and Special Diets
LLCC 13-05-02	Medical Screening of Food Handlers
LLCC 13-06-01	Food Service: Inspections and Sanitation

LLCC 13-07-01	Food Service: Purchasing, Storage and Farm Products
LLCC 14-01-01	Sanitation, Living Condition Standards, and Cloting Issue
LLCC 14-05-01	Institutional Inspections
LLCC 15-01-01	Health Maintenance Services; Sick Call and Pill Call
LLCC 15-02-01	Mental Health/Psychological Services
LLCC 15-03-01	Pharmacy
LLCC 15-03-02	Use of Psychotropic Medications
LLCC 15-04-01	Dental Services
LLCC 15-05-02	Licensure and Training Standards
LLCC 15-06-02	Specialized Health Services
LLCC 15-06-03	Emergency Medical/Dental Care Services
LLCC 15-06-04	First Aid/CPR Training Program
LLCC 15-06-05	Suicide Prevention and Intervention Program
LLCC 15-07-01	Health Records
LLCC 15-08-01	Special Diets
LLCC 15-12-01	Special Needs Unit
LLCC 15-14-01	Informed Consent
LLCC 15-15-01	Medical Restraints
LLCC 15-16-01	Health Education/Special Health Programs
LLCC 16-01-01	Inmate Rights and Responsibilities
LLCC 16-02-01	Inmate Grievance Procedure
LLCC 16-03-01	Inmate Legal Services
LLCC 17-01-01	Due Process/Disciplinary Procedure
LLCC 18-01-01	Inmate Correspondence
LLCC 18-02-01	Inmate Visiting
LLCC 18-02-03	Extended Visit and Furloughs
LLCC 18-03-03	Inmate Visiting (DSU/ASU)
LLCC 20-01-01	Personal Property Control
LLCC 20-02-01	Authorized Inmate Personal Property
LLCC 20-03-01	Unauthorized Items
LLCC 20-04-02	Inmate Canteen
LLCC 20-05-01	Inmate Control of Personal Funds
LLCC 20-05-02	Storage and Disposition of Monies Received on Weekends, Holidays, and Between 4 p.m. and 8 a.m. Weekdays
LLCC 20-06-01	Procedure for Sending Appliances to Outside Dealers for Repair
LLCC 21-02-01	Classification/Security Levels
LLCC 21-03-01	Classification Process
LLCC 22-01-01	OJT/Job Assignments
LLCC 23-01-01	Academic School
LLCC 26-01-01	Religious Services
LLCC 28-01-01	Privileged Trips
LLCC 28-03-01	Temporary Release/Community Center Release
LLCC 28-04-01	Pre-Parole Progress Report
LLCC 28-04-02	Parole Eligibility Dates

(5) The Northpoint Training Center Policies and Procedures:

NTC 01-05-01	Extraordinary Occurrence Reports
NTC 01-10-01	Legal Assistance for Staff
NTC 01-11-01	Political Activities of Merit Employees
NTC 01-15-01	Establishment of the Warden as Chief Executive Officer
NTC 01-17-01	Relationships with Public, Media and Other Agencies
NTC 02-01-02	Fiscal Management: Accounting Procedures
NTC 02-01-03	Fiscal Management: Checks
NTC 02-01-04	Fiscal Management: Insurance
NTC 02-03-01	Fiscal Management: Audits
NTC 02-08-01	Inmate Canteen
NTC 02-12-01	Inmate Personal Accounts [(Added 1/13/86)]
NTC 03-01-01	Employee Dress Code
NTC 03-02-01	General Guidelines for NTC Employees
NTC 03-03-01	Staff Members Suspected of Being Under the Influence of Intoxicants
NTC 03-04-01	Shift Assignments and Transfers
NTC 03-05-01	Work Planning and Performance Review
NTC 03-06-01	Worker's Compensation
NTC 03-07-01	Merit System Registers and Placement of Advertisements
NTC 03-08-02	Employee Identification Cards
NTC 03-09-01	Maintenance, Confidentiality and Challenge of Information Contained in Employee Personnel File
NTC 03-10-01	Employment of Ex-Offenders
NTC 03-13-01	Travel Reimbursement for Official Business and Professional Meetings
NTC 03-14-01	Selection, Retention, Promotion, and Lateral Transfer of Merit System Employees
NTC 03-14-02	Promotional Opportunities
NTC 03-15-01	Time and Attendance; Accumulation and Use of Accrued Time
NTC 03-15-02	Sick Leave Abuse
NTC 03-15-03	Inclement Weather and Emergency Conditions
NTC 03-16-01	EEO - Affirmative Action
NTC 03-17-01	Employee Grievance Procedure
NTC 03-17-02	Review Committee
NTC 03-18-01	Educational Assistance Program
NTC 03-19-01	Holding of Second Jobs by Employees
NTC 04-01-01	Training and Staff Development
NTC 06-01-01	Offender Records
NTC 06-01-02	Records - Release of Information
NTC 06-01-03	Taking Offender Record Folders onto the Yard
NTC 08-05-01	Duties of Fire Safety Officer
NTC 08-05-02	Fire Procedures
NTC 08-05-03	Fire Prevention
NTC 08-05-04	Storage of Flammables and Dangerous Chemicals and Their Use
NTC 08-05-05	Control of Flammables, Toxic, Caustic, and Other Hazardous Chemicals and Janitorial Supplies
NTC 10-01-01	Special Management Inmates
NTC 10-01-02	Legal Aide Visits for Special Management Inmates
NTC 11-03-01	Food Services: General Guidelines
NTC 11-04-01	Food Service: Meals
NTC 11-04-02	Menu, Nutrition and Special Diets
NTC 11-05-02	Medical Screening of Food Handlers
NTC 11-06-01	Inspections and Sanitation
NTC 11-07-01	Purchasing, Storage and Farm Products
NTC 12-01-01	Institutional Inspections
NTC 12-02-01	Personal Hygiene for Inmates; Clothing and Linens
NTC 12-02-02	Personal Hygiene Items
NTC 13-01-01	Emergency Medical Care Plan
NTC 13-01-02	Emergency and Specialized Health Services
NTC 13-02-01	Administration and Authority for Health Services [(Added 1/13/86)]
NTC 13-03-01	Sick Call and Pill Call [(Amended 1/13/86)]
NTC 13-04-01	Pharmacy
NTC 13-05-01	Dental Services [(Amended 1/13/86)]
NTC 13-06-01	Licensure and Training Standards

NTC 13-07-01	Provisions for Health Care Delivery [(Added 1/13/86)]
NTC 13-08-01	Medical and Dental Records
NTC 13-09-01	Special Diets
NTC 13-11-01	Inmate Health Screening and Evaluation [(Amended 1/13/86]
NTC 13-12-01	Disabled and Infirm Inmates
NTC 13-13-01	Medical Alert System
NTC 13-14-01	Management of Chemically Dependent Inmates [(Added 1/13/86)]
NTC 13-15-01	Health Education for Inmates [(Added 1/13/86)]
NTC 13-16-01	Continuity of Health Care [(Added 1/13/86)]
NTC 13-17-01	Inmates Assigned to Health Services [(Added 1/13/86)]
NTC 13-19-01	Psychological Services [(Added 1/13/86)]
NTC 13-19-02	Mentally Retarded Inmates [(Added 1/13/86)]
NTC 13-19-03	Suicide Prevention and Intervention Program [(Added 1/13/86)]
NTC 14-01-01	Legal Services Program
NTC 14-02-01	Inmate Grievance Procedure
NTC 14-03-01	Inmate Rights and Responsibilities
NTC 15-01-01	Restoration of Forfeited Good Time
NTC 15-02-01	Due Process/Disciplinary Procedures
NTC 15-02-02	Extra Duty Assignments
NTC 15-03-01	Rules for Inmates Assigned to Outside Detail
NTC 15-03-02	Rules and Regulations for Dormitories [(Amended 12/13/85)]
NTC 15-04-01	Inmate Identification
NTC 16-01-01	Mail Regulations
NTC 16-02-01	Visiting
NTC 16-02-02	Extended and Special Visits
NTC 16-02-03	Honor Dorm Visiting
NTC 16-03-01	Inmate Furloughs [(Amended 1/13/86)]
NTC 16-05-01	Telephone Use and Control
NTC 17-01-01	Personal Property Control
NTC 17-01-02	Authorized Inmate Personal Property
NTC 17-01-03	Unauthorized Inmate Property
NTC 17-01-04	Disposition of Unauthorized Property
NTC 17-03-01	Orientation
NTC 18-01-01	Pre-Parole Progress Report
NTC 18-01-02	Parole Eligibility Dates
NTC 18-02-01	Classification [(Amended 12/13/85)]
NTC 18-05-01	Transfers to Other Institutions
NTC 18-05-02	Transfer of Inmates to Kentucky Correctional Psychiatric Center [(Added 1/13/86)]
NTC 19-01-01	Inmate Work Program
NTC 20-01-01	Academic School Program
NTC 21-01-01	Library Services
NTC 22-03-01	Conducting Inmate Organizational Meetings and Programs
NTC 23-01-01	Religious Services
NTC 23-03-01	Marriage of Inmates
NTC 24-04-01	Honor Status [(Amended 1/13/86)]
NTC 24-05-01	Unit Management
NTC 25-01-01	Release Preparation Program [(Amended 1/13/86)]
NTC 25-01-02	Temporary Release/Community Center Release [(Amended 1/13/86)]
NTC 25-02-01	Funeral Trips and Bedside Visits
NTC 25-03-01	Inmate Release Procedure
NTC 26-01-02	Certification of Volunteers and Guests

(6) The Kentucky Correctional Institution for Women Policies and Procedures:

KCIW 01-06-01	Legal Assistance for Corrections Staff
KCIW 01-08-01	News Media Access
KCIW 02-01-01	Comprehensive Insurance Coverage
KCIW 02-02-01	Fiscal Management: Audits
KCIW 02-02-03	Fiscal Management: Checks
KCIW 02-03-01	Inventory Control of Non-Expendable Personal Property
KCIW 02-03-03	Criteria for Selection of Bidders and Vendors
KCIW 02-04-01	Accounting Procedures
KCIW 02-05-01	Inmate Canteen/Staff Canteen
KCIW 02-07-01	Release of C.E.T.A. Money Earned
KCIW 03-01-01	Travel Expense Reimbursement
KCIW 03-02-01	General Orders for all Staff
KCIW 03-03-01	Employee Grievance Procedure
KCIW 03-05-01	Employee Personnel File
KCIW 03-06-01	Affirmative Action EEO and the Equal Employment Opportunity Complaint Procedure
KCIW 03-08-01	Employee Performance Evaluations
KCIW 03-09-01	Payroll and Personnel Manning Records
KCIW 03-10-01	Promotion Committee
KCIW 03-11-01	Personnel Registers
KCIW 03-12-01	Criminal History Checks on all Personnel and the Recruitment and Employment of Ex-Offenders
KCIW 06-01-01	Inmate Records
KCIW 06-01-02	Transfers to Community Centers and the Minimum Security Unit
KCIW 06-01-03	Storage of Expunged Records
KCIW 10-01-01	Special Management Unit: General Operation and Regulations
KCIW 10-01-02	Special Management Unit Programs, Placement and Review
KCIW 11-01-01	Food Service Operation Inspections
KCIW 11-01-02	Budgeting, Accounting, and Purchasing Procedures for Food Products
KCIW 11-02-01	Menu Preparation/Special Diets
KCIW 11-03-01	General Guidelines for Food Service Operations Manager
KCIW 11-03-02	General Guidelines for Food Service Workers
KCIW 11-04-01	Health Standards, Regulations for Food Service Employees
KCIW 12-01-01	Control of Pests and Vermin
KCIW 12-02-01	Laundry Facilities/Clothing Issuance
KCIW 12-02-03	Donated Items
KCIW 12-04-01	Sanitation and General Living Conditions
KCIW 13-01-01	Provision of Medical and Dental Care
KCIW 13-01-02	Preliminary Health Screening and Appraisal
KCIW 13-01-03	Use of Pharmaceutical Products
KCIW 13-03-01	Emergency Care
KCIW 13-03-02	Infirmary Care and Outside Services
KCIW 13-03-03	Outside Hospital Security
KCIW 13-04-01	Medical Alert System
KCIW 13-04-02	Psychiatric/Psychological Services
KCIW 13-06-01	Informed Consent
KCIW 13-07-01	Detoxification and Alcohol or Chemical Dependency Guidelines
KCIW 13-08-01	Medical Exams for New Employees
KCIW 14-01-02	Inmate Rights
KCIW 14-02-01	Access to Attorneys and Designated Counsel Substitutes

KCIW 14-03-01	Inmates Are Not Subject to Discrimination Based on Race, Religion, National Origin, Sex, Handicap, or Political Beliefs
KCIW 14-04-01	Inmate Grievance Procedure
KCIW 15-01-01	Offenses and Penalties
KCIW 15-01-02	Adjustment Committee Procedures and Programs
KCIW 15-03-01	Inmate Rule Book
KCIW 15-04-01	Incentive Levels System
KCIW 16-01-01	Inmate Correspondence
KCIW 16-01-02	Inmate Mail Distribution
KCIW 16-01-03	Staff Mail
KCIW 16-02-01	Inmate Access to Telephone
KCIW 16-02-02	Intra-Institution Phone Calls
KCIW 16-03-01	Inmate Visiting Regulations
KCIW 16-03-02	Unauthorized Items for Picnic Lunches, Food Packages and Regular Packages
KCIW 16-04-01	Inmate Indigent Fund
KCIW 16-05-01	Vendor Packages, Appliance Orders and Drug Store Orders
KCIW 17-01-01	Assessment Center Operation and Reception Programs
KCIW 17-01-02	Assessment/Classification Center Operations, Rules and Regulations
KCIW 17-01-03	Assessment and Classification Unit Property Guidelines
KCIW 17-02-01	Identification Department Admissions
KCIW 17-03-01	Notifying Inmates Families of Admission and Procedures for Mail and Visiting
KCIW 17-05-01	Inmate Personal Property
KCIW 18-01-02	Institution Housing Assignments
KCIW 18-02-01	Classification Procedures
KCIW 18-05-01	Special Needs Inmates
KCIW 18-06-01	Status Codes
KCIW 19-01-01	Inmate Work/Program Assignments
KCIW 19-03-01	Landscape and Maintenance Work Details
KCIW 20-01-01	Education Programs
KCIW 20-01-03	Vocational Education: Curriculum Flexible Schedule, up-grade programs and release preparation program
KCIW 20-01-04	Entry - Exit Vocational School
KCIW 20-01-05	Vocational Programs: Approved, assessed and contain guidelines for vocational records
KCIW 20-01-06	Vocational Education: Staffing patterns/requirements
KCIW 20-01-07	Vocational Counselor
KCIW 20-01-08	Vocational Education: Community Resources and the integration with academic progress
KCIW 20-01-09	Vocational Education: Support Equipment
KCIW 20-01-10	Control of Flammable, Hazardous, Toxic and Caustic Materials in the Vocational Area
KCIW 22-01-04	Inmate Club Activities
KCIW 23-01-01	Religious Services
KCIW 25-01-01	Pre-Parole Progress Report
KCIW 25-02-01	Temporary Release/Community Center
KCIW 25-02-02	Furloughs
KCIW 25-03-01	Escorted Leave into the Community

(7) The Food Service Manual, Offender Records Manual, Classification Manual and Livestock Procedures Manual are hereby approved by the Secretary of the Corrections Cabinet as authorized by KRS 196.035, 197.020, 439.470, 439.590 and 439.640.

Offender Records Manual - None
Stock Procedural Manual - None
Food Services Manual - None
Classification Manual - None

GEORGE W. WILSON, Secretary
APPROVED BY AGENCY: February 19, 1986
FILED WITH LRC: February 20, 1986 at 11 a.m.

STATEMENT OF EMERGENCY

Several school districts have legitimate need to utilize common carrier service (e.g., Greyhound) to transport students on school-related trips this spring and must contract for such services immediately. Federal safety standards, moreover, do not prohibit such limited use of common carriers, as opposed to qualifying school buses, but a review of the language of 702 KAR 5:060, Section 6, when this question recently arose leads counsel for the State Board of Education to believe that such current language technically precludes any such use of common carrier service. An emergency amendment is necessary to provide clear and immediate direction for local school boards. This emergency regulation will be replaced by an ordinary administrative regulation.

MARTHA LAYNE COLLINS, Governor
ALICE McDONALD, Superintendent

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Local Services

702 KAR 5:060E. Buses; specifications and purchases.

RELATES TO: KRS 156.152, 156.153, 156.154, 156.160
PURSUANT TO: KRS 156.070, 156.160
EFFECTIVE: March 12, 1986
NECESSITY AND FUNCTION: KRS 156.152 to 156.154 set forth methods and procedures for cooperative, centralized purchasing of school buses by local boards of education through contracts established through the Department of Education and the Finance Cabinet; and KRS 156.160 requires the State Board of Education to adopt regulations pertaining to the safety and transportation of school children. This regulation implements that system and establishes procedures for the cooperative purchase of school buses by Kentucky's school districts, and it further prescribes vehicles designed for more than ten (10) passengers which can be used to transport school children.

Section 1. The Division of Pupil Transportation, Department of Education, shall prepare Kentucky minimum specifications for school buses for approval by the State Board of Education and shall keep said specifications up-to-date by revision whenever experience, model changes, manufacturing techniques, and product improvement indicate that revision and updating is necessary.

Section 2. The State Board of Education shall approve appropriate Kentucky Minimum Specifications for School Buses, Revised, as a separate document and as warranted. Copies of

this document containing the detailed specifications for the separate parts of new school buses and the specifications that pertain to used school buses shall be kept on file in the Division of Pupil Transportation, Department of Education. This document shall be made available in reasonable numbers to those persons or firms that have need for same.

Section 3. All manufacturers, their agents or representatives that propose to sell new school bus chassis, school bus bodies, and complete school buses to be used in the Commonwealth of Kentucky for the transportation of pupils to and from school and for related uses shall file detailed specifications, test results, certifications, and advertising brochures on these chassis, bodies, and complete buses with the Division of Pupil Transportation, Department of Education, Frankfort, Kentucky. These shall be filed at least annually at a time and in the manner prescribed. Said manufacturers, their agents or representatives shall keep these files up-to-date following model changes or modifications made between filing dates.

Section 4. Any new school bus chassis, new school bus body, or complete new school bus purchased by any district board of education, individual, company or corporation for use in transporting pupils to and from school and for related purposes shall meet the Kentucky Minimum Specifications for School Buses; Revised, that were in effect on the date of manufacture. Same shall not be used for the above stated purposes until it shall have been approved by the Division of Pupil Transportation as meeting these requirements.

Section 5. Any used school bus chassis, used school bus body, or complete used school bus purchased by any district board of education, individual, company or corporation for use in transporting pupils to and from school and for related uses shall not be used for said purposes until it shall have been approved by the Division of Pupil Transportation as meeting the Kentucky Minimum Specifications for School Buses in effect on the date of its original purchase, and as meeting the used school bus mandatory safety equipment requirements in effect on the date same was purchased in used condition.

Section 6. (1) No vehicle which was designed by the manufacturer to carry more than ten (10) passengers in addition to the driver shall be used to transport children to or from school or events related to such schools that does not meet Kentucky Minimum Specifications for School Buses; Revised, that were in effect on the date of manufacture, or does not meet Federal Motor Vehicle Safety Standards applicable to manufacturers of school buses, except as provided in subsection (2) of this section.

(2) School districts may, in their reasonable discretion and with due regard to the safety and required supervision of the school children to be transported, utilize appropriately certificated common carriers, in regular or charter service, to transport school children to or from school-related events, as long as the vehicles so utilized are not significantly used as school buses. Such use of common carrier service, in lieu of qualifying school buses, shall be on a case-by-case basis, and the reasons believed by the board to justify such shall be cited in the board minutes.

ALICE McDONALD, Superintendent
APPROVED BY AGENCY: March 5, 1986
FILED WITH LRC: March 12, 1986 at 3 p.m.

STATEMENT OF EMERGENCY

Under KRS Chapter 13A the administrative body is required to implement this regulation or not have the authority to operate. Therefore, in order to continue to operate the Cabinet for Human Resources in accordance with KRS Chapter 194, the Cabinet for Human Resources needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because agency policy will not be accurately reflected in a timely manner. This emergency regulation will not be replaced by an ordinary administrative regulation.

MARTHA LAYNE COLLINS, Governor
E. AUSTIN, JR., Secretary

CABINET FOR HUMAN RESOURCES
Department for Social Insurance
Division of Management & Development

904 KAR 2:116E. Low income home energy assistance program.

RELATES TO: KRS 194.050
PURSUANT TO: KRS 194.050
EFFECTIVE: February 21, 1986
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility as prescribed by Public Law 97-35 (Title XXVI of the Omnibus Budget Reconciliation Act of 1981 as amended) 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, subsidy and crisis under the Home Energy Assistance Program (HEAP).

Section 1. Application. Each household or authorized representative of the 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. An "authorized representative" is that person applying on behalf of a household who presents to the cabinet or its representative a written statement signed by the appropriate household member authorizing that person to apply on the household's behalf.

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, etc., that is used to sustain reasonable living conditions.

(3) "Household" means any individual or group of individuals who are living together in the principal residence 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) "Subsidy component" is that portion of benefits reserved as energy assistance for heating.

(6) "Crisis component" is that component administered by local organizations under contract with the cabinet to provide fuel, heaters, blankets and/or sleeping bags, vouchers to purchase these items, or minor repair of the heating system to eligible households who are without heat, or will be without fuel within five (5) days, or receive a notice of disconnection of service, or require a heat system repair to obtain adequate heat.

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

(a) 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.

(b) 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.

Income Scale

Family Size	Monthly	Yearly
1	$418	$ 5,775
2	646	7,755
3	811	9,735
4	976	11,715
5	1,141	13,695
6	1,306	15,675

(c) For each household member more than six (6), the above income eligibility limitation for six (6) will be increased by $165 monthly or $1,980 yearly for each additional household member.

(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, prepaid burial policies, real property, and cash on hand or in a bank account if said cash is income considered under paragraph (a) of this subsection.

(e) Applicants for the crisis component must be without heat, or will be without fuel within five (5) days, or have received a notice of disconnection of service, or require a heat system repair to obtain adequate heat.

(2) Households are eligible to receive benefits under the subsidy component once and under the crisis component not to exceed the maximum amount of benefits.

Section 4. Benefit Levels. Payment amounts for the subsidy and crisis components are set at a level to serve a maximum number of households while providing a reasonably adequate benefit relative to energy costs. In the subsidy component, 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 eligible households under the subsidy component 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.

Benefit Scales
Subsidy Component

Scale A.
Energy Sources: LP Gas (Propane), Fuel Oil, Electricity, Kerosene

Monthly Household Income	Payment Amount Household Size 1 and 2	Household Size 3 or more
$ 0 - 400	$138	$150
$401 - 800	$120	$132
over $800	---	$113

Scale B.
Energy Sources: Natural Gas, Coal, Wood

Monthly Household Income	Payment Amount Household Size 1 and 2	Household Size 3 or more
$ 0 - 400	$125	$137
$401 - 800	$107	$119
over $800	---	$100

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

(3) Benefits to eligible households under the crisis component shall be in the form of fuel or other energy for heating, heaters, blankets, and/or sleeping bags, vouchers to purchase these item, or repair to a heating system to obtain adequate heat. The contracting agency will determine the type and value of assistance necessary to alleviate the crisis, not to exceed a maximum of $300 total benefit value per eligible household.

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

(1) Whenever feasible, payment under the subsidy component is authorized by a two (2) party check made payable to the recipient and the provider or landlord if the heating is included as an undesignated portion of rent.

(2) When a two (2) party check is not issued under the subsidy component, the recipient shall sign a statement as part of the application prior to receipt of funds affirming that benefits received under HEAP shall be utilized solely for home energy.

(3) Under the subsidy component, 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.

(4) For the crisis component, no direct cash payments shall be made to the recipient. Benefits shall be provided to eligible households by the contracting agency in the amount and value determined by the contracting agency necessary to alleviate the crisis, not to exceed the maximum allowable payment. Payments under the crisis component will be authorized to the energy provider by one (1) party checks upon delivery of fuel, heaters, blankets, and/or sleeping bags, restoration or continuation of service, or upon repair of the heating system.

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, Hearings and appeals.

Section 7. Time Standards. The cabinet or its representative 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 subsidy component shall be accepted as follows:

(a) 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 may apply beginning October 21, 1985 and ending no later than October 31, 1985.

(b) Applications shall be accepted from all households beginning November 18, 1985 and ending no later than December 31, 1985.

(2) Applications for the crisis component shall be accepted beginning January 6, 1986 and ending no later than April 30, 1986.

(3) Applications shall be processed in the order taken until funds are expended. HEAP subsidy [and crisis] component[s] shall be terminated by the secretary when actual and projected component expenditures have resulted in utilization of available funds or April 30, 1986, 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. Up to $500,000 of this allocation shall be reserved for the Gas Furnace Retrofit Pilot Project.

(2) Up to $6,000,000 shall be reserved for the crisis component. Eighty-five (85) percent of the funds reserved for the crisis component shall be allocated, by county, based upon the poverty level of the counties in accordance with the 1980 Census. Fifteen (15) percent of the funds shall be held by the contracting agency as a contingency fund to be allocated in any county of the state chosen at the discretion of the contracting agency to provide low income home energy assistance in accordance with its contract. On February 10 [14], 1986, all unobligated allocations shall revert to the contingency fund for low income home energy assistance to be distributed at the discretion of the contracting agency.

(3) Remaining benefit funds available under Public Law 97-35 shall be reserved for the subsidy component. Fifty (50) percent of the funds available under the subsidy component shall be reserved for households eligible to apply beginning October 21, 1985 and ending no later than October 31, 1985. The remaining fifty (50) percent plus any funds remaining available after October 31, 1985 shall be reserved for households applying beginning November 18, 1985 and ending no later than December 31, 1985. Any funds remaining available under the subsidy component after December 31, 1985 shall be made available under the crisis component contingency fund held by the contracting agency.

(4) Up to $500,000 of any subsidy component funds remaining unobligated may, at the discretion of the Department for Social Insurance, be reserved for households who are without heat under the contracting agency administered crisis component, if all funds allocated and otherwise made available to the crisis component are obligated prior to March 15, 1986.

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 adversely than households not receiving benefits;

(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; and

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

MIKE ROBINSON, Deputy Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: February 13, 1986
FILED WITH LRC: February 21, 1985 at 8 a.m.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Roy Butler
(1) Type and number of entities affected: 24 Community Action Agencies administering the HEAP Crisis Component.
(a) Direct and indirect costs or savings to those affected: Amendment allows for an earlier reallocation of unobligated allocations previously made so that the remaining available funds can be distributed to better meet the needs.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body: None
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: LIHEAP is 100 percent federally funded and this regulation is promulgated in accordance with the LIHEAP Block Grant application and plan narrative.

Tiering:
Was tiering applied? No. Not applicable to Low Income Home Energy Assistance Program regulations.

STATEMENT OF EMERGENCY

Under KRS Chapter 13A the administrative body is required to implement this regulation or not have the authority to operate. Therefore, in order to continue to operate the Cabinet for Human Resources in accordance with KRS Chapter 194, the Cabinet for Human Resources needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because agency policy will not be accurately reflected in a timely manner. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

MARTHA LAYNE COLLINS, Governor
E. AUSTIN, JR., Secretary

CABINET FOR HUMAN RESOURCES
Department for Social Services
Division for Field Services

905 KAR 1:180E. DSS policy and procedures manual.

RELATES TO: KRS 194.030(8), 194.060, 199.011 to 199.375, 199.420 to 199.990, 200.080 to 200.120, 205.201 to 205.204, 205.455 to 205.465, Chapters 208 and 209
PURSUANT TO: KRS 194.050, 199.420, 200.080, 209.030
EFFECTIVE: February 19, 1986
NECESSITY AND FUNCTION: P.L. 97-35, "Block Grants for Social Services - Title XX," authorizes grants to states for social services. KRS 194.050 authorizes the Cabinet for Human Resources to adopt such rules and regulations as are necessary to implement programs mandated by federal law, or to qualify for receipt of federal funds and as are necessary to cooperate with federal agencies for the proper administration of the cabinet and its programs. The function of this manual is to implement a statewide social services program.

Section 1. DSS Policies and Procedures Manual. For the purpose of implementing and enforcing those sections of the Kentucky Revised Statutes relating to social service programs for children and adults that apply to the Department for Social Services, the Secretary of the Cabinet for Human Resources hereby adopts, by reference, the Department for Social Services' Policy and Procedural Manual as revised through December 2 [June 18], 1985, as the current policies and procedures of that department. The manual contains policies and procedures relating to management procedures, adult services, support services, family and children's services, and youth services. The Department for Social Services' Policy and Procedures Manual may be reviewed in any departmental field office located in each of the 120 counties or at the Office of the Commissioner, Department for Social Services, 275 East Main Street, Frankfort, Kentucky, during regular working hours.

Section 2. Summary of Amendment. (1) Chapter I, Management Procedures, Section B, Intake, Assessment, and Registration, strike Index, pages 1-8, 11-14 and DSS-7, and substitute in lieu thereof Index, pages 1-8, 11-14 and DSS-7 dated August, 1985, which transmits revised client eligibility income scales for the operation of Department for Social Services' Programs, a revised Authorization for Release of Confidential Information form, and revised procedural instructions for the Client Registration form, DSS-1A.
(2) Chapter III, Support Services, Section A.6, Day Care, strike pages 13 and 14, and substitute in lieu thereof pages 13 and 14 dated August, 1985, which transmits the revised client eligibility income scales relating to day care for children.
(3) Chapter II, Adult Services, Section A, Adult Protection, strike page 24 and DSS-291A dated May, 1984, and substitute in lieu thereof page 24 and DSS-291A dated October, 1985, which transmits a revised form for notifying law enforcement agencies of reports of alleged

abuse, neglect, or exploitation of an adult or spouse abuse; and the procedural instructions for completion of this form. [Chapter IV, Family and Children's Services, Section A, Child Protective Services, strike pages 24-37 and DSS-150 and insert pages 24-37 and DSS-150 dated 7/85, which transmits a new form to permit inclusion of perpetrators in the Central Registry if the report is substantiated and instructions for completing the form.]

ANNA GRACE DAY, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: February 10, 1986
FILED WITH LRC: February 19, 1986 at 9 a.m.

AS AMENDED

DEPARTMENT OF PERSONNEL
As Amended

101 KAR 1:145. Employee evaluation plan; classified.

RELATES TO: KRS 18A.030, 18A.110
PURSUANT TO: KRS Chapter 13A, 18A.110
EFFECTIVE: March 4, 1986
NECESSITY AND FUNCTION: KRS 18A.110 requires personnel rules for classified service employees to provide for uniform standards and methods of appraising work performance of all employees, and for the use of such methods of appraisal in personnel actions, and for the development and operation of programs to improve the work effectiveness of employees. This regulation implements such duties by establishing a uniform employee evaluation system.

Section 1. Eligible Employees. Each full-time employee who has completed his probationary period of service; each part-time employee who works over 100 hours each month who has completed his probationary period of service; each federally funded, time limited (FFTL) employee who has completed six (6) months service; and each employee on probation as a result of promotion shall have his work performance evaluated on an annual basis, according to criteria developed by the Employee Evaluation Committee.

Section 2. Work Performance Evaluation. (1) Each evaluator, the first line supervisor or the person with direct supervisory responsibility over the employee, shall assess employee performance in five (5) areas: job knowledge and skills; quality of work; productivity; work progress; and level of responsibility and interpersonal skills.

(2) Each area shall be assessed as exceeding performance requirements, meeting performance requirements or as being below performance requirements.

(3) The overall rating shall be determined by the ratings on each of the five (5) job factors:

(a) "Exceeds requirements." The employee shall receive an "exceeds requirements" rating when his job performance exceeds requirements on three (3) or more of the job factors, and he receives no "below requirements" ratings on any of the job factors.

(b) "Below requirements." The employee shall receive a "below requirements" rating when his job performance is below requirements on three (3) or more of the job factors. The evaluator shall provide the employee with suggestions for improvement and training, as needed.

(c) "Meets requirements." The employee who receives any other combination of ratings on the job factors shall receive an overall rating of "meets requirements."

Section 3. Annual Evaluation. (1) Evaluation shall take place annually. At the beginning of the evaluation period, the evaluator shall identify and review the job duties and factors to be evaluated with the employee and record the job description on the [re-]evaluation form. After six (6) months, the evaluator shall assess the employee's job performance, discuss the findings with the employee, and initiate corrective measures, as needed. After twelve (12) months, the evaluator shall assess the employee's job performance, and discuss the overall rating with the employee.

(2) The evaluator of each employee shall be the first line supervisor or the person with direct supervisory responsibility over the employee, providing that he has supervised the employee in the same position for a minimum of ninety (90) calendar days. If a supervisor leaves within ninety (90) days prior to the end of the evaluation period, he shall evaluate all employees under his supervision prior to leaving. If a supervisor leaves within ninety (90) days prior to the end of the evaluation period under negative circumstances, the next line supervisor shall evaluate the employees of the supervisor who has left. If an employee transfers to a new job within ninety (90) days prior to the end of the evaluation period, he shall be evaluated by his prior supervisor.

(3) All employees shall be evaluated during the same time period. All ratings shall be completed and the results submitted to the Department of Personnel by February 1 of each year. Evaluators shall schedule evaluation conferences to allow twenty-five (25) working days for reconsideration, as needed.

Section 4. Request for Reconsideration. (1) Any employee may request reconsideration of his evaluation. In response to an employee's request, a reconsideration meeting of the

employee and the evaluator shall be held and shall be scheduled no sooner than two (2) working days and no later than five (5) working days after the evaluation was first presented to the employee.

(2) If the employee does not agree with the rating following the reconsideration meeting, he may request further review of the evaluation by submitting a written request to the second line supervisor within five (5) working days following the reconsideration meeting.

(3) The reviewer, the second line supervisor, shall obtain a written statement from the evaluator and employee, or meet individually with the evaluator and with the employee to discuss the rating. Within fifteen (15) working days from receipt of the request for review, the reviewer shall inform the employee and the evaluator in writing of his determination.

THOMAS C. GREENWELL, Commissioner
APPROVED BY AGENCY: January 15, 1986
FILED WITH LRC: January 15, 1986 at noon.

DEPARTMENT OF PERSONNEL
As Amended

101 KAR 1:205. Employee evaluation plan; unclassified.

RELATES TO: KRS 18A.030, 18A.155
PURSUANT TO: KRS Chapter 13A, 18A.155
EFFECTIVE: March 4, 1986
NECESSITY AND FUNCTION: KRS 18A.155 requires the Commissioner of Personnel to submit to the Governor proposed rules for the unclassified service in positions enumerated in KRS 18A.115(1)(f), (g), (h), (i), (j), (k), (p), (u) and (v). KRS 18A.155 further provides that these rules shall be approved by the Governor and promulgated according to KRS Chapters 12 and 13A; nothing herein shall be construed to preclude optional use of rules promulgated under this section on behalf of employees enumerated in paragraphs (a), (b), (d), (e) and (q) of subsection (1) of KRS 18A.115 and on behalf of members of state boards and commissions who work on a full-time salaried basis.

Section 1. Eligible Employees. Each permanent full-time employee after six (6) months of service; each part-time employee who works over 100 hours each month after six (6) months of service; each federally funded, time limited (FFTL) employee who has completed six (6) months service shall have his work performance evaluated on an annual basis, according to criteria developed by the Employee Evaluation Committee.

Section 2. Work Performance Evaluation. (1) Each evaluator, the first line supervisor <u>or the person with direct supervisory responsibility over the employee</u>, shall assess employee performance in five (5) areas: job knowledge and skills; quality of work; productivity; work progress; and level of responsibility and interpersonal skills.

(2) Each area shall be assessed as exceeding performance requirements, meeting performance requirements or as being below performance requirements.

(3) The overall rating shall be determined by the ratings on each of the five (5) job factors:

(a) "Exceeds requirements." The employee shall receive an "exceeds requirements" rating when his job performance exceeds requirements on three (3) or more of the job factors, and he receives no "below requirements" ratings on any of the job factors.

(b) "Below requirements." The employee shall receive a "below requirements" rating when his job performance is below requirements on three (3) or more of the job factors. The evaluator shall provide the employee with suggestions for improvement and training, as needed.

(c) "Meets requirements." The employee who receives any other combination of ratings on the job factors shall receive an overall rating of "meets requirements."

Section 3. Annual Evaluation. (1) Evaluation shall take place annually. At the beginning of the evaluation period, the evaluator shall identify and review the job duties and factors to be evaluated with the employee and record the job description on the [re-]evaluation form. After six (6) months, the evaluator shall assess the employee's job performance, discuss the findings with the employee, and initiate corrective measures, as needed. After twelve (12) months, the evaluator shall assess the employee's job performance, and discuss the overall rating with the employee.

(2) The evaluator of each employee shall be the first line supervisor <u>or the person with direct supervisory responsibility over the employee</u>, providing that he has supervised the employee in the same position for a minimum of ninety (90) calendar days. If a supervisor leaves within ninety (90) days prior to the end of the evaluation period, he shall evaluate all employees under his supervision prior to leaving. If a supervisor leaves within ninety (90) days prior to the end of the evaluation period under negative circumstances, the next line supervisor shall evaluate the employees of the supervisor who has left. If an employee transfers to a new job within ninety (90) days prior to the end of the evaluation period, he shall be evaluated by his prior supervisor.

(3) All employees shall be evaluated during the same time period. All ratings shall be completed and the results submitted to the Department of Personnel by February 1 of each year. Evaluators shall schedule evaluation conferences to allow twenty-five (25) working days for reconsideration, as needed.

Section 4. Request for Reconsideration. (1) Any employee may request reconsideration of his evaluation. In response to an employee's request, a reconsideration meeting of the employee and the evaluator shall be held and shall be scheduled no sooner than two (2) working days and no later than five (5) working days after the evaluation was first presented to the employee.

(2) If the employee does not agree with the rating following the reconsideration meeting, he may request further review of the evaluation by submitting a written request to the second line supervisor within five (5) working days following the reconsideration meeting.

(3) The reviewer, the second line supervisor, shall obtain a written statement from the evaluator and employee, or meet individually

with the evaluator and with the employee to discuss the rating. Within fifteen (15) working days from receipt of the request for review, the reviewer shall inform the employee and the evaluator in writing of his determination.

THOMAS C. GREENWELL, Commissioner
APPROVED BY AGENCY: January 15, 1986
FILED WITH LRC: January 15, 1986 at noon.

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Research and Planning
As Amended

701 KAR 7:010. Educational innovation incentive grants.

RELATES TO: KRS 158.805
PURSUANT TO: KRS 156.070, 158.805
EFFECTIVE: March 5, 1986
NECESSITY AND FUNCTION: KRS 158.805 creates the Educational Innovation Incentive Fund to encourage the development of innovative programs to meet the educational needs of the citizens of the Commonwealth of Kentucky, and to provide grants from the State Board of Education to teachers and school districts for specified purposes. The statute gives the State Board of Education the responsibility for developing criteria and funding guidelines for awards of grants from the fund. This regulation establishes the criteria for awarding of such grants and applicable funding guidelines.

Section 1. The State Board of Education shall provide Educational Innovation Incentive Fund grants to individual teachers or groups of teachers, individual schools, school districts or groups of school districts. The Educational Innovation Incentive Fund Advisory Committee shall review proposals for grants and make recommendations to the board relating to the merits of each proposal.

Section 2. (1) The State Board of Education shall award grants to eligible recipients as defined in Section 1 of this regulation for the purposes enumerated in KRS 158.805 (1)(a)-(d).
(2) Each local board of education shall ensure that all instructional personnel are made aware of the criteria for awarding of grants and the applicable funding guidelines.

Section 3. The State Board of Education shall award Educational Innovation Incentive Fund grants in accordance with the funding restrictions established in KRS 158.805(4) and the following:

(1) Teacher grants may be awarded annually up to $5,000 each, and school grants may be so awarded up to $20,000.
(2) Within a given school district, the teacher and school grants may not exceed fifteen (15) percent of the total incentive fund appropriation for each fiscal year. The total of all teacher and school grants for any one (1) district shall not exceed $375,000 based on a $2.5 million annual appropriation.
(3) In addition to the teacher and school grants, each school district shall be eligible to receive one (1) district grant up to $100,000 annually.
(4) Multi-district grants may be awarded up to $125,000 each annually. A district shall be eligible to participate in one (1) multi-district grant annually.
(5) Priority areas for funding not to exceed two (2) years for experimental and model programs shall be established by the state board each year at its March meeting and incorporated in this regulation.
(6) Equipment may be approved for purchase at the discretion of the state board. The cost of equipment purchased by an grantee shall not exceed twenty (20) percent of the total amount of money awarded for each proposal and shall be matched by local funds on a dollar-for-dollar basis. Renovation and construction costs shall not be eligible for approval.
(7) The Educational Innovation Incentive Fund shall be targeted for programs and activities that are not currently funded by other appropriations or grants.
(8) Administrative costs allowable for each funded proposal shall not exceed ten (10) percent of the total amount of the grant.
(9) Grant awards shall not supplant funds from any other source.
(10) Districts receiving grants from the Educational Innovation Incentive Fund shall be required to indicate <u>whether they intend</u> [an intention] to continue successful programs within the district.
(11) In the event that all the funds appropriated for FY 87 are not awarded hereunder, the state board shall consider the Educational Innovation Incentive Fund Advisory Committee's recommendations regarding the funding of additional quality proposals in a second review, regardless of a district's receipt of other grants from the fund <u>but subject to the minimum percentage of available funds restrictions for loans to teachers and individual schools set forth in KRS 158.805(5)</u>.

ALICE McDONALD, Superintendent
APPROVED BY AGENCY: January 7, 1986
FILED WITH LRC: January 15, 1986 at 11 a.m.

PROPOSED AMENDMENTS

PERSONNEL BOARD
(Proposed Amendment)

101 KAR 1:070. Registers.

RELATES TO: KRS 18A.005, 18A.030, 18A.110, 18A.120

PURSUANT TO: KRS 18A.030, 18A.110

NECESSITY AND FUNCTION: KRS 18A.075 requires the Personnel Board to adopt comprehensive rules consistent with the provisions of KRS Chapter 18A. KRS 18A.030 requires the Commissioner of Personnel to prepare and recommend to the Personnel Board rules which provide for the manner of completing appointments and promotions; and for creation of eligible lists with successful candidates ranked according to their rating on the examination. KRS 18A.110 requires the commissioner to prepare and submit to the board rules which provide for the establishment of eligible lists for appointment, upon which lists shall be placed the names of successful candidates in the order of their relative rank on exams; and for the rejection of candidates or eligibles who do not meet reasonable selection requirements of the commissioner. These rules are necessary to comply with these statutory requirements.

Section 1. Responsibility for Maintenance of Registers. It shall be the duty of the appointing authorities to notify the commissioner as far in advance as possible of vacancies in full-time or part-time classified positions which may occur in the agencies. The commissioner shall be responsible for the establishment and maintenance of appropriate registers for all full-time or part-time classified positions and for the determination of the adequacy of existing registers.

Section 2. Open-Competitive Registers. After each open-competitive examination, the commissioner shall prepare a register of persons with passing grades seeking employment in a full-time or part-time classified position. The names of such persons shall be placed on the register in the order of their final ratings, starting with the highest.

Section 3. Use of Related Registers. If a full-time or part-time vacancy exists in a job class for which there is no appropriate register, the commissioner may prepare a full-time or part-time register for the class from one (1) or more existing related registers. The commissioner shall select registers from classes for which the minimum qualifications are comparable to or higher than those required for the class in which the vacancy exists. The commissioner may, if appropriate, re-rate training and experience on the basis of the minimum qualification required for the class in which the vacancy exists.

Section 4. Duration of Registers. (1) A register shall expire automatically at the end of two (2) years from the time of its establishment unless the register is extended by action of the board for a period not to exceed one (1) additional year.

(2) The life of registers for classes for which continuous recruitment and examination is conducted shall be indefinite but may be terminated by the commissioner. The names of eligibles shall be added to and removed from such registers on a continuous basis. Normally, the name of an eligible shall not remain on a register for a class in the continuous program for longer than two (2) years from the date of its entry on the register. Whenever the name of an eligible is removed from a register, the eligible shall be notified.

(3) When a register becomes so depleted that the preparation of usable certificates for a major portion of the imminent vacancies of the class is impracticable, the register will be considered exhausted. The register which has become exhausted shall be considered expired upon the administration of a superseding examination and the establishment of a register on the basis of that examination. When a register becomes exhausted, the commissioner shall send to each eligible remaining on such register a notification prior to the administration of a superseding examination.

Section 5. Replenishment of Registers. If the commissioner determines that a register, although not exhausted, is inadequate for the filling of anticipated vacancies, he may announce an open competitive examination for the purpose of replenishing such register.

Section 6. Removal of Names from the Register. (1) Reasons for removal. The commissioner may, on receipt of authoritative information, remove the name of an eligible from the appropriate full-time or part-time [a] register:

(a) For any of the causes stipulated in 101 KAR 1:060, Section 4;

(b) If the eligible cannot be located by postal authorities;

(c) If the eligible responds that he no longer desires consideration for a full-time or part-time position in that class;

(d) If the eligible declines an offer of probationary full-time or part-time appointment to the class for which the registers were [was] established;

(e) If it is shown, through agency objection or investigation, that the eligible is not qualified or is unsuitable for appointment to the class for which the register is established;

(f) If the eligible fails to reply within a period of five (5) working days to the written request of the appointing authority for an interview, for a full-time or part-time classified position, or within seventy-two (72) hours to a telegraphic request, or does not report for such an interview for a full-time or part-time classified position within a reasonable time, or fails to appear for an interview for a full-time or part-time classified position which he has scheduled with the appointing authority;

(g) If the eligible accepts an appointment and fails to present himself for duty at the time and place agreed to without giving reasons for the delay satisfactory to the appointing

authority;

(h) If the eligible indicates he is not available for full-time or part-time appointment or does not wish to be considered for full-time or part-time appointment.

(2) The names of eligibles who have been considered for a probationary full-time or part-time appointment three (3) times by any one (1) or more appointing authorities and have not been offered employment may be removed from a full-time or part-time register if it is determined they would not be suited to the type of work found in the class for which the register is established.

(3) When the Department of Personnel is authoritatively notified that an eligible has accepted a bona fide offer of probationary appointment to any full-time or part-time classified position, effective on a specified date, his name may be removed from the register for all classes for which the maximum salary is the same or less than that of the class to which he has been appointed.

(4) Notifications. Whenever an eligible's name is removed from a full-time or part-time register for reasons cited in subsections (1) and (2) of this section, the commissioner shall notify the eligible of this action and the reasons therefor, together with his right of appeal. An eligible's name shall be restored to the register upon presentation of reasons satisfactory to the commissioner or in accordance with the decision of the board upon appeal.

(5) Whenever an eligible notifies the Department of Personnel in writing that he is unavailable for employment or employment consideration, the department may remove the name of that eligible from the appropriate full-time or part-time register without further notification to the person.

Section 7. Full-Time or Part-Time Re-employment Lists. Any employee with status who has been laid off in accordance with 101 KAR 1:120, Section 2, shall be entitled to have his name placed on [a] re-employment lists for the job class from which laid off or a job class for which the employee qualifies, provided he so requests in writing. Employees shall be placed on the appropriate full-time or part-time re-employment list, as determined by their full-time/part-time standing at the time of lay-off. Eligibility to remain on the re-employment lists shall expire five (5) years from the effective date of the layoff or separation or the date when ordered by the board to place the employee on the re-employment lists.

Section 8. Promotion Register. [After each competitive promotional examination held in accordance with 101 KAR 1:110, Section 1,] The commissioner shall prepare a list of persons interested in promotion to the full-time or part-time classified position who meet the minimum requirements. The list shall be included with registers certified to agencies for their consideration in filling vacancies. [with passing grades arranged in the order of ratings received, starting with the highest.]

ARTHUR HATTERICK, JR., Executive Director
APPROVED BY AGENCY: March 6, 1986
FILED WITH LRC: March 7, 1986 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation is scheduled for April 22, 1986, at 9:30 a.m. in Room 360 of the Capitol Annex Building. Those interested in attending please contact: Commonwealth of Kentucky, Personnel Board, Room 372, Capitol Annex Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Arthur Hatterick, Jr.

(1) Type and number of entities affected: All agencies with classified employees.

(a) Direct and indirect costs or savings to those affected:

1. First year: No additional expenditures. Confirms by regulation current practices.

2. Continuing costs or savings: Same as (1)(a)1.

3. Additional factors increasing or decreasing costs (note any effects upon competition): Same as (1)(a)1.

(b) Reporting and paperwork requirements: Same as (1)(a)1.

(2) Effects on the promulgating administrative body: See (1)(a)1.

(a) Direct and indirect costs or savings:

1. First year: See (1)(a)1.

2. Continuing costs or savings: See (1)(a)1.

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: See (1)(a)1.

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None identified.

(a) Necessity of proposed regulation if in conflict: N/A

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(6) Any additional information or comments: N/A

Tiering:
Was tiering applied? No. Not applicable.

COMPILER'S NOTE: 101 KAR 1:120, as amended on page 1351 and effective March 4, 1986, was filed by the Commissioner of Personnel and accompanied by a letter of approval from the Personnel Board. The Personnel Board has filed a separate amendment to this administrative regulation which is printed on the following page. The amendment printed below will supercede the previously filed amendment when it is adopted by the Administrative Regulation Review Subcommittee and becomes effective. This amendment submitted by the Personnel Board does not include the second sentence in Section 3(3) as was originally submitted by the Commissioner of Personnel.

PERSONNEL BOARD
(Proposed Amendment)

101 KAR 1:120. Separations and disciplinary actions.

RELATES TO: KRS 18A.005, 18A.075, 18A.095, 18A.110, 18A.165
PURSUANT TO: KRS Chapter 13A, 18A.030, 18A.075, 18A.110
NECESSITY AND FUNCTION: KRS 18A.075 requires the Personnel Board to adopt comprehensive rules consistent with KRS Chapter 18A. KRS 18A.030 requires the Commissioner of Personnel to prepare and recommend to the board rules which provide for layoffs and for separation of employees deemed unsatisfactory or excessive by agency or department heads. KRS 18A.110 requires the commissioner to prepare and submit to the board rules which provide for layoffs, imposition of fines of not more than ten (10) days' pay, suspension without pay for not longer than thirty (30) days, and for discharge or reduction in rank. This rule is necessary to comply with these statutory requirements.

Section 1. General Provisions. Except as otherwise provided in these rules, the tenure of an employee with status shall be during good behavior and the satisfactory performance of his duties. At the time that an employee is given written notice of layoff, dismissal, suspension and disciplinary fine, an informational copy shall be transmitted to the Personnel Board.

Section 2. Layoffs. (1) An appointing authority may layoff an employee in the classified service whenever he deems it necessary by reason of shortage of funds or work, abolishment of a position, or other material change in duties or organization. An employee with status may appeal his layoff in accordance with 101 KAR 1:130. The employee shall be notified of the effective date at least fourteen (14) calendar days prior to such effective date and shall be given written notice of the reasons for the layoff and of his right to appeal. The appointing authority shall conduct a personal interview with each laid-off employee to explain the re-employment rights available to that employee under the merit system regulations, unless circumstances prevent such an interview; such circumstances must be detailed in writing to the commissioner.
(2) Seniority, performance, appraisals, conduct, qualifications and type of appointment shall be considered in determining the order of layoffs in a manner prescribed or approved by the commissioner. No status employee is to be separated by layoff while there are seasonal, federally funded time limited, provisional, temporary, emergency, or probationary employees serving in the agency in the same class in the same locality. "Probationary" as used in this subsection does not include employees serving a probationary period as a result of a promotion.
(3) The appointing authority and the department shall attempt to place the employee in another position for which the employee is qualified prior to the effective date of layoff.

Section 3. Dismissals. (1) The appointing authority may remove any employee with status only for cause after furnishing the employee and the commissioner with a written statement of the specific reasons for dismissal. Such reasons shall be specific as to the statutory and/or rule violation, the time, place, and persons by name involved in the alleged violation, and a specific description of the alleged unlawful activity. Notifications of dismissal that do not properly specify the reasons shall be considered invalid and the employee shall remain on the payroll until such time as proper charges are effected.
(2) Notifications of dismissal shall inform the employee that he has ten (10) working days, not including the date the notice is received, to reply thereto in writing, or upon request, to appear personally with counsel and reply to the appointing authority or his deputy.
(3) Prior to the effective date of dismissal of an employee with status the employee shall be afforded the opportunity to appear personally with or without counsel and respond to the reasons for the proposed dismissal to the appointing authority or his deputy and show cause why the action should be modified or set aside.
(4) [(3)] An employee with status may appeal his dismissal as set forth in 101 KAR 1:130.
(5) [(4)] A dismissed employee may be required to forfeit all accrued leave.
(6) [(5)] Any employee who has been dismissed for cause or who has resigned while charges for dismissal for cause were pending and who seeks further employment with the state shall not be certified to the agency from which separated unless the agency requests such certification.

Section 4. Separation During Probationary Period. An employee may be separated without the right of appeal at any time during the probationary period as set forth in 101 KAR 1:100, Section 3.

Section 5. Resignations. An employee who desires to terminate his service with the state shall submit a written resignation to the appointing authority. Resignations shall be submitted at least fourteen (14) calendar days before the final working day. A copy of an employee's resignation shall be attached to the advice effecting the separation and be filed in the employee's service record in the department. Failure of an employee to give fourteen (14) calendar days notice with his resignation may result in forfeiture of accrued annual leave.

Section 6. Retirement. If an employee with status is retired, he is considered as separated without prejudice and does not have the right of appeal.

Section 7. Suspensions. An appointing authority, upon written notice stating the reasons therefor, a copy of which shall be sent to the commissioner, may suspend an employee without pay or other compensation as punishment for disciplinary cause. In the case of an employee with status, such reasons shall be specific as to the statutory and/or rule violation, the time, place, and persons by name involved in the alleged violation, and a specific description of the alleged unlawful activity. Such a suspension shall not exceed thirty (30) working days for each occurrence. An employee with status may appeal his suspension

as set forth in 101 KAR 1:130.

Section 8. Disciplinary Fines. An appointing authority may impose as a disciplinary measure a fine of not more than ten (10) days pay to be computed on the basis of the employee's current salary. Disciplinary fines may not exceed ten (10) days pay for each occurrence. The employee shall be notified in writing by the appointing authority of the reasons for the action, a copy of which shall be sent to the commissioner. In the case of an employee with status, such reasons shall be specific as to the statutory and/or rule violation, the time, place, and persons by name involved in the alleged violation, and a specific description of the alleged unlawful activity. An employee with status may appeal the action in accordance with the provisions of 101 KAR 1:130. For purposes of 101 KAR 1:130, the effective date of a disciplinary fine shall be deemed to be the date the employee receives the notification required by this section.

Section 9. Written Reprimands. An appointing authority may give an employee a written reprimand as a preliminary disciplinary measure. A copy of the written reprimand shall be placed in the employee's personnel file in the agency and a copy shall be given to the employee. The employee shall be given the opportunity to reply in writing to the written reprimand and to include this reply in his personnel file with the written reprimand. The employee shall be informed of his right to reply at the time the written reprimand is given. A written reprimand, in and of itself, is not an appealable penalization and is not a basis for appeal.

ARTHUR HATTERICK, JR., Executive Director
APPROVED BY AGENCY: February 20, 1986
FILED WITH LRC: February 21, 1986 at 9 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation is scheduled for April 22, 1986, at 9:30 a.m. in Room 360 of the Capitol Annex Building. Those interested in attending please contact: Commonwealth of Kentucky, Personnel Board, Room 372, Capitol Annex Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Arthur Hatterick, Jr.
(1) Type and number of entities affected: All agencies utilizing classified employees.
(a) Direct and indirect costs or savings to those affected:
1. First year: Direct or indirect costs or savings will depend on number of employees with status dismissed and not afforded an opportunity to respond to reasons for dismissal, a violation of constitutional rights.
2. Continuing costs or savings: Same as (1)(a)1.
3. Additional factors increasing or decreasing costs (note any effects upon competition): N/A
(b) Reporting and paperwork requirements: N/A
(2) Effects on the promulgating administrative body: The effect on this agency will depend on the number of appeals which may be filed.
(a) Direct and indirect costs or savings:
1. First year: See answer to (1)(a)1.
2. Continuing costs or savings: See answer to (1)(a)1.
3. Additional factors increasing or decreasing costs: See answer to (1)(a)1.
(b) Reporting and paperwork requirements: N/A
(3) Assessment of anticipated effect on state and local revenues: N/A
(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives considered. Not affording an employee the opportunity to respond to dismissal charges would deprive that employee of a property right without due process.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A
(a) Necessity of proposed regulation if in conflict: N/A
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A
(6) Any additional information or comments: N/A

Tiering:
Was tiering applied? No. Not applicable.

REVENUE CABINET
Department of Professional and Support Services
(Proposed Amendment)

103 KAR 30:190. Interstate and foreign commerce.

RELATES TO: KRS 139.100, 139.150, 139.260, 139.340, 139.400, 139.470, 139.486, 139.487, 139.488
PURSUANT TO: KRS Chapter 13A
NECESSITY AND FUNCTION: To interpret the sales and use tax law as it applies to sales in interstate and foreign commerce.

Section 1. The purpose of this regulation is to state generally the application of the Commerce Clause of the Constitution of the United States to the Sales and Use Tax Law.

Section 2. Sales Tax: Transactions Consummated in Kentucky. (1) Where tangible personal property is located in this state at the time of its sale (or is subsequently produced in this state), and then delivered in this state to the purchaser, the seller is subject to the sales tax if the sale is at retail and is consummated in Kentucky. A sale is not presumed to be made in interstate commerce if the purchaser or his representative receives physical possession of such property in this state. This is true notwithstanding the fact that the purchaser may after receiving physical possession of the property in this state transport or send the property out of the state for use outside the state or for use in the conduct of interstate commerce.
(2) The sales tax does not apply to gross receipts from sales in which the seller is obligated, under the terms of his agreement with the purchaser, to make physical delivery of the goods sold from a point in this state to a point outside this state, not to be returned to a point within this state, provided that such delivery is actually made. The tax does not apply to gross receipts from sales in which the seller, under the terms of his agreement with the purchaser, delivers the goods by carrier or by mail from a point in this state to a point

outside this state not to be returned to a point within this state.

(3) Pursuant to KRS 139.470(5), the sales tax does not apply to gross receipts from sales of tangible personal property to a common carrier, shipped by the seller via the purchasing carrier under a bill of lading, whether the freight is paid in advance or the shipment is made freight charges collect, to a point outside this state and the property is actually transported to an out-of-state destination for use by the carrier in the conduct of its business as a common carrier. Normally, when a sale by a Kentucky retailer involves a transfer of title and possession of the goods to the purchaser outside this state, the sale is not subject to Kentucky sales tax. The purpose of the exemption in KRS 139.470(5) is to place common carriers on the same footing as other out-of-state purchasers who take title and possession of goods out-of-state without requiring retailers to use some other common carrier to transport the goods out-of-state to the purchasing common carrier. Thus, the exemption only applies to tangible personal property shipped as cargo via the purchasing carrier. It does not apply to tangible personal property placed in use by the purchasing common carrier in this state. Examples of when the exemption does apply include: bulk purchases of inventory items by a common carrier for immediate transport and storage outside this state; purchases of tangible personal property by a common carrier for immediate shipment out-of-state without removal of the property from its original container within this state; and purchases of jet fuel by a common carrier placed in a tanker vehicle in this state for immediate transport out-of-state where the fuel will be placed in the tanks of the planes which will consume it. Examples of when the exemption does not appy include: purchases of repair parts by a common carrier for the carrier's own vehicles which are installed within this state; purchases of components and furnishings for the common carrier's vehicles which are placed in use in this state; and purchases of jet fuel placed in the tanks of the carrier's plane which will consume it regardless of whether all of the fuel purchased will be consumed within this state. Mere compliance with the bill of lading requirements of the exemption statute does not entitle a purchase to exempt status if the tangible personal property is placed in use before leaving this state.

(4) The sales tax does not apply to gross receipts from sales of property sold to a foreign purchaser for shipment abroad and delivered to a ship, airplane, or other conveyance furnished by the purchaser for the purpose of carrying the property abroad and actually carried to a foreign destination, title and control of the property passing to the foreign purchaser upon delivery, and no portion of the property being used or consumed in the United States.

(5) The sales tax does not apply to gross receipts from sales of industrial machinery as defined by KRS 139.486 when such machinery is delivered to a manufacturer or processor, or their agent for use out of state. Industrial machinery will be presumed for sale, use, storage or consumption out of state if:

(a) Delivery is to a common carrier, whether chosen by the seller or by the purchaser, and whether F.O.B. seller's shipping point or F.O.B. purchaser's destination, provided the shipping document indicates delivery to a location outside the state; or

(b) Delivery is made by seller's own transportation vehicles to a location outside the state.

(6) To establish that the gross receipts from any given sale are exempt because the tangible personal property is delivered by the seller from a point within this state to a point outside this state under the terms of an agreement with the purchaser, the seller will be required to retain in his records documentary evidence which satisfies the cabinet that there was such an agreement and a bona fide delivery outside this state of the property which was sold.

Section 3. Use Tax: Transactions Consummated Outside Kentucky. (1) The use tax applies to sales consummated outside Kentucky when the tangible personal property sold is shipped to the purchaser in this state. Examples of such transactions include:

(a) An order for goods is completed and accepted (consummated) outside Kentucky and the seller's branch office or other place of business in this state is utilized in any way, such as in receiving the order, distributing the goods, and/or billing for the merchandise, or

(b) An order for goods is given in this state to an agent of an out-of-state seller who transmits the order to a point outside Kentucky for acceptance, or

(c) An order for goods results from the solicitation in this state of the purchaser by an agent of an out-of-state seller and the order is sent by the purchaser directly to a point outside Kentucky for acceptance.

(2) The use tax applies with respect to any tangible personal property purchased for storage, use or other consumption in this state, the sale of which is exempt from sales tax under this regulation, except property not subject to the sales or use tax or property held or stored in this state for sale in the regular course of business or subsequent use solely outside this state, and except property purchased for use in interstate or foreign commerce, placed in use in interstate or foreign commerce, prior to its entry into this state, and thereafter used continuously in interstate or foreign commerce.

(3) "Storage" and "use" do not include the keeping, retaining, or exercising any right or power over tangible personal property for the purpose of subsequently transporting it outside the state for use thereafter solely outside the state, or for the purpose of being processed, or manufactured into, attached to, or incorporated into, other tangible personal property to be transported outside the state and thereafter used solely outside the state.

Section 4. The term "consummated" as used in this regulation means the point at which a sales transaction is completed and accepted to the extent that both the seller and the purchaser are legally committed to fulfill the transaction.

GARY W. GILLIS, Secretary
APPROVED BY AGENCY: March 3, 1986
FILED WITH LRC: March 14, 1986 at noon.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on April 24, 1986 at 10 a.m. in Room 406 of the Capitol Annex, Frankfort, Kentucky. If no written notice of intent to attend the public hearing is received within five (5) days before the scheduled hearing, the hearing will be cancelled. Those interested in attending shall notify in writing: Scott Akers, Revenue Cabinet, Division of Tax Policy and Legal Services, New Capitol Annex Building, Frankfort, Kentucky 40620.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Scott Akers

(1) Type and number of entities affected: This amended regulation is a clarification of existing policies. Specifically, the amendment is designed to clarify the meaning of the exemption contained in KRS 139.470(5). That exemption is designed to place common carriers on the same footing as other out-of-state purchasers without requiring that they use some other carrier to transport the goods out-of-state. The exemption allows common carriers to purchase goods in Kentucky and ship them out-of-state as cargo for use outside the state without incurring any sales tax liability. The exemption does not allow common carriers to purchase goods for use in this state without paying sales tax. It has recently come to the cabinet's attention that some common carriers, particularly; interstate airlines, are attempting to use the exemption contained in KRS 139.470(5) to exempt purchases which should be taxable. The airlines are seeking to evade the court's decision in Delta Airlines, Inc. v. Revenue, Ky., 689 S.W.2d 14 (1985). They are attempting to do this by setting up dummy corporations which purchase their jet fuel and then resell it to the airlines under a bill of lading so as to comply with the procedural requirements of the exemption. The new language being added to the regulation merely clarifies that the exemption is only intended to apply to cargo and has no application to goods such as jet fuel which are placed in use in this state.

(a) Direct and indirect costs or savings to those affected:

1. First year: There is no direct fiscal loss or gain associated with the amendment. It should be noted however that if the airlines were successful in contending that the exemption can apply to their fuel purchases a revenue loss of over five million dollars per year would result.

2. Continuing costs or savings: Same as the first year.

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: No significant reporting or paperwork requirements are associated with the amendment. Sellers and purchasers continue to have an obligation to document the terms of the sale. If they seek to contend that the sale occurred in interstate commerce and thus is exempt from sales tax, they must retain the documentation to show that delivery occurred outside the state.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: The only significant cost associated with this amendment is a probable reduction in the expenses associated with litigating the issues raised by the airlines. This amendment may cause the airlines to conclude that it is not worthwhile to engage in protracted litigation on this issue.

2. Continuing costs or savings: If prolonged litigation is made necessary by the airlines or other industries determinations to seek to broaden the nature of the exemption through the courts, litigation expenses could continue at a high level for several years.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: The amended regulation should have no significant impact on paperwork normally required of the cabinet and its auditors.

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: The only alternative method available is litigation. We can let the court decide whether the exemption should continue to be interpreted as the cabinet has interpreted it for the last twenty years. There are two primary justiciations for amending the regulation. First, that approach gives clear notice to all potentially affected taxpayers. Second, it is anticipated that by codifying the cabinet's policy in this area in the regulation the cabinet's position in the anticipated litigation will be strengthened. It is a frequent criticism from taxpayers and their representatives that there are insufficient numbers of regulations clarifying the tax laws. The purpose of this amended regulation is to eliminate what some taxpayers perceive as an ambiguity in the law. While it is arguable that because of the longstanding interpretation of the statute in question the mere issuance of a policy circular might be just as effective, it appears to be more fair and straightforward and more in line with the current trend toward greater use of regulations (and the procedural requirements attendant to promulgating regulations) to set out the cabinet's policy in a regulation.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

Tiering:
Was tiering applied? No. Tiering is not applicable to this amended regulation since the terms and conditions of the regulation apply equally to all common carriers and all persons making sales and purchases in interstate commerce.

KENTUCKY REAL ESTATE COMMISSION
(Proposed Amendment)

201 KAR 11:190. Rules of practice and procedure for hearings before the Kentucky Real Estate Commission.

RELATES TO: KRS 324.160
PURSUANT TO: KRS 13A.100(3)

NECESSITY AND FUNCTION: To set forth practices and procedures for hearings held before the Kentucky Real Estate Commission. These rules and of practice and procedures are designed to inform the complainants and the real estate licensees of the steps to be followed in processing complaints through an administrative hearing before the Kentucky Real Estate Commission.

Section 1. Complaint Review and Investigation. (1) Any complaint filed with the commission that fails to set forth a legitimate issue under KRS Chapter 324 shall be dismissed by the commission without further investigation or hearing.

(2) If a compliant filed with the commission sets forth an issue that, if proved, would entail a violation of KRS Chapter 324, that complaint shall be assigned to a commission investigator for investigation in accordance with KRS 324.150.

(3) Upon receipt of the complaint and answer and upon completion of the investigation, the commission may dismiss a case without an administrative hearing if no factual controversy is presented that could result in a violation of KRS Chapter 324.

(4) Upon receipt of the complaint and answer and upon completion of the investigation, the commission may dismiss a case, upon advice of its general counsel, if insufficient evidence is discovered during the investigation to justify further proceedings.

(5) Upon receipt of the complaint and answer and upon completion of the investigation, the commission may set a case for hearing in accordance with KRS 324.151 and 324.170.

Section 2. Motions and Requests for Withdrawal of Complaints or Dismissal. (1) All motions of any nature must be in writing and filed with the Kentucky Real Estate Commission. Motions to dismiss or other motions affecting a substantive issue must be considered by a quorum of the commission members. Procedural issues, including motions for continuances or discovery motions may be ruled upon by the chairman of the commission or the hearing officer appointed by the commission.

(2) Motions for a continuance of a hearing shall only be granted for good cause. A scheduling conflict of a party, a witness or an attorney for a party shall not be good cause for a continuance unless the request for the continuance is received within ten (10) working days of receipt of the notice of hearing.

(3) A complainant has the right to withdraw a complaint within twenty (20) days of the date of the complaint or prior to the commission's receipt of an answer filed in accordance with KRS 324.151, whichever is earlier. Complaints may be withdrawn subsequent to this deadline only upon a showing of good cause and with the approval of the commission.

Section 3. Discovery. (1) In all cases for a hearing before the commission, discovery through written or oral depositions, interrogatories, or requests for admission shall be permitted; provided that:

(a) The time, place and method of discovery imposes no undue burden upon the witness and other parties;

(b) Any oral deposition must be taken where the witness resides or does business;

(c) The discovery will be completed and transcribed prior to the hearing date; and

(d) Copies of all discovery documents and depositions are filed with the commission at the cost of the party requesting discovery.

(2) The chairman of the commission or the hearing office appointed in that case shall have the right to deny, limit, restrict or mandate discovery.

(3) Any notice of deposition must be served on the general counsel of the commission and the general counsel shall have the right to attend and participate in all depositions or other discovery proceedings pertaining to a case before the commission.

(4) The commission's general counsel may, in his discretion, allow the parties to a case before the commission to review the investigative file of that case. If disclosure of said file prior to the hearing may impede or obstruct the prosecution of that case, the investigative file shall not be disclosed until the termination of the administrative proceedings.

Section 4. Pre-Hearing Conferences and Settlement Agreements. (1) Any party or the general counsel may request and the chairman of the commission or appointed hearing officer may order that a pre-hearing conference take place in a given case. A pre-hearing conference shall be attended by all parties, attorneys and the general counsel; a hearing officer appointed by the commission may attend said conference.

(2) The purpose of a pre-hearing conference shall be to explore the possibility of settlement, prepare stipulations, clarify issues, address procedural motions and such other matters as will promote the orderly and prompt conduct of the hearing.

(3) Settlement agreement may be negotiated between the general counsel for the commission, the complainant and the respondent. All settlement agreements must clearly provide that the parties understand that they are waiving their right to an administrative hearing and that the settlement agreement, if accepted and adopted by the commission, will become a final order.

(4) Upon reviewing a proposed settlement agreement, the commission may accept or reject said proposal in its entirety; no alterations to such an agreement may become a final order without the agreement and consent of all parties to the case.

Section 5. Hearings. (1) The chairman of the commission or the duly appointed hearing officer shall preside over all administrative hearings and shall have the authority to rule on all motions, to control the procedure of the hearing and to admit or exclude testimony or other evidence.

(2) Evidence on behalf of the complainant shall be presented by the general counsel for the commission, unless the complainant chooses to employ a private attorney to present said evidence. In all cases, the general counsel shall have the right to question witnesses and offer evidence into the record.

(3) Evidence may be admitted if it is of the type commonly relied upon by reasonably prudent men and women in the conduct of their affairs.

Irrelevant, immaterial or unduly repetitious evidence shall be excluded. Hearsay evidence, including affidavits, may be admitted for the purpose of supplementing competent evidence in the discretion of the chairman of the commission or the hearing officer appointed to conduct the hearing.

(4) Two (2) or more proceedings under the act may be joined by the commission in its discretion.

(5) All hearings before the commission shall proceed in the following order, wherever practical:

(a) Opening statements in the following order:

1. General counsel;
2. Complainants;
3. Respondents:

(b) Witnesses and evidence on behalf of the complainant;

(c) Additional witnesses and evidence presented by general counsel;

(d) Witnesses and evidence on behalf of respondent;

(e) Closing statements in the following order:

1. Respondents;
2. Complainants;
3. General counsel.

(6) Testimony to be considered by the commission may be taken by deposition, in accordance with KRS 324.190(3). A party or witness will be allowed to testify by deposition, rather than attend the hearing, upon a showing of inability to attend and that the other parties will have an opportunity to cross-examine at said deposition.

Section 6. Post-Hearing Proceedings. (1) The commission shall deliberate on all cases in closed session. The specific findings of the commission shall be made in open session following the commission's deliberation.

(2) The commission shall not reconsider any final order.

[(3) All final orders of the commission shall be appealable in accordance with KRS 324.210. Said appeal offers no opportunity to a de novo hearing and shall be considered on review of the transcript, briefs, and oral argument if requested by the court.]

JAMES H. HUFF, Chairman

APPROVED BY AGENCY: March 11, 1986

FILED WITH LRC: March 11, 1986 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on April 23, 1986 at 9 a.m. at the office of the Real Estate Commission, 222 South First Street, Suite 300, Louisville, Kentucky 40202. If interested in attending, please notify in writing at least five days before the hearing: Susan Stopher, Executive Director, Real Estate Commission, 222 South First Street, Suite 300, Louisville, Kentucky 40202.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Susan G. Stopher

(1) Type and number of entities affected:

(a) Direct and indirect costs or savings to those affected: None

1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None

1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: None

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: Deletion as requested by Legislative Subcommittee.

Tiering:
Was tiering applied? No. Not applicable.

KENTUCKY ATHLETIC COMMISSION
(Proposed Amendment)

201 KAR 27:010. General requirements.

RELATES TO: KRS 229.071(2), 229.171
PURSUANT TO: KRS 229.180
NECESSITY AND FUNCTION: KRS 229.071(2) provides that an applicant for a license to conduct professional boxing and wrestling matches must always conduct himself in the best interest of boxing and wrestling generally. KRS 229.171 states that the commission is given the sole control, authority and jurisdiction over professional boxing and wrestling and all persons who participate therein.

Section 1. <u>The proposed program for a show must be filed with the commissioner at least five (5) days prior to the date of the show. Substitutions may be made for good cause before noon of the day of the show.</u> Notice of any change in a program or any substitutions in a show must be immediately filed with the commissioner. After receipts of approval of the commissioner for such change or substitution, such changes or substitutions must immediately be publicly announced by the club in a newspaper of general circulation and by such other methods as are available and convenient.

Section 2. Before the beginning of a show, all changes or substitutions shall be announced from the ring, and in addition, notice of any change or substitution must be posted in a conspicuous place at the ticket office. Purchasers of tickets will be entitled, upon request by them, to a refund of the purchase price of such tickets, provided such request is made before the commencement of the show.

Section 3. Promoters shall be held responsible for any betting, wagering or gambling in any form which takes place upon their premises. Each club shall post in four (4) parts of the arena

the warning "No Betting Allowed."

Section 4. All promoters shall cause the prompt ejection of any person guilty of any disorderly conduct or drunkenness.

Section 5. Promoters shall not permit drinks to be dispensed on the floor of the arena nor on the premises except in paper cups, and not at all during the actual presentation of the show.

Section 6. The row nearest the ring on all four (4) sides shall be known as "Commission and Press Row" and shall be under the exclusive control of the commission.

Section 7. All applications for permits must reach the commissioner not less than ten (10) days prior to the date of the proposed match or exhibition.

Section 8. The ring specifications shall be as follows:

(1) All contests shall be held in a roped ring not less than sixteen (16) nor more than twenty (20) feet square inside the ropes; and the floor of the ring shall extend beyond the ropes for a distance of not less than two (2) feet and shall be elevated not more than four (4) feet above the arena floor and shall be provided with steps for the use of those properly entitled to enter the ring.

(2) The ring shall be formed of posts and ropes, said ropes extending in a triple line eighteen (18) inches, thirty-five (35) inches and fifty-two (52) inches above the ring floor, and said ropes to be not less than one (1) inch in diameter and wrapped in clean, soft material drawn taut. A fourth rope may be used subject to prior approval by the commissioner.

(3) Ring posts shall be made of metal or other strong material not more than three (3) inches in diameter and not nearer the ropes than eighteen (18) inches and shall be wrapped in soft, clean material.

(4) The ring floor shall be padded or cushioned with soft material, to be approved by the commissioner, of not less than one (1) inch in thickness and extending over the edge of the platform, with a covering of canvas or similar material tightly stretched.

Section 9. A gong or horn shall be used by the timekeeper in indicating the time.

Section 10. Buckets, water buckets, stools, powdered resin, fans and such other articles as are necessary in the contest shall be furnished in sufficient number and quantity by the promoter.

Section 11. Boxing decisions shall be rendered as follows:

(1) If a contest lasts the scheduled limit, the winner of such contest shall be decided by a majority vote of the judges if three (3) are used, or by a majority vote of the judges and the referee if two (2) judges are used, or by the referee alone if no judges are used.

(2) Decisions shall be based primarily on effectiveness, giving credit for:

(a) Clean, forceful hitting in boxing bouts;

(b) Aggressiveness;

(c) Defensive work; and

(d) Ring generalship and deducting points for an opposite showing.

(3) The winner of a wrestling contest shall be decided by a fall or falls or time limit as may be agreed upon in making the match.

Section 12. Boxing scoring shall be as follows:

(1) Each round in boxing is to be accounted for on the score card, using the five (5) point (or ten (10) point at the commissioner's discretion) must system. Score in ratio of merit and demerit, the difference displayed by the contestants.

(2) Score cards must be signed and handed to the announcer in the ring and filed by him with the commissioner or employee of the Kentucky Athletic Commission in attendance. The decision shall then be announced from the ring.

Section 13. No boxing contestant shall take part in any bout until after six (6) days have elapsed since his participation in a bout of ten (10) rounds or more nor until three (3) days have elapsed since his participation in a bout of less than ten (10) rounds.

Section 14. Boxing rounds shall be as follows:

(1) Rounds shall be of three (3) minutes duration, with one (1) minute rest period between rounds.

(2) No boxing bout, except championship bouts, shall be of more than twelve (12) rounds.

(3) All main bouts shall be ten (10) rounds or more unless the commissioner in his discretion provides otherwise.

(4) Championship bouts may be more than twelve (12) rounds, but the number of rounds shall be approved by the commissioner.

Section 15. Requirements for boxing gloves shall be as follows:

(1) Contestants shall wear boxing gloves, to be furnished by the promoter, of equal weight and not less than six (6) ounces for contestants over the featherweight class and not less than five (5) ounces, in or under, the featherweight class.

(2) Gloves for all main bouts shall be new and shall be put on in the ring subject to the commissioner's discretion. All gloves shall be clean and in a sanitary condition. No breaking, roughing or twisting of gloves shall be permitted. The laces on gloves shall be tied on the back of the wrist and taped.

Section 16. Requirements for bandages shall be as follows:

(1) Only soft cotton or linen bandages shall be used for the protection of the boxer's hands. Bandages shall not be more than two (2) inches in width and five (5) yards in length for each hand.

(2) Medical adhesive tape not more than one (1) inch in width may be used to hold bandages in place. Adhesive tape shall not be lapped more than one-eighth (1/8) of one (1) inch. Adhesive tape not to exceed one (1) thickness shall be crossed over the back of the hand for its protection. Three (3) strips of adhesive tape, lapping not to exceed one-eighth (1/8) of one (1) inch, may be used for protection of the knuckles.

Section 17. The boxing count shall be as

follows:

(1) If a boxer is knocked to the floor by his opponent or falls from weakness or other causes, his opponent shall immediately retire to the fartherest corner of the ring and remain there until the referee completes his count or signals a resumption of action. The referee, after the opponent reaches the fartherest corner of the ring, shall commence counting off the seconds and indicating the count with a motion of the arm.

(2) If a boxer fails to arise before the count of ten (10), the referee shall declare him the loser by waving both arms to indicate a knockout.

(3) If a boxer who is down arises during the count, the referee may, if he deems it necessary, step between the boxers long enough to assure himself that the boxer just arisen is in condition to continue the bout.

(4) Should a boxer who is down arise before the count of ten (10) is reached and again go down from weakness or the effects of a previous blow, without being struck again, the referee shall resume the count where he left off.

Section 18. A failure to resume a bout shall be as follows:

(1) Should a boxer fail to resume the bout for any reason after a rest period, or leave the ring during the rest period and fial to be in the ring when the gong rings to begin the next round, the referee shall count him out the same as if he were down in that round.

(2) If a boxer who has been knocked out of or has fallen out of the ring during a bout fails to return immediately to the ring and be on his feet before the expiration of ten (10) seconds, the referee shall count him out as if he were down.

Section 19. A boxer shall be considered "down" when:

(1) Any part of his body other than his feet is on the ring floor; or

(2) He is hanging helplessly over the ropes and in the judgment of the referee, he is unable to stand; or

(3) He is rising from the "down" position.

Section 20. (1) The following shall be considered boxing fouls:

(a) Hitting below the belt;

(b) Hitting an opponent who is down or who is getting up after having been down;

(c) Holding an opponent and deliberately maintaining a clinch;

(d) Holding an opponent with one (1) hand and hitting with the other;

(e) Butting with head or shoulder or using the knee;

(f) Hitting with inside or butt of the hand, the wrist, or the elbow, and all backhand blows;

(g) Hitting or "flicking" with the glove open or thumbing;

(h) Wrestling, or roughing, against the ropes;

(i) Purposely going down without having been hit;

(j) Deliberately striking at the part of opponent's body over the kidneys;

(k) Use of the pivot blow or rabbit punch or any physical action which may injure a contestant;

(l) Use of abusive or profane language; or

(m) Failure to obey the referee.

(2) A contestant who commits a foul may be disqualified and the decision awarded to his opponent by the referee. The referee must immediately do so if contestant commits a deliberate and willful foul which incapacitates his opponent.

(3) Any boxer committing a foul may be suspended for any length of time deemed necessary.

(4) If a bout is temporarily stopped by the referee, due to accidental fouling, said referee, with the aid of the physician, if necessary, shall decide whether the contestant who has been fouled is in physical condition to continue the bout. If in their opinion said contestant's chances have not been seriously jeopardized, as a result of the foul, he shall order the bout resumed after a reasonable time, such time to be set by the referee, but in any event not exceeding three (3) minutes.

Section 21. The following shall be prohibited in boxing:

(1) "Battle Royal;" and

(2) Use of grease or any other substance which may handicap an opponent.

Section 22. The wrestling canvas ring shall be clean and sanitary and free from grit, dirt, resin, or other foreign substances. The following provisions shall relate to wrestling "falls:"

(1) Both shoulders momentarily pinned to the canvas (for the referee's silent count of three (3) seconds) shall constitute a fall. Flying and rolling falls shall not count.

(2) Conceding a fall, or quitting because of having received punishment from a legitimate hold, constitutes a fall.

(3) Referee shall not place his hands under the shoulders of a contestant unless necessary to determine a fall.

(4) The referee shall slap on the back, or shoulder, a contestant securing a fall.

Section 23. When wrestling contestants roll off the canvas and under the ropes, they shall be ordered to the middle of the ring to resume the contest. If a contestant fails to obey the referee's order to return to the ring before the expiration of ten (10) seconds he shall be counted out and the decision awarded to his opponent.

Section 24. The following shall relate to wrestling holds:

(1) Any legitimate holds or methods known to wrestling science may be used by the contestant, but no deliberate slugging, strangling, gouging, biting, kicking, hair-pulling, spitting, or scratching shall be permitted.

(2) Contestant's fingernails must be trimmed well below the tips of the fingers.

(3) No contestant shall be permitted to grasp or hang onto clothing, canvas, or ropes for support during the progress of a contest.

(4) When a contestant throws an opponent over the ropes he will be automatically disqualified.

(5) When a referee orders the contestants to break, they must do so within a three (3) count.

Section 25. For use of foul tactics after warning by the referee, the offending wrestling contestant may be placed on the defensive or

disqualified by the referee and the decision awarded to his opponent.

Section 26. No boxer whose license to box is under suspension in any other jurisdiction shall box in the Commonwealth of Kentucky.

Section 27. All referees and judges must attend at least one (1) seminar approved by the commission during each calendar year.

Section 28. Each promoter must furnish the commission copies of all contracts between him and any of the contestants.

Section 29. The annual license fee shall be $300 where the professional matches are to be conducted within fifteen (15) miles of the city limits of a city or cities containing an aggregate population of 200,000 or more and $100 elsewhere. Each such license shall expire twelve (12) months after the date of issue.

Section 30. An invoice showing the number of tickets printed along with full tickets not sold and stubs must accompany the promoter's report on the show and the figures shown thereon must correspond to the difference between tickets printed and full tickets not sold.

FRED H. LAMPSON, Chairman
APPROVED BY AGENCY: February 21, 1986
FILED WITH LRC: March 13, 1986 at 8 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on April 25, 1986 at 11 a.m. (EST) at the offices of the Kentucky Athletic Commission, Kentucky Towers, 430 W. Muhammad Ali Boulevard, Louisville, Kentucky 40202. Those interested in attending this hearing contact: Kathryn A. Harmon, Office of the Attorney General, Room 16, State Capitol, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Fred H. Lampson, Chairman
(1) Type and number of entities affected:
(a) Direct and indirect costs or savings to those affected:
1. First year: Kentucky Athletic Commission
2. Continuing costs or savings: N/A
3. Additional factors increasing or decreasing costs (note any effects upon competition): N/A
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings: N/A
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: No additional requirement
(3) Assessment of anticipated effect on state and local revenues: State revenue should be increased by approximately $1,000 to $2,000 per year. There will be no effect on local revenue.
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: N/A

Tiering:
Was tiering applied? No. Not applicable.

KENTUCKY ATHLETIC COMMISSION
(Proposed Amendment)

201 KAR 27:015. Prompt payment of fees, fines and forfeitures required.

RELATES TO: KRS 229.081, 229.091(1), 229.991
PURSUANT TO: KRS 229.180
NECESSITY AND FUNCTION: KRS 229.091(1) provides that every licensee shall be subject to such regulations as the commission prescribes. This regulation is intended to insure that licensees pay all fees, fines and forfeitures owed to the Commonwealth in a prompt manner.

Section 1. All compensation agreements shall be in writing and submitted to the commissioner for his approval not less than five (5) days prior to the date of the proposed show.

Section 2. Compensation shall not be paid to any contestant or official in advance unless by prior approval of the commissioner.

Section 3. No promoter shall pay any part of the compensation due to managers, contestants, or their agents, if such manager or contestant owes the Commonwealth of Kentucky any fees, fines, forfeitures, or other funds incurred in conducting, holding, giving, officiating at, or participating in, boxing or sparring matches, wrestling matches or exhibitions.

Section 4. The schedule for compensation to be paid in advance to officials participating in a professional match shall be as follows:
(1) Announcers - $75.
(2) Judges (minimum three (3)) - $100 each.
(3) Timekeeper - $35.
(4) Physician (less than nine (9) contestants - $125.
(5) Physician (nine (9) or more contestants) - $150.
(6) Seconds (minimum two (2)) - $10 each.
(7) Referees - $125 each. If there are more than four (4) bouts, a minimum of two (2) referees is required.
(8) Each official (except seconds) must be paid an additional fifty (50) dollars if the site of the show to which he must travel is located more than fifty (50) miles from the official's principal residence.

FRED H. LAMPSON, Chairman
APPROVED BY AGENCY: February 21, 1986
FILED WITH LRC: March 13, 1986 at 9 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on April 25, 1986 at 11 a.m. (EST) at the offices of the Kentucky Athletic Commission, Kentucky Towers, 430 W. Muhammad Ali Boulevard, Louisville, Kentucky 40202. Those interested in attending this hearing contact: Kathryn A. Harmon, Office of the Attorney General, Room 16, State Capitol, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Fred H. Lampson, Chairman
(1) Type and number of entities affected:
(a) Direct and indirect costs or savings to those affected:
1. First year: Kentucky Athletic Commission
2. Continuing costs or savings: N/A
3. Additional factors increasing or decreasing costs (note any effects upon competition): N/A
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings: N/A
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: No additional requirement
(3) Assessment of anticipated effect on state and local revenues: State revenue should be increased by approximately $1,000 to $2,000 per year. There will be no effect on local revenue.
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: N/A

Tiering:
Was tiering applied? No. Not applicable.

CORRECTIONS CABINET
(Proposed Amendment)

501 KAR 3:150. Hearings, procedures, disposition.

RELATES TO: KRS Chapter 441
PURSUANT TO: KRS 441.013
NECESSITY AND FUNCTION: The Secretary of the Kentucky Corrections Cabinet is authorized by KRS 441.013(3) to hear matters covered by the Order of the Cabinet requesting county jails, correctional or detention facilities to comply with the minimum standards for local jails pursuant to KRS 441.011 and to issue, modify or repeal the order at the conclusion of the hearing.

Section 1. Definitions. (1) "Secretary" means the Secretary of the Corrections Cabinet.
(2) "Cabinet" means the Kentucky Corrections Cabinet.
(3) "Standards" means the minimum jail standards for local jails.
(4) "Hearing officer" means a hearing officer appointed by the secretary pursuant to KRS 441.013.
(5) "Proceeding" means any proceeding before the secretary or before a hearing officer.
(6) "Day" means a calendar day.
(7) "Order" means the order of the secretary requiring the petitioner(s) to comply with the minimum jail standards for local jails as specified.
(8) "Petitioner" means the jailer or county/judge executive who requests a hearing for review of the secretary's order.
(9) "Jail" means county jails and correctional or detention facilities, including correctional facilities defined in KRS 67B.020 and juvenile detention facilities, operated by and under the supervision of any county, city or urban county government.

Section 2. Assignment of Hearing; Filings. (1) Pursuant to KRS 441.013(3), cases coming before the secretary may be assigned to a hearing officer within the discretion of the secretary for a hearing and a finding of facts, conclusions of law, and recommended order. Cases may be withdrawn by agreement, dismissed for cause, or otherwise disposed of before hearing in the discretion and judgment of the secretary.
(2) A recommended order or adjudication by the hearing officer or the initial order of the secretary, if dismissed or disposed of as provided in subsection (1) of this section, or any modification of repeal of the initial order, shall become the final order of the secretary under the provisions of KRS 441.013(3), appealable to the Franklin Circuit Court, thirty (30) days from the date of issue.
(3) Prior to the assignment of a case to a hearing officer, the county jailer or county judge/executive shall, within seventy-two (72) hours of receipt of notification of order, request in writing a public hearing before the secretary or his designee on the matters covered by said order to the Secretary of Corrections, State Office Building, Fifth Floor, Frankfort, Kentucky 40601. Subsequent to the assignment of the case to a hearing officer and prior to the issuance of his decision, all papers shall be filed with the hearing officer at the address given in the notice of hearing.
(4) All evidence and witnesses of both parties and intervenors and all proof must be presented at the time of hearing. No additional evidence will be permitted thereafter except in unusual circumstances and within the discretion of the secretary or the hearing officer. No subpoenas will be issued.
(5) All hearings shall be held in Frankfort, Kentucky unless otherwise ordered by the secretary.
(6) Unless otherwise ordered, all filing may be accomplished by first class mail.
(7) Filing is deemed effective at the time of mailing.

Section 3. Scope of Rules; Applicability of Kentucky Rules of Civil Procedure. (1) These rules shall govern all proceedings before the cabinet and its hearing officers.
(2) In the absence of a specific provision, procedure shall be in accordance with the Kentucky Rules of Civil Procedure.

Section 4. Computation of Time. (1) In computing any period of time prescribed or allowed in these rules, the day from which the designated period begins to run shall be included unless it is a Saturday, Sunday, or federal or state holiday, in which event the period begins to run on the next working day. The last day of the period so computed is to be included unless it is a Saturday, Sunday or legal holiday in which event the period runs

until the end of the next working day. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.

(2) Where service of a pleading or documents is by mail pursuant to Section 2 of this regulation, three (3) days shall be added to the time allowed by these rules for the filing of a responsive pleading.

Section 5. Notice and Time of Hearing. (1) Notice of hearings shall be given to all parties and intervenors within forty-five (45) days from the receipt of the request for hearing unless otherwise ordered by the secretary or his designee. No hearing shall be held later than ninety (90) days from the date of request.

(2) The notice of hearing shall include:

(a) Statement of the time and place of the hearing.

(b) The name and address of the assigned hearing officer.

(c) Statement of the legal authority and jurisdiction under which the hearing is held.

Section 6. Continuance of Hearing. (1) Continuance of a hearing ordinarily will not be allowed.

(2) Except in the case of an extreme emergency or in unusual circumstances, no such request will be considered unless received in writing at least three (3) days in advance of the time set for the hearing. The request for continuance must include the reasons therefor.

(3) Continuance of hearing not in excess of fifteen (15) days may be granted in the discretion of the hearing officer. One (1) additional continuance not in excess of fifteen (15) days may be granted by the hearing officer in extreme emergency or under unusual circumstances. No additional continuance may be granted without approval of the secretary.

Section 7. Failure to Appear. (1) Subject to the provisions of subsection (3) of this section, the failure of a party to appear at a hearing shall be deemed to be a waiver of all rights except the rights to be served with a copy of the decision of the hearing officer.

(2) Requests for a newly scheduled hearing must be made in the absence of extraordinary circumstances within five (5) days after the scheduled hearing date.

(3) The secretary or the hearing officer, upon a showing of good cause, may excuse such failure to appear. In such event, the hearing will be rescheduled.

Section 8. Consolidation. Cases may be consolidated on the motion of any party, on the hearing officer's own motion, or on the secretary's own motion, where there exist common parties, common questions of law or fact, or both, or in such other circumstances as justice and the administration of the Act require.

Section 9. Severance. Upon its own motion, or upon motion of any party or intervenor, the secretary or the hearing officer may, for good cause, order any proceeding severed with respect to some or all issues or parties.

Section 10. Intervention. (1) A petition for leave to intervene may be filed at any stage of a proceeding before commencement of the hearing, or in the event of a settlement or dismissal before issuance of a recommended order.

(2) The petition shall set forth the interest of the petitioner in the proceeding and show that participation of the petitioner will assist in the determination of the issues in question and that the intervention will not unnecessarily delay the proceeding.

(3) The secretary or the hearing officer may grant a petition for intervention to such an extent and upon such terms as the secretary or the hearing officer shall determine.

(4) The caption of all cases where intervention is allowed shall reflect such intervention by adding to the caption after the name of the respondent the name of the intervenor, followed by the designation "intervenor."

Section 11. Service. (1) At the time of filing pleadings or other documents a copy thereof shall be served by the filing party or intervenor on every other party or intervenor.

(2) Service upon a party or intervenor who has appeared through a representative shall be made only upon such representative.

(3) Unless otherwise ordered, service may be accomplished by postage prepaid first-class mail or by personal delivery. Service is deemed effected at the time of mailing (if by mail) or at the time of personal delivery (if by personal delivery).

(4) Proof of service shall be accomplished by a written statement of the same which sets forth the date and manner of service. Such statement shall be filed with the pleading or document.

(5) Where service is accomplished by posting, proof of such posting shall be filed not later than the first working day following the posting.

Section 12. Statement of Position. At any time prior to the commencement of the hearing before the hearing officer, any person entitled to appear as a party, or any person who has been granted leave to intervene, may file a statement of position with respect to any or all issues to be heard.

Section 13. Response to Motions. Any party or intervenor upon whom a motion is served shall have ten (10) days from service of the motion to file a response.

Section 14. Failure to File. Failure to file any pleading pursuant to these rules when due, may, in the discretion of the secretary or the hearing officer, constitute a waiver of right to further participation in the proceedings.

Section 15. Withdrawal of Notice of Hearing. At any stage of a proceeding, a party may withdraw his notice of hearing, subject to the approval of the secretary.

Section 16. Prehearing Conference. (1) At any time before a hearing, the secretary or the hearing officer, on their own motion or on motion of a party, may direct the parties or their representatives to exchange information or to participate in a prehearing conference for the purpose of considering matters which will tend to simplify the issues or expedite the

proceedings.

(2) The secretary or the hearing officer may issue a prehearing order which includes the agreements reached by the parties. Such order shall be served on all parties and shall be a part of the record.

Section 17. Requests for Admissions. (1) At any time after the filing of responsive pleadings, any party may request of any other party admissions of facts to be made under oath. Each admission requested shall be set forth separately. The matter shall be deemed admitted unless, within fifteen (15) days after service of the request, or within such shorter or longer time as the secretary or the hearing officer may prescribe, the party to whom the request is directed serves upon the party requesting the admission of a specific written response.

(2) Copies of all requests and responses shall be served on all parties in accordance with the provisions of these rules and filed with the secretary within the time allotted and shall be a part of the record.

Section 18. Discovery Depositions and Interrogatories. (1) Except by special order of the secretary or the hearing officer, discovery depositions of parties, intervenors, or witnesses, and interrogatories directed to parties, intervenors, or witnesses shall not be allowed.

(2) In the event the secretary or the hearing officer grants an application for the conduct of such discovery proceedings, the order granting the same shall set forth appropriate time limits governing the discovery.

Section 19. Failure to Comply with Orders for Discovery. If any party or intervenor fails to comply with an order of the secretary or the hearing officer to permit discovery in accordance with the provisions of these rules, the secretary or the hearing officer may issue appropriate orders.

Section 20. Reporter's Fees. Reporter's fees shall be equally shared by all parties. This shall include the reporter's per diem costs and the cost of the original transcript. All other copies will be paid by the requesting party.

Section 21. Transcript of Testimony. Hearings shall be transcribed verbatim. A copy of the transcript of testimony taken at the hearing, duly certified by the reporter, shall be filed with the hearing officer before whom the matter was heard. The hearing officer shall promptly serve notice upon each of the parties and intervenors of such filing. Participants desiring copies of such transcripts may obtain the same from the official reporter upon payment of fees fixed therefor.

Section 22. Duties and Powers of Hearing Officers. It shall be the duty of the hearing officer to conduct a fair and impartial hearing, to assure that the facts are fully elicited, to adjudicate all issues and avoid delay. The hearing officer shall have authority with respect to cases assigned to him, between the time he is designated and the time he issues his decision, subject to the rules and regulations of the cabinet; to:

(1) Administer oaths and affirmations;

(2) Rule upon offers of proof and receive relevant evidence;

(3) Regulate the course of the hearing and, if appropriate or necessary, exclude persons or counsel from the hearing for contemptuous conduct and strike all related testimony of witnesses refusing to answer any proper questions;

(4) Hold conferences for the settlement or simplification of the issues;

(5) Dispose of procedural requests or similar matters including motions referred to the hearing officer by the secretary and motions to amend pleadings; also to dismiss complaints or portions thereof, and to order hearings reopened or, upon motion, consolidated prior to issuance of this decision;

(6) Examine witnesses and to introduce into the record documentary or other evidence;

(7) Request the parties at any time during the hearing to state their respective positions concerning any issue in the case or theory in support thereof;

(8) Adjourn the hearing as the needs of justice and good administration require; and

(9) Take any other action necessary under the foregoing and authorized by the published rules and regulations of the cabinet.

Section 23. Exhibits. (1) All exhibits offered in evidence shall be numbered and marked with a designation identifying the party or intervenor by whom the exhibit is offered.

(2) In the absence of objection by another party or intervenor, exhibits shall be admitted into evidence as a part of the record, unless excluded by the hearing officer pursuant to Section 27 of this regulation.

(3) Unless the hearing officer finds it impractical, a copy of each such exhibit shall be given to the other parties and intervenors.

(4) All exhibits offered, but denied admission into evidence, shall be identified as in subsection (1) of this section and shall be placed in a separate file designed for rejected exhibits.

Section 24. Rules of Evidence. Hearings before the cabinet and its hearing officers insofar as practicable shall be governed by the rules of evidence applicable in the courts of the Commonwealth of Kentucky.

Section 25. Burden of Proof. In all proceedings commenced by the filing of a notice of hearing, the burden of proof shall rest with the cabinet.

Section 26. Objections. (1) Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence or a ruling of the hearing officer, may be stated orally or in writing, accompanied by a short statement of the grounds for the objection, and shall be included in the record. No such objection shall be deemed waived by further participation in the hearing.

(2) Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the record of the proceeding.

Section 27. <u>Recommendations</u> [Decision] of

Hearing Officer[s]; Exceptions: Final Order. (1) The decision of the hearing officer shall include findings of fact, conclusions of law, and a recommended order to the secretary disposing of all issues before him.

(2) Any party may file exceptions to the hearing officer's findings of fact, conclusions of law, and recommended order within ten (10) days of the date of said findings of fact, conclusions of law, and recommended order. [This shall become the final order of the cabinet on the date of issuance.]

(3) The secretary shall, within forty-five (45) days of the date of the hearing officer's findings of fact, conclusions of law, and recommended order, issue a final order modifying, repealing, or adopting the findings of fact, conclusions of law and recommended order of the hearing officer.

GEORGE W. WILSON, Secretary
APPROVED BY AGENCY: February 19, 1986
FILED WITH LRC: February 20, 1986 at 10 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for April 24, 1986, at 9 a.m., at the auditorium in the State Office Building. Those interested in attending this hearing shall notify in writing: Barbara Jones, Office of General Counsel, 5th Floor, State Office Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Barbara W. Jones
(1) Type and number of entities affected: The Kentucky Corrections Cabinet and the various counties which file appeals from orders of the Cabinet pursuant to Chapter 441.
(a) Direct and indirect costs or savings to those affected:
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): None
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: None
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict: None
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: None
(6) Any additional information or comments:

Tiering:
Was tiering applied? No. The procedures for the jail hearings are administered in the same manner for all counties requesting appeal hearings.

CORRECTIONS CABINET
(Proposed Amendment)

501 KAR 6:020. Corrections policies and procedures.

RELATES TO: KRS Chapters 196, 197, 439
PURSUANT TO: KRS 196.035, 197.020, 439.470, 439.590, 439.640
NECESSITY AND FUNCTION: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorize the secretary to adopt, amend or rescind regulations necessary and suitable for the proper administration of the cabinet or any division therein. These regulations are in conformity with those provisions.

Section 1. Pursuant to the authority vested in the Corrections Cabinet the following policies and procedures are incorporated by reference on February 19, 1986 [January 15, 1986] and hereinafter should be referred to as Corrections Policies and Procedures or institutional policies and procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Corrections Cabinet, State Office Building, Frankfort, Kentucky 40601.
(1) The corrections policies and procedures:

1.1	Legal Assistance for Corrections Staff
1.2	News Media
1.6	Extraordinary Occurrence Reports (Amended 2/19/86)
1.11	Population Counts and Reporting Procedures
2.1	Inmate Canteen
3.1	Code of Ethics
3.2	Inclement Weather and Emergency Conditions Policy
3.3	Holding of Second Jobs by Bureau Employees
3.7	Employment of Relatives
3.10	Staff Clothing and Personal Appearance
3.12	Institutional Staff Housing
3.14	Corrections Cabinet Payroll Deduction Policy and Procedure
4.1	Attendance at Professional Meetings
4.2	Staff Training and Development
4.3	Firearms and Chemical Agents Training
4.4	Educational Assistance Program
6.1	Open Records Law
8.4	Emergency Preparedness
9.1	Use of Force
9.3	Transportation of Convicted Offenders
9.4	Transportation of Inmates to Funerals or Bedside Visits
9.5	Return of Escapees by Automobile
9.6	Contraband
9.7	Storage, Issue and Use of Weapons Including Chemical Agents
9.8	Search Policy
9.9	Transportation of Inmates
9.10	Security Inspections
9.15	Institutional Entry and Exit Policy and Procedures
9.18	Informants
10.1	Inmates Serving a Sentence of Death
10.2	Special Management Inmates
10.3	Safekeepers
10.4	Special Needs Inmates
11.2	Nutritional Adequacy of the Diet for Inmates
11.3	Special Diet Procedures
12.1	Resident Clothing
13.1	Pharmacy Policy and Formulary
13.2	Health Maintenance Services

13.3 Medical Alert System
13.4 Health Program Audits
14.2 Personal Hygiene Items
14.3 Marriage of Inmates (Amended 2/19/86)
14.4 Legal Services Program
15.1 Hair and Grooming Standards
15.2 Offenses and Penalties
15.3 Meritorious Good Time
15.4 Governor's Meritorious Good Time Award
15.5 Restoration of Forfeited Good Time
15.6 Adjustment Procedures and Programs
16.1 General Inmate Visiting Procedure
16.2 Inmate Correspondence
16.3 Telephone Calls
17.1 Inmate Personal Property
17.2 Assessment Center Operations [(Amended 1/13/86)]
17.3 Controlled Intake of Inmates
18.4 Classification of the Inmate
18.5 Custody/Security Guidelines
18.6 Classification Document
18.7 Transfers
18.8 Guidelines for Transfers Between Institutions
18.9 Out-of-State Transfers
18.10 Pre-Parole Progress Reports
18.11 Kentucky Correctional Psychiatric Center Transfer Procedures
18.12 Referral Procedure for Inmates Adjudicated Guilty But Mentally Ill
18.13 Population Categories
19.1 Government Services Projects
19.2 Community Services Projects
20.1 Study Release
20.6 Vocational Study Release
22.1 Privilege Trips
25.1 Gratuities
25.2 Public Official Notification of Release of an Inmate
25.3 Pre-Release
25.4 Inmate Furloughs
25.6 Community Center Program [(Amended 12/13/85)]
25.7 Expedient Release
25.8 Extended Furloughs
27.1 Supervision: Case Classification
27.2 Risk/Needs Administration
27.4 Supervision Plan: General
27.8 Travel Restrictions
27.9 Conditions of Supervision
27.10 Preliminary Revocation Procedures
27.11 Apprehension and Transportation of Violators of Probation, Parole and Conditional Release
27.12 Fugitive Section/Probation and Parole
27.13 Supervision Fee
27.18 Absconder Procedures
27.19 Technical Violators
27.20 Intensive Supervision
28.2 Investigations: General
28.3 Pre-Sentence Investigations (To the Court)
28.4 Pre-Parole (Pre-Sentence) Investigation (To the Institution and State Parole Board)
28.5 Special Report to the Parole Board
28.7 Out-of-State Investigations

(2) The Kentucky State Reformatory Procedures Memorandum:

KSR 01-00-09 Public Information and News Media Relations
KSR 01-00-10 Entry Authorization for All Cameras and Tape Recorders Brought into the Institution
KSR 01-00-14 Extraordinary Occurrence Report
KSR 01-00-15 Cooperation and Coordination with Oldham County Court
KSR 01-00-18 Assistant Duty Officers
KSR 01-00-19 Personal Service Contract Personnel
KSR 01-00-20 Consent Decree Notification to Inmates [(Added 1/13/86)]
KSR 02-00-01 Inmate Canteen (Amended 2/19/86)
KSR 02-00-03 Screening Disbursements from Inmate Personal Accounts
KSR 02-00-11 Inmate Personal Accounts (Amended 2/19/86)
KSR 02-00-12 Institutional Funds and Issuance of Checks
KSR 03-00-01 Shift Assignment/Reassignment
KSR 03-00-02 Employee Dress and Personal Appearance
KSR 03-00-05 Intra-Agency Promotional Opportunity Announcements
KSR 03-00-06 Employee Time and Attendance
KSR 03-00-07 Travel Expense Reimbursement (Amended 2/19/86)
KSR 03-00-08 Employee Tuition Assistance Reimbursement [(Amended 12/13/85)]
KSR 03-00-10 Workers' Compensation [(Amended 12/13/85)]
KSR 03-00-11 Equal Employment Opportunity Complaints [(Amended 1/13/86)]
KSR 03-00-12 Employee Greivance Procedure
KSR 03-00-14 Prohibited Employee Conduct, Disciplinary Actions, and Appeals Process [(Amended 12/13/85)]
KSR 03-00-15 Affirmative Action Program
KSR 03-00-16 Confidentiality of Personnel Records [(Amended 12/13/85)]
KSR 03-00-19 Establishment of Personnel Records and Employee Right to Challenge Information Contained Therein [(Amended 12/13/85)]
KSR 03-00-20 Personnel Selection, Retention and Promotion
KSR 03-00-21 Equal Employment Opportunities for Institutional Job Assignments and Job Classification Promotions
KSR 03-00-23 Work Planning and Performance Review (WPPR) (Amended 2/19/86) [(Amended 12/13/85)]
KSR 03-00-24 Inclement Weather and Employee Work Attendance
KSR 03-00-25 Medical Examination Requirements for New Employees
KSR 04-00-02 Staff Training and Development
KSR 05-00-02 Research Activities
KSR 05-00-03 Management Information Systems
KSR 06-00-01 Inmate Master File
KSR 06-00-02 Records Audit
KSR 06-00-03 Security of Inmate Records
KSR 07-00-02 Institutional Tower Room Regulations
KSR 07-00-03 Guidelines for Contractors
KSR 08-00-07 Inmate Family Emergency - Life Threatening Illness or Death in Inmate's Immediate Family
KSR 08-00-08 Notification of Inmate Family in Case of Serious Injury, Critical Medical Emergency, Major Surgery, or Death of an Inmate (Amended 2/19/86)
KSR 08-00-09 Emergency Preparedness Training
KSR 09-00-04 Horizontal Gates/Box 1 Enter and Exit Procedure
KSR 09-00-05 Gate I Entrance and Exit Procedure

KSR 09-00-14 Use of Force
KSR 09-00-21 Crime Scene Camera
KSR 09-00-22 Collection, Preservation, and Identification of Physical Evidence
KSR 09-00-23 Drug Abuse Testing
KSR 09-00-25 Inmate Motor Vehicle Operator's License
KSR 10-00-02 Special Management Inmates - Operations, Rules and Regulations for Unit D
KSR 10-00-03 Special Needs Unit
KRS 10-00-04 Unit D Admission/Release Ticket
KSR 11-00-01 Meal Planning for the General Population (Amended 2/19/86)
KSR 11-00-02 Special Diets
KSR 11-00-03 Food Service Inspections
KSR 11-00-04 Dining Room Dress Code for Inmates
KSR 11-00-06 Health Standards/Regulations for Food Service Employees
KSR 11-00-07 Early Chow Line Passes for Medically Designated Inmates
KSR 12-00-01 Inmate Summer Dress Regulations
KSR 12-00-02 Sanitation and General Living Conditions
KSR 12-00-03 State Items Issued to Inmates [(Amended 12/13/85)]
KSR 12-00-07 Regulations for Inmate Barbershop
KSR 13-00-01 Identification of Mentally Retarded Inmates
KSR 13-00-02 Regulations for Hospital Patients
KSR 13-00-03 Medication for Inmates Leaving Institution Grounds
KSR 13-00-04 Dental Care for Inmates (Amended 2/19/86)
KSR 13-00-05 Medical and Dental Sick Call
KSR 13-00-06 Services for Mentally Retarded Inmates
KSR 13-00-07 Referral of Inmates Considered to Have Severe Emotional Disturbances
KSR 13-00-08 Institutional Laboratory Procedures
KSR 13-00-09 Institutional Pharmacy Procedures (Amended 2/19/86)
KSR 13-00-10 Requirements for Medical Personnel
KSR 13-00-11 Preliminary Health Evaluation and Establishment of Inmate Medical Record (Amended 2/19/86)
KSR 13-00-12 Vision Care/Optometry Services
KSR 13-00-14 Periodic Health Examinations for Inmates
KSR 13-00-15 Medical Alert System (Amended 2/19/86)
KSR 13-00-16 Suicide Prevention and Intervention Program
KSR 14-00-01 Inmate Rights
KSR 14-00-02 A/C Center and Unit D Inmate Access to Legal Aide Services
KSR 14-00-04 Inmate Grievance Procedure
KSR 15-00-01 Operational Procedures and Rules and Regulations for Unit A, B, and C
KSR 15-00-02 Regulations Prohibiting Immate Control or Authority Over Other Inmate(s)
KSR 15-00-03 Governor's Meritorious Good Time Award [(Amended 12/13/85)]
KSR 15-00-04 Restoration of Forfeited Good Time [(Amended 12/13/85)]
KSR 15-00-05 Differential Status for SU (QUIT) Inmates
KSR 15-00-06 Inmate I.D. Cards
KSR 15-00-07 Inmate Rules and Discipline - Adjustment Committee Procedures
KSR 16-00-01 Visiting Regulations
KSR 16-00-02 Inmate Correspondence and Mailroom Operations
KSR 16-00-03 Inmate Access to Telephones
KSR 17-00-01 Housing Unit Assignment
KSR 17-00-03 Notifying Inmates' Families of Admission and Procedures for Mail and Visiting
KSR 17-00-04 Assessment/Classification Center Operations, Rules and Regulations
KSR 17-00-05 Dormitory 10 Operations
KSR 17-00-06 Identification Department Admissions and Discharge Procedures [(Amended 12/13/85)]
KSR 17-00-07 Inmate Personal Property
KSR 18-00-01 Special Management Inmates - Unit D Classification
KSR 18-00-04 Returns from Other Institutions
KSR 18-00-05 Transfer of Residents to Kentucky Correctional Psychiatric Center
KSR 18-00-06 Classification
KSR 18-00-07 Special Notice Form [(Added December 13, 1985)]
KSR 19-00-01 Inmate Work Incentives (Amended 2/19/86)
KSR 19-00-02 On-the-Job Training Program
KSR 19-00-03 Safety Inspections of Inmate Work Assignment Locations
KSR 20-00-01 Vocational School Referral and Release Process
KSR 20-00-03 Academic School Programs
KSR 20-00-04 Criteria for Participation in Jefferson Community College Program (Amended 2/19/86)
KSR 20-00-08 Integration of Vocational and Academic Education Programs
KSR 21-00-01 Legal Aide Office and Law Library Services and Supervision [(Amended 12/13/85)]
KSR 21-00-02 Inmate Library Services
KSR 21-00-03 Library Services for Unit D [(Amended 12/13/85)]
KSR 22-00-03 Inmate Organizations
KSR 23-00-02 Chaplain's Responsibility and Inmate Access to Religious Representatives
KSR 23-00-03 Religious Programming
KSR 25-00-01 Discharge of Residents to Hospital or Nursing Home
KSR 25-00-02 Violations of Law or Code of Conduct by Inmates on Parole Furlough
KSR 25-00-03 Pre-Parole Progress Report

(3) The Kentucky State Penitentiary Operations Memorandum:

KSP 000000-06 Administrative Regulations (Amended 2/19/86)
KSP 010000-04 Public Information and Media Communication (Amended 2/19/86)
KSP 020000-01 General Guidelines for KSP Employees
KSP 020000-02 Service Regulations, Attendance, Hours of Work, Accumulation and Use of Leave [(Amended 12/13/85)]
KSP 020000-03 Work Planning and Performance Review (WPPR)
KSP 020000-04 Employee Disciplinary Procedure
KSP 020000-05 Proper Dress for Uniformed and Non-Uniformed Personnel
KSP 020000-06 Employee Grievance Procedure (Amended 2/19/86)
KSP 020000-07 Personnel Registers and Advertisements

KSP 020000-09	Maintenance, Confidentiality, and Informational Challenge of Material Contained in Personnel Files
KSP 020000-10	Overtime Policy
KSP 020000-15	Legal Assistance
KSP 020000-20	Equal Employment Opportunity Complaints
KSP 020000-23	Recruitment and Employment of Ex-Offenders
KSP 020000-24	Educational Assistance Program
KSP 020000-25	Mediation and Appeal Procedure for WPPR
KSP 020000-29	Promotional Opportunity Announcement Program
KSP 030000-01	Inventory Records and Control
KSP 030000-04	Requisition and Purchase of Supplies and Equipment [(Amended 12/13/85)]
KSP 030000-05	Inmate Personal Funds [(Amended by Court Order 11/20/85)]
KSP 030000-06	Inmate Commissary Program
KSP 040000-02	Inmate Records Section
KSP 040000-08	Inmate Equal Opportunity Policy
KSP 050000-14	Searches of Inmates, Visitors, Staff, Vehicles, Cells and Area Shakedown and Preservation of Evidence
KSP 060000-01	Special Security Unit (Added 2/19/86)
KSP 060000-02	Operational Procedures for Disciplinary Segregation, Administrative Segregation, Administrative Control and Behavioral Control Units [(Amended 1/13/86)]
KSP 060000-04	Operational Procedures for Special Management Inmates Assigned to Protective Custody (Amended 2/19/86)
KSP 060000-11	Criteria for Disciplinary Segregation and Incentive Time Reduction Program
KSP 060000-12	Maximum Protective Custody
KSP 070000-01	Hospital Services
KSP 070000-02	Sick Call
KSP 070000-03	Health Evaluations
KSP 070000-04	Consultations
KSP 070000-05	Emergency Medical Procedure
KSP 070000-13	Pharmacy Procedures
KSP 070000-14	Medical Records
KSP 070000-16	Psychiatric and Psychological Services
KSP 070000-17	Dental Services for Special Management Units
KSP 070000-19	Optometric Services
KSP 070000-20	Menu Preparation and Planning
KSP 070000-24	Food Service, General Sanitation, Safety, and Protection Standards and Requirements
KSP 070000-25	Food Service Inspections
KSP 070000-30	Therapeutic Diets
KSP 090000-01	Inmate Work Programs [(Amended 12/13/85)]
KSP 090000-03	Correctional Industries [(Amended 12/13/85)]
KSP 100000-02	Visiting Program
KSP 100000-03	Disposition of Unauthorized Property
KSP 100000-04	Inmate Grooming and Dress Code
KSP 100000-05	Procedures for Providing Clothing, Linens and Other Personal Items [(Amended 12/13/85)]
KSP 100000-06	Mail [(Amended 1/13/86)]
KSP 100000-07	Inmate Telephone Access
KSP 100000-08	Behavioral Counseling Record
KSP 100000-09	Due Process/Disciplinary Procedures [(Amended 12/13/85)]
KSP 100000-11	Authorized and Unauthorized Property for Inmates
KSP 100000-14	Property Room: Clothing Storage and Inventory
KSP 100000-15	Uniform Standards for Fire Safety, Sanitation and Security of all Cells [(Amended 12/13/85)]
KSP 100000-18	Inmate Grievance Committee Hearings
KSP 100000-20	Legal Services Program
KSP 100000-21	Photocopies for Non-Indigent Inmates with Special Court Deadlines
KSP 100000-22	Special Management Unit Legal Services Program
KSP 100000-24	Resident Legal Services Office Library
KSP 100000-25	WKFC Resident - Access to Kentucky State Penitentiary Legal Library
KSP 110000-03	Governor's Meritorious Good Time Award Committee
KSP 110000-04	Pre-Parole Progress Report
KSP 110000-06	General Guidelines of the Classification Committee [(Amended 1/13/86)]
KSP 110000-07	Statutory Good Time Restoration
KSP 110000-08	Award of Meritorious Good Time
KSP 110000-10	Special Needs Inmates (Amended 2/19/86)
KSP 110000-11	Classification Committee - Transfer Requests
KSP 110000-12	Classification Committee - Inmate Work Assignments
KSP 110000-13	Classification Document
KSP 110000-14	Vocational School Placement
KSP 110000-15	Transfers to Kentucky Correctional Psychiatric Center (KCPC)
KSP 110000-16	Consideration of Further Treatment Requirements for Inmates Prior to Release
KSP 110000-19	Custody/Security Guidelines
KSP 120000-04	Academic Education
KSP 120000-07	Community Center Program
KSP 120000-08	Inmate Furloughs
KSP 120000-11	Religious Services - Staffing [(Amended 12/13/85)]
KSP 120000-18	Religious Services - Religious Programming
KSP 120000-20	Marriage of Inmates
KSP 120000-24	Muslim Services
KSP 120000-31	Extended Furloughs
KSP 120000-32	Discharge of Inmates by Shock Probation
KSP 130000-10	Execution Plan

(4) The Luther Luckett Correctional Complex Policies and Procedures:

LLCC 01-08-01	Institutional Legal Assistance
LLCC 01-09-01	Public Information and News Media Access
LLCC 01-12-01	Duty Officer Responsibilities
LLCC 02-01-02	Fiscal Management: Accounting Procedures
LLCC 02-01-03	Fiscal Management: Agency Funds
LLCC 02-01-04	Fiscal Management: Insurance
LLCC 02-03-01	Fiscal Management: Audits

LLCC 02-06-01	Property Inventory
LLCC 03-01-01	General Guidelines for LLCC Employees
LLCC 03-01-02	Service Regulations, Attendance Accumulation and use of Leave
LLCC 03-02-01	Proper Dress for Uniformed Personnel
LLCC 03-03-01	Employee Grievance Mechanism
LLCC 03-04-01	Employee Records
LLCC 03-05-01	Personnel Registers
LLCC 03-06-01	Work Planning: Employee Evaluations and Evaluation Control
LLCC 03-08-01	Shift Transfers
LLCC 03-08-02	Rotation of Correctional Officers Between Central Security and Unit Management Staff
LLCC 03-09-01	Promotion Board
LLCC 03-10-01	Affirmative Action: EEO
LLCC 03-12-01	Confidentiality of Information Roles and Services of Consultants, Contract Personnel and Volunteers
LLCC 08-01-01	Offender Records
LLCC 08-04-01	Storage of Expunged Records
LLCC 10-03-09	Duties and Responsibilities of Building 1 and 2 Officer
LLCC 11-03-01	LLCC Population Categories
LLCC 11-07-01	Adjustment Procedures for Minor Rule Violations
LLCC 11-09-01	Rules and Regulations of the Unit
LLCC 11-13-01	Inmate Dress and Use of Access Areas
LLCC 11-15-01	Post-Parole Furloughs
LLCC 11-16-01	Restoration of Forfeited Good Time
LLCC 11-18-02	Use of Monitor Telephone
LLCC 11-19-01	Unit Shakedowns/Control of Excess Property
LLCC 11-20-01	Program Services for "Special Needs"/Mentally Ill Inmates
LLCC 12-01-01	Special Management Inmates
LLCC 12-04-01	Guidelines for (7E) PC Unit/General Living Conditions
LLCC 13-04-01	Food Service: Meals
LLCC 13-04-02	Food Service: Menu, Nutrition and Special Diets
LLCC 13-05-02	Medical Screening of Food Handlers
LLCC 13-06-01	Food Service: Inspections and Sanitation
LLCC 13-07-01	Food Service: Purchasing, Storage and Farm Products
LLCC 14-01-01	Sanitation, Living Condition Standards, and Cloting Issue
LLCC 14-05-01	Institutional Inspections
LLCC 15-01-01	Health Maintenance Services; Sick Call and Pill Call
LLCC 15-02-01	Mental Health/Psychological Services
LLCC 15-03-01	Pharmacy
LLCC 15-03-02	Use of Psychotropic Medications
LLCC 15-04-01	Dental Services
LLCC 15-05-02	Licensure and Training Standards
LLCC 15-06-02	Specialized Health Services
LLCC 15-06-03	Emergency Medical/Dental Care Services
LLCC 15-06-04	First Aid/CPR Training Program
LLCC 15-06-05	Suicide Prevention and Intervention Program
LLCC 15-07-01	Health Records
LLCC 15-08-01	Special Diets
LLCC 15-12-01	Special Needs Unit
LLCC 15-14-01	Informed Consent
LLCC 15-15-01	Medical Restraints
LLCC 15-16-01	Health Education/Special Health Programs
LLCC 16-01-01	Inmate Rights and Responsibilities
LLCC 16-02-01	Inmate Grievance Procedure (Amended 2/19/86)
LLCC 16-03-01	Inmate Legal Services
LLCC 17-01-01	Due Process/Disciplinary Procedure
LLCC 18-01-01	Inmate Correspondence
LLCC 18-02-01	Inmate Visiting
LLCC 18-02-03	Extended Visit and Furloughs
LLCC 18-02-04	Meritorious Visits (Added 2/19/86)
LLCC 18-03-03	Inmate Visiting (DSU/ASU)
LLCC 20-01-01	Personal Property Control
LLCC 20-02-01	Authorized Inmate Personal Property
LLCC 20-03-01	Unauthorized Items
LLCC 20-04-02	Inmate Canteen
LLCC 20-05-01	Inmate Control of Personal Funds
LLCC 20-05-02	Storage and Disposition of Monies Received on Weekends, Holidays, and Between 4 p.m. and 8 a.m. Weekdays
LLCC 20-06-01	Procedure for Sending Appliances to Outside Dealers for Repair
LLCC 21-02-01	Classification/Security Levels
LLCC 21-03-01	Classification Process
LLCC 22-01-01	OJT/Job Assignments
LLCC 23-01-01	Academic School
LLCC 26-01-01	Religious Services
LLCC 28-01-01	Privileged Trips
LLCC 28-03-01	Temporary Release/Community Center Release
LLCC 28-04-01	Pre-Parole Progress Report
LLCC 28-04-02	Parole Eligibility Dates

(5) The Northpoint Training Center Policies and Procedures:

NTC 01-05-01	Extraordinary Occurrence Reports
NTC 01-10-01	Legal Assistance for Staff
NTC 01-11-01	Political Activities of Merit Employees
NTC 01-15-01	Establishment of the Warden as Chief Executive Officer
NTC 01-17-01	Relationships with Public, Media and Other Agencies
NTC 02-01-02	Fiscal Management: Accounting Procedures
NTC 02-01-03	Fiscal Management: Checks
NTC 02-01-04	Fiscal Management: Insurance
NTC 02-03-01	Fiscal Management: Audits
NTC 02-08-01	Inmate Canteen
NTC 02-12-01	Inmate Personal Accounts [(Added 1/13/86)]
NTC 03-01-01	Employee Dress Code
NTC 03-02-01	General Guidelines for NTC Employees
NTC 03-03-01	Staff Members Suspected of Being Under the Influence of Intoxicants
NTC 03-04-01	Shift Assignments and Transfers
NTC 03-05-01	Work Planning and Performance Review
NTC 03-06-01	Worker's Compensation
NTC 03-07-01	Merit System Registers and Placement of Advertisements
NTC 03-08-02	Employee Identification Cards
NTC 03-09-01	Maintenance, Confidentiality and Challenge of Information Contained in Employee Personnel File
NTC 03-10-01	Employment of Ex-Offenders
NTC 03-13-01	Travel Reimbursement for Official Business and Professional Meetings
NTC 03-14-01	Selection, Retention, Promotion, and Lateral Transfer of Merit System Employees

NTC 03-14-02	Promotional Opportunities
NTC 03-15-01	Time and Attendance; Accumulation and Use of Accrued Time
NTC 03-15-02	Sick Leave Abuse
NTC 03-15-03	Inclement Weather and Emergency Conditions
NTC 03-16-01	EEO - Affirmative Action
NTC 03-17-01	Employee Grievance Procedure
NTC 03-17-02	Review Committee
NTC 03-18-01	Educational Assistance Program
NTC 03-19-01	Holding of Second Jobs by Employees
NTC 04-01-01	Training and Staff Development
NTC 06-01-01	Offender Records
NTC 06-01-02	Records - Release of Information
NTC 06-01-03	Taking Offender Record Folders onto the Yard
NTC 08-05-01	Duties of Fire Safety Officer
NTC 08-05-02	Fire Procedures
NTC 08-05-03	Fire Prevention
NTC 08-05-04	Storage of Flammables and Dangerous Chemicals and Their Use
NTC 08-05-05	Control of Flammables, Toxic, Caustic, and Other Hazardous Chemicals and Janitorial Supplies
NTC 10-01-01	Special Management Inmates (Amended 2/19/86)
NTC 10-01-02	Legal Aide Visits for Special Management Inmates
NTC 11-03-01	Food Services: General Guidelines
NTC 11-04-01	Food Service: Meals
NTC 11-04-02	Menu, Nutrition and Special Diets
NTC 11-05-02	Medical Screening of Food Handlers
NTC 11-06-01	Inspections and Sanitation
NTC 11-07-01	Purchasing, Storage and Farm Products
NTC 12-01-01	Institutional Inspections
NTC 12-02-01	Personal Hygiene for Inmates; Clothing and Linens
NTC 12-02-02	Personal Hygiene Items
NTC 13-01-01	Emergency Medical Care Plan
NTC 13-01-02	Emergency and Specialized Health Services
NTC 13-02-01	Administration and Authority for Health Services [(Added 1/13/86)]
NTC 13-03-01	Sick Call and Pill Call [(Amended 1/13/86)]
NTC 13-04-01	Pharmacy
NTC 13-05-01	Dental Services [(Amended 1/13/86)]
NTC 13-06-01	Licensure and Training Standards
NTC 13-07-01	Provisions for Health Care Delivery [(Added 1/13/86)]
NTC 13-08-01	Medical and Dental Records
NTC 13-09-01	Special Diets
NTC 13-11-01	Inmate Health Screening and Evaluation [(Amended 1/13/86]
NTC 13-12-01	Disabled and Infirm Inmates
NTC 13-13-01	Medical Alert System
NTC 13-14-01	Management of Chemically Dependent Inmates [(Added 1/13/86)]
NTC 13-15-01	Health Education for Inmates [(Added 1/13/86)]
NTC 13-16-01	Continuity of Health Care [(Added 1/13/86)]
NTC 13-17-01	Inmates Assigned to Health Services [(Added 1/13/86)]
NTC 13-19-01	Psychological Services [(Added 1/13/86)]
NTC 13-19-02	Mentally Retarded Inmates [(Added 1/13/86)]
NTC 13-19-03	Suicide Prevention and Intervention Program [(Added 1/13/86)]
NTC 14-01-01	Legal Services Program
NTC 14-02-01	Inmate Grievance Procedure
NTC 14-03-01	Inmate Rights and Responsibilities
NTC 15-01-01	Restoration of Forfeited Good Time
NTC 15-02-01	Due Process/Disciplinary Procedures
NTC 15-02-02	Extra Duty Assignments
NTC 15-03-01	Rules for Inmates Assigned to Outside Detail
NTC 15-03-02	Rules and Regulations for Dormitories [(Amended 12/13/85)]
NTC 15-04-01	Inmate Identification
NTC 16-01-01	Mail Regulations (Amended 2/19/86)
NTC 16-02-01	Visiting (Amended 2/19/86) [(Amended 12/13/85)]
NTC 16-02-02	Extended and Special Visits
NTC 16-02-03	Honor Dorm Visiting (Amended 2/19/86)
NTC 16-03-01	Inmate Furloughs [(Amended 1/13/86)]
NTC 16-05-01	Telephone Use and Control
NTC 17-01-01	Personal Property Control
NTC 17-01-02	Authorized Inmate Personal Property
NTC 17-01-03	Unauthorized Inmate Property
NTC 17-01-04	Disposition of Unauthorized Property
NTC 17-03-01	Assessment/Orientation (Amended 2/19/86)
NTC 18-01-01	Pre-Parole Progress Report
NTC 18-01-02	Parole Eligibility Dates
NTC 18-02-01	Classification [(Amended 12/13/85)]
NTC 18-05-01	Transfers to Other Institutions
NTC 18-05-02	Transfer of Inmates to Kentucky Correctional Psychiatric Center [(Added 1/13/86)]
NTC 19-01-01	Inmate Work Program (Amended 2/19/86)
NTC 20-01-01	Academic School Program
NTC 21-01-01	Library Services
NTC 22-03-01	Conducting Inmate Organizational Meetings and Programs
NTC 23-01-01	Religious Services
NTC 23-03-01	Marriage of Inmates
NTC 24-04-01	Honor Status [(Amended 1/13/86)]
NTC 24-05-01	Unit Management
NTC 25-01-01	Release Preparation Program [(Amended 1/13/86)]
NTC 25-01-02	Temporary Release/Community Center Release [(Amended 1/13/86)]
NTC 25-02-01	Funeral Trips and Bedside Visits
NTC 25-03-01	Inmate Release Procedure
NTC 26-01-02	Certification of Volunteers and Guests

(6) The Kentucky Correctional Institution for Women Policies and Procedures:

KCIW 01-06-01	Legal Assistance for Corrections Staff
KCIW 01-08-01	News Media Access
KCIW 02-01-01	Comprehensive Insurance Coverage
KCIW 02-02-01	Fiscal Management: Audits
KCIW 02-02-03	Fiscal Management: Checks
KCIW 02-03-01	Inventory Control of Non-Expendable Personal Property
KCIW 02-03-03	Criteria for Selection of Bidders and Vendors
KCIW 02-04-01	Accounting Procedures
KCIW 02-05-01	Inmate Canteen/Staff Canteen

KCIW 02-07-01	Release of C.E.T.A. Money Earned
KCIW 03-01-01	Travel Expense Reimbursement
KCIW 03-02-01	General Orders for all Staff
KCIW 03-03-01	Employee Grievance Procedure
KCIW 03-05-01	Employee Personnel File
KCIW 03-06-01	Affirmative Action EEO and the Equal Employment Opportunity Complaint Procedure
KCIW 03-08-01	Employee Performance Evaluations
KCIW 03-09-01	Payroll and Personnel Manning Records
KCIW 03-10-01	Promotion Committee
KCIW 03-11-01	Personnel Registers
KCIW 03-12-01	Criminal History Checks on all Personnel and the Recruitment and Employment of Ex-Offenders
KCIW 06-01-01	Inmate Records
KCIW 06-01-02	Transfers to Community Centers and the Minimum Security Unit
KCIW 06-01-03	Storage of Expunged Records
KCIW 10-01-01	Special Management Unit: General Operation and Regulations
KCIW 10-01-02	Special Management Unit Programs, Placement and Review
KCIW 11-01-01	Food Service Operation Inspections
KCIW 11-01-02	Budgeting, Accounting, and Purchasing Procedures for Food Products
KCIW 11-02-01	Menu Preparation/Special Diets
KCIW 11-03-01	General Guidelines for Food Service Operations Manager
KCIW 11-03-02	General Guidelines for Food Service Workers
KCIW 11-04-01	Health Standards, Regulations for Food Service Employees
KCIW 12-01-01	Control of Pests and Vermin
KCIW 12-02-01	Laundry Facilities/Clothing Issuance
KCIW 12-02-03	Donated Items
KCIW 12-04-01	Sanitation and General Living Conditions
KCIW 13-01-01	Provision of Medical and Dental Care
KCIW 13-01-02	Preliminary Health Screening and Appraisal
KCIW 13-01-03	Use of Pharmaceutical Products
KCIW 13-03-01	Emergency Care
KCIW 13-03-02	Infirmary Care and Outside Services
KCIW 13-03-03	Outside Hospital Security
KCIW 13-04-01	Medical Alert System
KCIW 13-04-02	Psychiatric/Psychological Services
KCIW 13-06-01	Informed Consent
KCIW 13-07-01	Detoxification and Alcohol or Chemical Dependency Guidelines
KCIW 13-08-01	Medical Exams for New Employees
KCIW 14-01-02	Inmate Rights
KCIW 14-02-01	Access to Attorneys and Designated Counsel Substitutes
KCIW 14-03-01	Inmates Are Not Subject to Discrimination Based on Race, Religion, National Origin, Sex, Handicap, or Political Beliefs
KCIW 14-04-01	Inmate Grievance Procedure
KCIW 15-01-01	Offenses and Penalties
KCIW 15-01-02	Adjustment Committee Procedures and Programs
KCIW 15-03-01	Inmate Rule Book
KCIW 15-04-01	Incentive Levels System
KCIW 16-01-01	Inmate Correspondence
KCIW 16-01-02	Inmate Mail Distribution
KCIW 16-01-03	Staff Mail
KCIW 16-02-01	Inmate Access to Telephone
KCIW 16-02-02	Intra-Institution Phone Calls
KCIW 16-03-01	Inmate Visiting Regulations
KCIW 16-03-02	Unauthorized Items for Picnic Lunches, Food Packages and Regular Packages
KCIW 16-04-01	Inmate Indigent Fund
KCIW 16-05-01	Vendor Packages, Appliance Orders and Drug Store Orders
KCIW 17-01-01	Assessment Center Operation and Reception Programs
KCIW 17-01-02	Assessment/Classification Center Operations, Rules and Regulations
KCIW 17-01-03	Assessment and Classification Unit Property Guidelines
KCIW 17-02-01	Identification Department Admissions
KCIW 17-03-01	Notifying Inmates Families of Admission and Procedures for Mail and Visiting
KCIW 17-05-01	Inmate Personal Property
KCIW 18-01-02	Institution Housing Assignments
KCIW 18-02-01	Classification Procedures
KCIW 18-05-01	Special Needs Inmates
KCIW 18-06-01	Status Codes
KCIW 19-01-01	Inmate Work/Program Assignments
KCIW 19-03-01	Landscape and Maintenance Work Details
KCIW 20-01-01	Education Programs
KCIW 20-01-03	Vocational Education: Curriculum Flexible Schedule, up-grade programs and release preparation program
KCIW 20-01-04	Entry - Exit Vocational School
KCIW 20-01-05	Vocational Programs: Approved, assessed and contain guidelines for vocational records
KCIW 20-01-06	Vocational Education: Staffing patterns/requirements
KCIW 20-01-07	Vocational Counselor
KCIW 20-01-08	Vocational Education: Community Resources and the integration with academic progress
KCIW 20-01-09	Vocational Education: Support Equipment
KCIW 20-01-10	Control of Flammable, Hazardous, Toxic and Caustic Materials in the Vocational Area
KCIW 22-01-04	Inmate Club Activities
KCIW 23-01-01	Religious Services
KCIW 25-01-01	Pre-Parole Progress Report
KCIW 25-02-01	Temporary Release/Community Center
KCIW 25-02-02	Furloughs
KCIW 25-03-01	Escorted Leave into the Community

(7) The Food Service Manual, Offender Records Manual, Classification Manual and Livestock Procedures Manual are hereby approved by the Secretary of the Corrections Cabinet as authorized by KRS 196.035, 197.020, 439.470, 439.590 and 439.640.

Offender Records Manual - None
Stock Procedural Manual - None
Food Services Manual - None
Classification Manual - None

GEORGE W. WILSON, Secretary
APPROVED BY AGENCY: February 19, 1986
FILED WITH LRC: February 19, 1986 at noon
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for April 24, 1986 at 9 a.m. at the auditorium in the State Office Building. Those interested in attending this hearing shall notify in writing: Barbara Jones, Office of General Counsel, 5th Floor, State Office Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Barbara W. Jones
(1) Type and number of entities affected: 2,014 employees of the Corrections Cabinet, 4,728 inmates, 3,421 parolees, 5,174 probationers, and all visitors to state correctional institutions.
(a) Direct and indirect costs or savings to those affected:
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): None
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: None. All of the costs involved with the implementation of the regulation are included in the operational budget.
2. Continuing costs or savings: Same as (2)(a)1.
3. Additional factors increasing or decreasing costs: Same as (2)(a)1.
(b) Reporting and paperwork requirements: Weekly submission of policy revisions.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: None
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: None

Tiering:
Was tiering applied? No. All policies are administered in a uniform manner.

JUSTICE CABINET
Department of State Police
(Proposed Amendment)

502 KAR 10:010. Definitions.

RELATES TO: KRS 332.010
PURSUANT TO: KRS 15A.160, 332.100
NECESSITY AND FUNCTION: KRS 15A.160 and 332.100 provide that the Secretary of the Justice Cabinet in cooperation with the Commissioner, Department of State Police, may adopt such regulations necessary to carry out the provisions of KRS Chapter 332. This regulation establishes the definitions to be utilized in the driver training schools and instructors administrative regulations.

Section 1. As employed in the driver training and instructors administrative regulations, unless the context requires otherwise the following words and phrases have the following meanings:
[(1) "Cabinet" means the Justice Cabinet.]
[(2) "Secretary" means the Secretary of the Justice Cabinet.]
[(3) "Department" means the Department of State Police.]
(1) [(4)] "Commissioner" means the Commissioner, Department of State Police.
[(5) "Driver training" means instruction of persons in the operation of motor vehicles or the preparation of an application for examination given by the department for a motor vehicle operator's license.]
[(6) "Person" when referring to a driver training school, means person, firm, partnership, association or corporation.]
[(7) "Driver training school" means any person, firm, partnership, association or corporation which offers a course of driver training for which a fee or tuition is charged.]
(2) [(8)] "Driver training instructor" means any person who gives driver training or offers a course of driver training for which a fee or tuition is charged.
(3) [(9)] "Place of business" means a designated location at which the business of the driver training school is being conducted.
(4) [(10)] "Branch office" means an approved location where the business of the driver's school is conducted, other than the principal place of business.
(5) [(11)] "High school education or the equivalent in experience" means any high school diploma or the ability to pass a General Educational Development Test.

NORMA C. MILLER, Secretary
MORGAN T. ELKINS, Commissioner
APPROVED BY AGENCY: March 12, 1986
FILED WITH LRC: March 13, 1986 at 1 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on April 21, 1986, at 9 a.m. in the Conference Room, Kentucky State Police, 919 Versailles Road, Frankfort, Kentucky. Anyone interested in attending this hearing shall notify in writing at least five days before the hearing, the following individual: Captain Charles Hargis, Kentucky State Police, Driver Testing, 919 Versailles Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Captain Charles Hargis
(1) Type and number of entities affected: N/A
(a) Direct and indirect costs or savings to those affected:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body: N/A
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: N/A
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A
(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:

Tiering:
Was tiering applied? No. Not applicable.

JUSTICE CABINET
Department of State Police
(Proposed Amendment)

502 KAR 10:020. Department facilities; facility inspection; [bonding;] conflict of interest.

RELATES TO: KRS 332.100
PURSUANT TO: KRS 15A.160, 332.100
NECESSITY AND FUNCTION: KRS 15A.160 and 332.100 provide that the Secretary of the Justice Cabinet in cooperation with the Commissioner, Department of State Police, may adopt such regulations necessary to carry out the provisions of KRS Chapter 332. This regulation establishes the department's policy regarding department premises, facility inspection, [bonding] and conflict of interest.

Section 1. (1) No driver training school instructor, employee, or agent will be permitted to loiter in or on premises rented, leased, owned, or used by the department.
(2) No driver training school instructor, employee or agent shall be permitted to personally solicit any individual on premises rented, leased, owned, or used by the department for the purpose of enrolling them in any driver training school.
[(3) No driver training school instructor, employee or agent shall be permitted to use the space provided on the premises of any office rented, leased, owned, or used by the department for parallel parking during the hours while driving tests are being conducted.]
(3) [(4)] Practice driving is prohibited on testing areas used by the department while driving tests are in progress.

Section 2. (1) A driver training school shall permit any authorized representative of the department to inspect the school at any time.
(2) The driver training school shall make available to the department full information relating to data contained in its application forms and shall permit the department's representative to make photostat copies of school records required by the department.

[Section 3. Every driver training school shall file with the department a copy of a continuous surety bond, issued by a company authorized to do business in the Commonwealth of Kentucky, for the protection of the members of the public in their dealings with the driver training school, said bond to be in the principal sum of $1,000.]

Section 3. [4.] No person whose duties relate in any way to the issuance of motor vehicle operator's license nor any employee of the department, nor any member of his immediate family, shall be connected in any capacity whatsoever with a driver training school.

NORMA C. MILLER, Secretary
MORGAN T. ELKINS, Commissioner
APPROVED BY AGENCY: March 12, 1986
FILED WITH LRC: March 13, 1986 at 1 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on April 21, 1986, at 9 a.m. in the Conference Room, Kentucky State Police, 919 Versailles Road, Frankfort, Kentucky. Anyone interested in attending this hearing shall notify in writing at least five days before the hearing, the following individual: Captain Charles Hargis, Kentucky State Police, Driver Testing, 919 Versailles Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Captain Charles Hargis
(1) Type and number of entities affected: N/A
(a) Direct and indirect costs or savings to those affected:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body: N/A
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: N/A
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:

Tiering:
Was tiering applied? No. Not applicable.

JUSTICE CABINET
Department of State Police
(Proposed Amendment)

502 KAR 10:030. Instructor's license.

RELATES TO: KRS 332.030
PURSUANT TO: KRS 15A.160, 332.100
NECESSITY AND FUNCTION: KRS 15A.160 and 332.100 provide that the Secretary of the Justice Cabinet in cooperation with the Commissioner, Department of State Police, may adopt such regulations necessary to carry out the provisions of KRS Chapter 332. This regulation establishes the department's policy regarding the licensing of driver training instructor.

Section 1. Each person desiring to be licensed as a driver training instructor must make application on forms furnished by the department. The forms shall consist of sections

dealing with the personal history of the applicant and include a physical examination report signed by an examining physician.

Section 2. The driver training instructor license application must indicate the name and address of the driver training school employing the applicant and must be signed by an agent or representative of the driver training school. The application must be verified under oath and signed by the applicant.

Section 3. Upon receipt by the department of a duly completed driver training instructor application, together with a nonrefundable twenty (20) dollar fee in the form of certified check or money order made payable to Kentucky State Treasurer, one (1) set of fingerprints of each digit on right and left hands, three (3) one and one-half (1 1/2) inch by one and one-half (1 1/2) inch identical photographs which show full face view of neck and uncovered head, [and] physical examination report, including the results of an eye examination showing the visual acuity of the applicant to be at least 20/20 in one (1) eye and 20/40 in the other, or 20/30 in each eye separately with or without corrective lenses, and showing that the applicant is not lacking one (1) functional eye, hand, or foot, and proof of age and education, and the results of the department's examination, if favorable, the applicant may then be licensed as an instructor [, if otherwise qualified, shall be entitled to take a driver training instructor written examination and driving test administered by the department].

Section 4. The driver training instructor examination shall consist of:

(1) A written theoretical examination prepared and administered by the department and embracing subject matter pertinent to the care, operation, and use of a motor vehicle on the highways, and to general safety principles and practices, both for the purpose of testing an applicant's competency and fitness in the operation of a motor vehicle and in providing classroom instruction.

(2) The department may also test the applicant for depth perception, peripheral vision, and reaction time. [The written examination shall consist of questions dealing with Kentucky motor vehicle traffic laws, operation of motor vehicles, safe driving practices, proper teaching methods and one (1) standard textbook on driver education. The department may also test the applicant for depth perception, peripheral vision, and reaction time.]

[Section 5. The department's driving test will examine the applicant's ability to drive and to give driver training instructions to others.]

Section 5. [6.] All applicants who pass the instructor's examination and who are otherwise qualified will be issued a driver training instructor license certifying the instructor for both classroom and practical instruction and containing the instructor's photograph, the name and address of the licensee, and the name and address of the driver training school by whom he is employed.

Section 6. [7.] Should a license be lost, mutilated, or destroyed, a duplicate license will be issued upon proof of the date the license was lost or destroyed and the circumstances involving such loss, mutilation, or destruction. In the case of a mutlitated license, the surrender of such license is necessary. A five (5) [one (1)] dollar replacement charge will be made for all duplicates.

Section 7. All expired, revoked, or suspended licenses must be surrendered to the department at the time of expiration, revocation, or suspension.

Section 8. In the event a licensed instructor transfers employment to another school licensed by the department, the instructor must complete an original application for licensure. The department may, in its discretion, waive the physical examination. The instructor need not supply new fingerprint cards, driving test results, or proof of age and education.

Section 9. Any applicant who has previously been licensed as a driver training instructor but has not been so employed within two (2) years preceding application will be treated as an original applicant.

Section 10. Any instructor who has had his license suspended or revoked or any applicant denied a license will be eligible to make application again six (6) months following the suspension, revocation, or denial.

Section 11. The department will not issue a driver training instructor license to any applicant who has been convicted of two (2) or more moving hazardous traffic violations within the two (2) year period immediately preceding the date of application.

Section 12. A driver training school is required to notify the department, in writing, of the termination of employment of an instructor or agent, or if there is any change in the address of any owner, partner, officer, or driving instructor.

NORMA C. MILLER, Secretary
MORGAN T. ELKINS, Commissioner
APPROVED BY AGENCY: March 12, 1986
FILED WITH LRC: March 13, 1986 at 1 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on April 21, 1986, at 9 a.m. in the Conference Room, Kentucky State Police, 919 Versailles Road, Frankfort, Kentucky. Anyone interested in attending this hearing shall notify in writing at least five days before the hearing, the following individual: Captain Charles Hargis, Kentucky State Police, Driver Testing, 919 Versailles Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Captain Charles Hargis
(1) Type and number of entities affected: N/A
(a) Direct and indirect costs or savings to those affected:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing

costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body: N/A
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: N/A
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:

Tiering:
Was tiering applied? No. Not applicable.

JUSTICE CABINET
Department of State Police
(Proposed Amendment)

502 KAR 10:040. Training school facilities.

RELATES TO: KRS 332.030
PURSUANT TO: KRS 15A.160, 332.100
NECESSITY AND FUNCTION: KRS 15A.160 and 332.100 provide that the Secretary of the Justice Cabinet in cooperation with the Commissioner, Department of State Police, may adopt such regulations necessary to carry out the provisions of KRS Chapter 332. This regulation establishes the department's policy regarding standards for driver training school facilities.

Section 1. The following standards shall apply to driver training school office facilities:
(1) The driver training school shall have and maintain an established place of business in the Commonwealth of Kentucky.
(2) [(1)] The established place of business of each driver training school shall [must] be owned or leased by the driver training school and regularly occupied and primarily used by that driver training school for the business of giving driving instructions for hire, and the business of preparing members of the public for examination given by the department for a motor vehicle operator's license.
(3) [(2)] The established place of business of each driver training school shall [must] be located in a district which is zoned for business or commercial purposes. The driver training school office shall [must] have a permanent sign displaying the school name in letters at least six (6) inches in height and visible [clearly readable] from the street or road on which the school is located [from a distance of no less than 100 feet, with the name of the driver training school upon the sign]. If the classroom is at a different address, it too shall [must] have a permanent sign meeting the same criteria [which is readable from the street, from a distance of no less than 100 feet with the name of the driver training school upon the sign]. The hours during which the driver training is conducted shall also be displayed. If these requirements do [this requirement does] not comply with local zoning laws, the department shall permit a sign of a type which does comply.
(4) [(3)] The established place of business or advertised address of any driver training school shall not consist of or include a house trailer, residence, tent, temporary address, office space only, a room or rooms in a hotel, rooming house or apartment house, or premises occupied by a single or multiple unit dwelling house. The residence requirement of this rule shall not apply to compel the discontinuance of a driver training school which was already established and operational on or before June 16, 1966.
(5) [(4)] The place of business shall [must] be operated by responsible personnel during stated office hours and shall be open to inspection of the premises, facilities, records and vehicles by any authorized representative of the cabinet during this time.
(6) [(5)] The place of business shall [must] have a [separate] business telephone used exclusively for the operation of the driving school [listing].
(7) [(6)] A driver training school shall not transfer its license nor change its place of business without the prior approval of the department. There will be a $200 fee for transfer of ownership, which will be treated as an original application for license.
(8) Driver training schools may give instruction only in the county where their office is located or in any county adjacent thereto. They may not give instruction in any other county without first having established a branch office therein.

Section 2. The following standards shall apply to driver training school branch offices:
(1) A driver training school desiring to open a branch office shall make application on a form prescribed by the department. If application is approved, the department will issue a copy of the license of the principal place of business, appropriately endorsed, for use at the branch office. This copy shall [must] be conspicously displayed in such branch office at all times.
(2) A branch office or its equipment may not be moved [removed] to a new location without the prior approval of the department.
(3) Should a branch office be discontinued, the branch office copy of the license shall [must] be surrendered immediately to the department.
(4) The branch office shall [must] meet all of the requirements of the licensed principal place of business [with the exception of the classroom facility if such a classroom facility is located within a reasonable distance from the branch office].
(5) There will be a fee of $100 for licensure of each branch office.

Section 3. The following standards shall apply to driver training school classroom facilities:
(1) The classroom facility of each driver training school shall [must] be reasonably near [accessible to] its office facility and within thirty (30) minutes normal driving time of that

facility.

(2) The classroom shall [must] contain sufficient space and equipment to carry on the business of giving classroom instruction for students enrolled in the driver training school, and preparing students for examination for a motor vehicle operator's license.

(3) The classroom facility shall [must] have adequate lighting, heating, ventilation, sanitation facilities, and shall [must] comply with all state and local laws relating to public health, safety and sanitation.

(4) The classroom facility shall [must] contain the following equipment and supplies:

(a) Individual desks or tables providing [Seating facilities and] writing surfaces for not less than eight (8) students;

(b) Adequate blackboards which are visible from all seating areas;

(c) Adequate charts and diagrams or pictures relating to the operation of motor vehicles and traffic laws;

[(d) Textbooks, reference books and pamphlets relating to the proper operation of motor vehicles and traffic laws;]

(d) [(e)] One (1) of the following:

1. A sixteen (16) millimeter sound movie projector and screen for showing driver training and sound films; or [and]

2. A thirty-five (35) millimeter slide projector and slides; or

3. A video/audio display screen of not less than nineteen (19) inches diagonal measure, capable of being operated in conjunction with a video tape for showing driver training instruction; and

(e) [(f)] A copy of these rules and regulations displayed so as to be accessible to all students.

(5) In addition to the foregoing, the following are suggested teaching aids:

(a) A reaction time testing device;

[(b) A slide projector;]

(b) [(c)] Peripheral vision testing device;

(c) [(d)] Magnetic traffic boards; and

(d) [(e)] Such other devices as may help to acquaint students with traffic laws and prepare them to safely operate motor vehicles.

(6) A minimum of five (5) hours of classroom instruction shall [must] be available to each student receiving driving training from a driver training school.

Section 4. Driver training schools shall make available both theoretical and practical instruction as follows:

(1) Practical instruction in driver training shall include the demonstration of, and actual instruction in, starting, stopping, shifting, turning, backing, parking, and steering in a training vehicle which meets the regulatory requirements set forth herein.

(2) Theoretical instruction in driver training shall include subject matter relating to rules of the road, safe driving practices, pedestrian safety, mechanics of motor vehicles, driver responsibility, the Kentucky point system, types of automobile insurance, and use of automobile safety devices.

Section 5. Each school shall publish a schedule of fees or charges for behind-the-wheel lessons, classroom lessons, and all other fees or charges made by the school. A copy of this schedule shall be filed with the department.

Section 6. Each school shall inform each student, prior to the time instruction commences, of the character and amount of any and all fees or charges made for enrollment or registration, tuition, and use of any other service or equipment or materials provided by the school.

Section 7. Before any driver training school office or branch office, or equipment thereof, is moved to another location, the department shall be notified and the new location shall be inspected and approved.

NORMA C. MILLER, Secretary
MORGAN T. ELKINS, Commissioner
APPROVED BY AGENCY: March 12, 1986
FILED WITH LRC: March 13, 1986 at 1 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on April 21, 1986, at 9 a.m. in the Conference Room, Kentucky State Police, 919 Versailles Road, Frankfort, Kentucky. Anyone interested in attending this hearing shall notify in writing at least five days before the hearing, the following individual: Captain Charles Hargis, Kentucky State Police, Driver Testing, 919 Versailles Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Captain Charles Hargis
(1) Type and number of entities affected: N/A
(a) Direct and indirect costs or savings to those affected:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body: N/A
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: N/A
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:

Tiering:
Was tiering applied? No. Not applicable.

JUSTICE CABINET
Department of State Police
(Proposed Amendment)

502 KAR 10:050. Contracts and agreements.

RELATES TO: KRS 332.100
PURSUANT TO: KRS 15A.160, 332.100
NECESSITY AND FUNCTION: KRS 15A.160 and 332.100 provide that the Secretary of the Justice Cabinet in cooperation with the Commissioner, Department of State Police, may adopt such regulations necessary to carry out the provisions of KRS Chapter 332. This regulation establishes the department's policy regarding contracts and agreements involving driver training schools.

Section 1. Each school shall [must] file and maintain with the department a list of those persons authorized or empowered to execute contracts on behalf of the driver's school. A complete signature record form shall [must] be filed with the department for each person authorized to sign contracts for the school.

Section 2. Each school which uses contracts or agreements shall [must] furnish the department with blank copies of each form used.

Section 3. Any student who signs a contract or agreement with any driver training school shall receive a carbon copy of the contract and the original retained and filed by the school. These contracts shall be made available to any authorized representative of the department upon request.

Section 4. All contracts used by a commercial driver training school shall contain the following:
(1) The name and address of the school. If the school is conducted under an assumed name or is operated by a corporation, partnership or association, the agreement shall [must] contain the name of the individual owner, or such of names of the officers of the corporation, association, or members of the partnership as the department may require.
(2) All contracts shall contain the following statement. "This constitutes the entire agreement between the school and the student and no verbal statements or promises will be recognized."
(3) The fee charged for each lesson, if fees are charged for individual lessons, and/or the fee for the entire series of lessons agreed upon.
(4) A statement indicating that these regulations of the driver training schools are available on the school premises for the examination by the student.

NORMA C. MILLER, Secretary
MORGAN T. ELKINS, Commissioner
APPROVED BY AGENCY: March 12, 1986
FILED WITH LRC: March 13, 1986 at 1 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on April 21, 1986, at 9 a.m. in the Conference Room, Kentucky State Police, 919 Versailles Road, Frankfort, Kentucky. Anyone interested in attending this hearing shall notify in writing at least five days before the hearing, the following individual: Captain Charles Hargis, Kentucky State Police, Driver Testing, 919 Versailles Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Captain Charles Hargis
(1) Type and number of entities affected: N/A
(a) Direct and indirect costs or savings to those affected:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body: N/A
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: N/A
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:

Tiering:
Was tiering applied? No. Not applicable.

JUSTICE CABINET
Department of State Police
(Proposed Amendment)

502 KAR 10:060. School advertising.

RELATES TO: KRS 332.100
PURSUANT TO: KRS 15A.160, 332.100
NECESSITY AND FUNCTION: KRS 15A.160 and 332.100 provide that the Secretary of the Justice Cabinet in cooperation with the Commissioner, Department of State Police, may adopt such regulations necessary to carry out the provisions of KRS Chapter 332. This regulation establishes the department's policy regarding advertising by driver training schools.

Section 1. No person shall advertise a driver training school or driver training of any type in this state unless licensed by the department.

Section 2. A school shall not use any name other than its licensed name, nor shall a school advertise or imply that it is "supervised," "recommended," "endorsed," "accredited," or "approved" by the Kentucky State Police or the Commonwealth of Kentucky. Neither shall any reference be made to past or present association with any police agency by person(s) now an officer or employee of the school. Driver training schools which are licensed by the department may, however, indicate on their advertising that they are "inspected and licensed by the Kentucky State Police." [Driver

training school advertising shall not imply, suggest, or give the impression that the school or any of its instructors are an agent, employee or representative of the department or the Commonwealth of Kentucky, nor shall any advertisement imply that the school is supervised, recommended, or endorsed by the department or the Commonwealth of Kentucky. Driver training schools which are licensed by the department may indicate in their advertising that they are "inspected and licensed by the Kentucky Department of State Police." No driver training school advertising shall state or imply that a motor vehicle operator's license, or in the case of truck training schools that employment is guaranteed or assured to members of the public utilizing the services of the school.]

Section 3. A driver training school may not make any false or misleading claim in any of its advertising, nor shall it use a name that is like or deceptively similar to a name used by another driver training school, nor shall it advertise or imply that free lessons will be given to students who fail a motor vehicle operator's license examination.

Section 4. Each telephone directory listing or telephone advertisement of a driving school shall include the address or addresses of the driving school's established place or places of business. Addresses of telephone answering services which are not established places of business shall not be shown in any media of advertisement or telephone directory listing.

Section 5. A driver training school shall not claim nor imply that it will guarantee employment upon completion of a course of instruction or guarantee the securing of a license to drive a motor vehicle. [Neither a driver training school nor an agent or employe of a driver training school shall advertise the fact that an officer, agent or employe of the school was formerly employed by the department.]

Section 6. A copy of each telephone directory or similar directory advertisement of a driver training school shall be submitted to the department by the school at the same time it is placed for publication.

NORMA C. MILLER, Secretary
MORGAN T. ELKINS, Commissioner
APPROVED BY AGENCY: March 12, 1986
FILED WITH LRC: March 13, 1986 at 1 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on April 21, 1986, at 9 a.m. in the Conference Room, Kentucky State Police, 919 Versailles Road, Frankfort, Kentucky. Anyone interested in attending this hearing shall notify in writing at least five days before the hearing, the following individual: Captain Charles Hargis, Kentucky State Police, Driver Testing, 919 Versailles Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Captain Charles Hargis
(1) Type and number of entities affected: N/A
(a) Direct and indirect costs or savings to those affected:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body: N/A
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: N/A
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:

Tiering:
Was tiering applied? No. Not applicable.

JUSTICE CABINET
Department of State Police
(Proposed Amendment)

502 KAR 10:070. Training vehicle, annual inspection.

RELATES TO: KRS 332.030
PURSUANT TO: KRS 15A.160, 332.100
NECESSITY AND FUNCTION: KRS 15A.160 and 332.100 provide that the Secretary of the Justice Cabinet in cooperation with the Commissioner, Department of State Police, may adopt such regulations necessary to carry out the provisions of KRS Chapter 332. This regulation establishes the department's policy regarding the annual inspection of driver training vehicles utilized by driver training schools.

Section 1. Driver training motor vehicles shall [must] be presented to any authorized representative of the State Police Driver Testing Section for inspection [designated inspection stations] at least once a year for inspection [and certification as such, or made available to any authorized representative of this department for inspection].

Section 2. All motor vehicles used to give driver training instruction shall [must] have a current safety inspection[-insurance] certificate issued by the department which shall [must] be kept in the glove compartment.

Section 3. In order to be approved [for a safety inspection-insurance certificate] the motor vehicle shall [must] be:
(1) In a safe operating condition, not more than five (5) years old, except that truck/tractors shall not be more than ten (10) years old for on-the-road instruction and fifteen (15) years old for off-the-road

instruction;
(2) Insured as required in KRS 332.030;
(3) Registered with the department in the name of a driver training school;
(4) Equipped with dual controls on the foot brake, and on the clutch, if any, which will enable the instructor to bring the car under control in case of emergency. Dual controls are not required on a truck/tractor. In addition, it is suggested that the driver training school offer instruction in both manual gear shift and automatic transmission vehicles; and
(5) Equipped with seat belts which should be used by both student and instructor.
(6) Emergency ignition-kill toggle switch on instructor's side, except for tractor/trailers.
(7) Equipped with outside mirror on both driver's side and instructor's side.
(8) Owned or leased by the school.

[Section 4. In addition to the requirements of Section 3 of this regulation, the following equipment shall be required:]
[(1) Outside mirror on both driver's and instructor's side;]
[(2) Emergency four (4) way signal flashers; and]
[(3) Emergency ignition toggle switch on instructor's side.]

Section 4. [5.] The full name of the driver training school shall [must] be prominently displayed on both front and rear of such vehicle in letters at least two (2) inches high and in colors vividly contrasting with the color of the vehicle.

Section 5. [6.] It shall be the responsibility of the driver training school and the duty of the driver training instructor to insure that the vehicle is inspected annually [remove and destroy the safety inspection-insurance certificate when its validity has expired or the motor vehicle ceases to used to give driver training instruction].

Section 6. It shall be the responsibility of the school to furnish written notice any time a vehicle is added to or deleted from the school's motor vehicle fleet.

NORMA C. MILLER, Secretary
MORGAN T. ELKINS, Commissioner
APPROVED BY AGENCY: March 12, 1986
FILED WITH LRC: March 13, 1986 at 1 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on April 21, 1986, at 9 a.m. in the Conference Room, Kentucky State Police, 919 Versailles Road, Frankfort, Kentucky. Anyone interested in attending this hearing shall notify in writing at least five days before the hearing, the following individual: Captain Charles Hargis, Kentucky State Police, Driver Testing, 919 Versailles Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Captain Charles Hargis
(1) Type and number of entities affected: N/A
(a) Direct and indirect costs or savings to those affected:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body: N/A
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: N/A
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:

Tiering:
Was tiering applied? No. Not applicable.

JUSTICE CABINET
Department of State Police
(Proposed Amendment)

502 KAR 10:080. License suspension, revocation, denial.

RELATES TO: KRS 332.060
PURSUANT TO: KRS 15A.160, 332.100
NECESSITY AND FUNCTION: KRS 15A.160 and 332.100 provide that the Secretary of the Justice Cabinet in cooperation with the Commissioner, Department of State Police, may adopt such regulations necessary to carry out the provisions of KRS Chapter 332. This regulation establishes the department's policy regarding license suspensions, revocations or denials.

Section 1. In addition to the provisions of KRS 332.060, the secretary shall upon receipt of satisfactory evidence, suspend, revoke, refuse to issue or refuse to renew the license of a driver training school or a driver training instructor if:
(1) The licensee fails or refuses to comply with the provisions of KRS Chapter 332 or any rule or regulation adopted thereunder.
(2) The licensee has made a false material statement or has concealed a material fact in connection with his application.
(3) The licensee or any officer, director, partner, or other person directly interested in the driver training school held a license issued under KRS 332.030 which was revoked or suspended and not reinstated.
(4) The licensee has been guilty of a fraudulent practice in attempting to obtain for himself or another a license to operate a motor vehicle.
(5) Written notice of the cancellation of insurance required by KRS 332.030 is received by the commissioner and the licensee does not present satisfactory evidence of insurance to the commissioner prior to the effective date of

the cancellation.

(6) The licensee has failed to maintain adequate standards of instructions or safe and necessary equipment which is needed to give proper driver training instruction.

(7) The licensee is employing instructors or agents who have not been licensed by the department.

(8) The licensee has been convicted of a felony, or any crime involving violence, dishonesty, deceit, indecency, [or] immoral conduct, or sexual abuse.

(9) The licensee or any officer, director, partner or other person directly interested in the driver training school or any instructor licensed under the name of the school shall have in their possession a copy of the department's driver licensing examination questions or their equivalent, or attempts to obtain a copy of these test questions for the purpose of making them available to their students or any other person.

(10) The licensee has failed to provide or maintain premises, equipment, or conditions which are adequate, safe, and sanitary in accordance with these regulations. [Fraud is apparent in connection with licensee's operation or dealing with members of the public utilizing licensee's services.]

(11) The licensee or any officer, director, partner, instructor, agent, or other person actively involved in the driver training school is addicted to the use of alcohol, morphine, cocaine, or other mood-altering drug.

(12) The licensee or any officer, director, partner, instructor, agent, or other person actively involved in the driver training school has been legally adjudged mentally incompetent.

Section 2. Whenever a driver training instructor is convicted of driving an automobile while under the influence [of intoxicating liquor] or of leaving the scene of an accident, reckless homicide, two (2) moving hazardous violations within a two (2) year period, or driving when addicted to or while under the influence of narcotic drugs, his license shall be revoked.

NORMA C. MILLER, Secretary
MORGAN T. ELKINS, Commissioner
APPROVED BY AGENCY: March 12, 1986
FILED WITH LRC: March 13, 1986 at 1 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on April 21, 1986, at 9 a.m. in the Conference Room, Kentucky State Police, 919 Versailles Road, Frankfort, Kentucky. Anyone interested in attending this hearing shall notify in writing at least five days before the hearing, the following individual: Captain Charles Hargis, Kentucky State Police, Driver Testing, 919 Versailles Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Captain Charles Hargis
(1) Type and number of entities affected: N/A
(a) Direct and indirect costs or savings to those affected:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body: N/A
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: N/A
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:

Tiering:
Was tiering applied? No. Not applicable.

JUSTICE CABINET
Kentucky Law Enforcement Council
(Proposed Amendment)

503 KAR 1:070. Training: qualifications; application.

RELATES TO: KRS 15.330(1)(c)
PURSUANT TO: KRS 15A.160
NECESSITY AND FUNCTION: KRS 15.330(1)(c) authorizes the Kentucky Law Enforcement Council to prescribe qualifications for attendance at schools certified by the council to conduct those law enforcement training courses required by KRS 15.440 for police officers in order for them to gain or retain eligibility to participate in the Law Enforcement Foundation Program Fund. This regulation prescribes qualifications for attending law enforcement courses at certified schools and forms to be used and procedures to be followed in applying for admission to such courses.

Section 1. Admission Qualifications. A certified school, as allowed by law, shall have the authority to decide what persons are qualified to enroll in its courses. (But only a police officer, as defined in KRS 15.420(2), shall gain or retain eligibility to participate in the fund by completing a course at a certified or recognized school.)

Section 2. Application for Basic Training. (1) Each applicant for a basic training course at a school certified by the council must submit a completed KLEC Form 29, "Application for Basic Training," and a completed KLEC Form 30, "Medical Examination Form" to the school no less than thirty (30) days prior to the first day of the course. (These forms are available from the school - for example, the Department of Criminal Justice Training, 107 Stratton Building, Eastern Kentucky University, Richmond, Kentucky 40475.) Failure to submit the forms in the prescribed manner or within the prescribed time shall be justification for denying admission to the course. The director of the school or his

designee, if he deems it justified by unusual circumstances, may waive the thirty (30) day requirement [and admit an applicant on shorter notice].

(2) Medical examination form requirements. The KLEC Form 30, "Medical Examination Form," shall be completed no sooner than 120 days before the date on which the basic training course begins. The KLEC Form 30, "Medical Examination Form," shall contain the opinion of a licensed physician as to the applicant's ability to participate in the physical activities of basic training as described in the form. No applicant shall be admitted to a basic training course without a completed KLEC Form 30.

Section 3. Application for In-service Training. Each applicant for an in-service training course at a school certified by the council must submit a completed KLEC Form 28, "Application for In-service Training," to the school not less than thirty (30) days prior to the first day of the course. (This form is available from the school - for example, the Department of Criminal Justice Training, 107 Stratton Building, Eastern Kentucky University, Richmond, Kentucky 40475.) Failure to submit the form in the prescribed manner or within the prescribed time shall be justification for denying admission to the course. The director of the school or his designee, if he deems it justified by unusual circumstances, may waive the thirty (30) day requirement and admit an applicant on shorter notice.

Section 4. Falsification of Application. Knowing or willful falsification of an application to a council-approved course shall be justification for denying admission to the course.

NORMA C. MILLER, Secretary
A. JACK MAY, Director
APPROVED BY AGENCY: March 12, 1986
FILED WITH LRC: March 12, 1986 at 10 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on April 22, 1986 at 10 a.m. in Room 335, Stratton Building, Eastern Kentucky University. Those interested in attending this hearing shall contact: A. Jack May, Director, Administrative Division, Department of Criminal Justice Training, 107 Stratton Building, Eastern Kentucky University, Richmond, Kentucky 40475.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: A. Jack May
(1) Type and number of entities affected: Local law enforcement agencies, number unknown.
(a) Direct and indirect costs or savings to those affected:
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): None
(b) Reporting and paperwork requirements: Application for training plus medical examination form.
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings: None
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: None
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict: N/A
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A
(6) Any additional information or comments: Relates to applications for training.

Tiering:
Was tiering applied? No. Standards are general; same for all trainees.

JUSTICE CABINET
Kentucky Law Enforcement Council
(Proposed Amendment)

503 KAR 1:110. Basic training: graduation requirements; records.

RELATES TO: KRS 15.330(1)(e), 15.440(4)
PURSUANT TO: KRS 15A.160
NECESSITY AND FUNCTION: KRS 15.330(1)(e) authorizes the Kentucky Law Enforcement Council to approve law enforcement officers as having met the requirements for completion of law enforcement training. KRS 15.440(4) requires local units of government participating in the Law Enforcement Foundation Program Fund to require all police officers employed on or after July 1, 1972, to successfully complete at least 400 hours of basic training within one (1) year of the date of employment at a school certified or recognized by the council. This regulation prescribes requirements for graduation from a basic training course and for maintenance of basic training records.

Section 1. Basic Training Graduation Requirements. A trainee in a basic training course shall participate in a minimum of 400 hours of training. A trainee may have excused absences from the course with approval of the director of the certified school or his designee. An excused absence from the course which causes a trainee to miss any of the 400 hours of basic training shall be made up through an additional training assignment. To successfully complete a basic training course, a trainee must:
(1) Participate in a minimum of 400 hours of training.
(2) Attain a passing overall grade. Fifty (50) percent of the overall grade shall be the grade on the final examination; the other fifty (50) percent shall be the grade on all graded training areas covered during the course. A trainee may not take the final examination until he has passed all such graded training areas. A trainee who, after taking the final examination, does not have a passing overall grade must repeat the entire course.
(3) Succesfully complete all graded training

areas covered during the course. Only upon failure of an examination and a reexamination shall a trainee be considered to have failed a training area. Only one (1) reexamination in each graded area shall be permitted and it must be completed within thirty (30) days of the failure. A trainee who has failed a graded training area must arrange with the school to repeat, and must successfully complete, that training area during a later basic training course. A graded training area that is failed must be repeated and passed within 180 days of the initial failure. If the graded training area that is failed is physical training, or M.A.R.C. (the mechanics of arrest, restraint, and control), [or any other training area that is covered in more than two (2) of the weeks of the course,] the repeating of the training in that area is optional with the trainee's agency head, but in any event the trainee must pass an examination on the failed area consisting of a test and if necessary a retest within 180 days of the initial failure. In the event of extenuating circumstances beyond the control such as injury, illness or personal tragedy which prevents completion of a repeated graded area within 180 days, the fund administrator or his designee may grant an extension of time but not to exceed 180 days from the termination of the extenuating circumstances. If a trainee fails to successfully pass a repeated graded training area he must repeat the entire basic training course.

(4) Successfully complete all other assignments, exercises, and projects included in the course.

(5) If a trainee's employment as a police officer is terminated (resignation or dismissal) while enrolled and prior to completion of a basic training course and later becomes reemployed as a police officer, or if a trainee because of extenuating circumstances beyond his control (illness, personal injury or personal tragedy) is unable to complete a basic training course, he shall complete the unfinished and/or failed graded areas within one (1) year after a return to duty or reemployment as an officer, provided, however, the break in employment or duty may not exceed one (1) year.

Section 2. Maintenance of Records. A certified school shall, at the conclusion of each basic training course, complete in triplicate the KLEC Form 29, "Application for Basic Training," for each trainee who has attended the course. The forms shall be sent to the council. After verification by the council, one (1) copy of the form shall be sent to the fund administrator, one (1) copy shall be sent to the head of the trainee's agency, and one (1) copy shall be retained by the council for central training records purposes. All training records required for fund purposes shall be retained by the certified school and a copy shall be sent to the fund administrator. All such records shall be available to the council, the secretary, and the fund administrator for inspection or other appropriate purposes. All records shall be maintained in accordance with standards established by the State Archives and Records Commission (see KRS 171.410 to 171.740).

NORMA C. MILLER, Secretary
A. JACK MAY, Director

APPROVED BY AGENCY: March 12, 1986
FILED WITH LRC: March 12, 1986 at 10 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on April 22, 1986 at 10 a.m. in Room 335, Stratton Building, Eastern Kentucky University. Those interested in attending this hearing shall contact: A. Jack May, Director, Administrative Division, Department of Criminal Justice Training, 107 Stratton Building, Eastern Kentucky University, Richmond, Kentucky 40475.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: A. Jack May
(1) Type and number of entities affected: Local law enforcement agencies, number unknown.
(a) Direct and indirect costs or savings to those affected:
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): None
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: Minimal
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: None
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict: N/A
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A
(6) Any additional information or comments: Relates to basic training graduation requirements.

Tiering:
Was tiering applied? No. Standards are general; same for all trainees.

JUSTICE CABINET
Law Enforcement Foundation Program Fund
(Proposed Amendment)

503 KAR 5:090. Participation: requirements; application; withdrawal.

RELATES TO: KRS 15.440
PURSUANT TO: KRS 15.450(1)
NECESSITY AND FUNCTION: KRS 15.440 prescribes requirements to be met by a local unit of government in order to be eligible to receive salary supplement funds from the Law Enforcement Foundation Program Fund. This regulation expands on the statutory requirements for eligibility and establishes the procedure to be followed by a local unit in applying for admission to, or withdrawing from, the fund.

Section 1. Requirements for Participation in

the Fund. Eligibility to participate in the fund is limited to local units of government meeting the following requirements:

(1) Number of police officers employed. KRS 15.440(1) requires the local unit to employ one (1) or more police officers.

(2) Minimum salary of police officers. KRS 15.440(2) requires the local unit to pay every police officer a minimum annual salary of $4,350.

(3) Minimum education requirement.

(a) KRS 15.440(3) requires the local unit to require, as a minimum educational standard for the employment of police officers, a high school degree, or its equivalent as determined by the council. However, a police officer employed prior to July 1, 1972, does not have to meet this requirement - he is "grandfathered" into the fund.

(b) A copy of the high school diploma or of its equivalent (e.g., a General Education Diploma) shall be sent to the fund administrator, by the local unit, or the officer shall be deemed ineligible to receive a salary supplement [along with the initial notification that the officer has been employed].

(c) If a police officer who is "grandfathered" into the fund without having to meet the educational requirement of KRS 15.440(3) has his police service terminated (due to resignation, dismissal, etc.), and he remains separated from employment as a police officer for more than two (2) years, he must meet the educational requirement in order to become eligible to be reemployed as a police officer by a local unit which is participating in the fund.

(4) Basic training requirement.

(a) KRS 15.440(4) requires the local unit to require all police officers employed on or after July 1, 1972, to successfully complete a basic training course of at least 400 hours duration, within one (1) year of the date of employment, at a school certified or recognized by the council.

(b) A local unit that elects to participate in the fund shall require all police officers employed as of the date of the initial participation to meet the basic training requirement (or obtain credit for meeting it) within one (1) year of the date of initial participation. All officers employed thereafter shall meet the basic training requirement (or obtain credit for meeting it) within one (1) year of the date of employment. The local unit shall not be considered to be in violation of this paragraph if an officer's failure to meet the basic training requirement (or obtain credit for meeting it) within one (1) year is due to circumstances beyond his control, such as injury, illness, or personal tragedy; in this situation, the officer shall be required to meet the basic training requirement (or obtain credit for meeting it) within a reasonable time (not to exceed one (1) year from the termination of the extenuating circumstances), as determined by the fund administrator or his designee, or the local unit shall be in violation of this paragraph.

(c) A police officer who is employed before July 1, 1972, does not have to meet the basic training requirement (or obtain credit for meeting it) - he is "grandfathered" into the fund under KRS 15.440(4).

(d) Obtaining credit for basic training; [evaluation committee;] evaluation examination. A police officer who, as of his date of employment, has already successfully completed a law enforcement basic training course may, for the purpose of obtaining credit for some or all of the basic training requirement, apply to the fund administrator to take a basic training evaluation examination. (Forms and information are available from the Kentucky Law Enforcement Foundation Program Fund, 107 Stratton Building, Eastern Kentucky University, Richmond, Kentucky 40475.) Upon receipt of an evaluation examination request, the fund administrator or his designee shall [immediately refer the request to an evaluation committee consisting of the Dean of the Eastern Kentucky University College of Law Enforcement (representing the council), the director of the administrative division of the department, and the assistant director of the training division of the department; which committee shall meet as necessary to carry out its duties as created by this paragraph. This committee shall] verify that the officer has successfully completed a basic training course. The officer and his local unit shall be responsible for providing such proof as is needed for verification [by the committee]. Upon verification, the [committee shall have the] fund administrator or his designee shall notify the officer that he is eligible to take a basic training evaluation examination. The fund administrator or his designee [committee] shall administer and evaluate the examination. The examination shall test the officer in the areas required for successful completion of a council-approved basic training course. The fund administrator or his designee [committee] shall then decide what training, if any, the officer must successfully complete in order to meet the basic training requirement. An officer who passes less than fifty (50) percent of the examination areas shall obtain no basic training credit at all and shall be required to take and successfully complete a basic training course. An officer who passes at least fifty (50) percent of the examination areas shall obtain basic training credit for the areas which he passes. If the officer fails a graded area the officer shall take and successfully complete that portion of a basic training course that corresponds to the failed area. If the graded training area that is failed is physical training and/or M.A.R.C. (the mechanics of arrest, restraint, and control) the repeating of the training in that area is optional with the officer's agency head, but in any event the officer must pass an examination on that failed area consisting of a test and retest within one (1) year of employment. The [committee shall have the] fund administrator or his designee shall notify the officer of his [its] decision. If an officer is given credit for all or a part of a previously attended basic training course of less than 400 hours, the officer shall be required to make up the difference in hours by completing subject areas of a current basic training course, as determined by the fund administrator or his designee, that equal the hours deficient. The officer shall be responsible for arranging any required basic training at a council-approved school.

(e) If a police officer who is qualified to participate in the fund has his police service terminated (due to resignation, dismissal, etc.), and he remains separated from employment

as a police officer for more than two (2) years; he must, if reemployed as a police officer, meet the basic training requirement (or obtain credit for meeting it) before he shall be eligible to participate in the fund again. The two (2) year grace period also shall apply to an officer who has been "grandfathered" into the fund under KRS 15.440(4). This rule shall also be applicable to officers who are members of an agency which participates in the fund but which agency withdraws from or becomes ineligible to participate in the fund and later applies for reparticipation in the fund if the period of nonparticipation exceeds two (2) years. If an officer of an agency which withdraws from the fund maintains his/her in-service training on a current basis that officer shall be immediately eligible to reparticipate in the fund if his/her agency elects to reparticipate in the fund or if said officer transfers to and becomes employed by another agency that is a participant in the fund.

(5) In-service training requirement.

(a) KRS 15.440(5) requires the local unit to require all police officers, whether originally employed before or after July 1, 1972, to successfully complete each calendar year an in-service training course, appropriate to the officer's rank and responsibility and the size and location of his department, of at least forty (40) hours duration at a school certified or recognized by the council.

(b) A local unit that elects to participate in the fund shall require all police officers employed as of the date of initial participation, and all officers employed thereafter, to successfully complete the in-service training requirement each calendar year. The local unit shall not be considered to be in violation of this paragraph if an officer's failure to meet the in-service training requirement in a calendar year is due to circumstances beyond his control, such as injury, illness, or personal tragedy; in this situation, the officer shall be required to meet the in-service training requirement within a reasonable time (not to exceed one (1) year from the termination of the extenuating circumstances), as determined by the fund administrator or his designee, or the local unit shall be in violation of this paragraph. If an officer, under circumstances that are not extenuating, fails to successfully complete forty (40) hours of in-service training in a calendar year; the fund administrator or his designee shall notify the local unit that the officer must make up the in-service training for the year of delinquency within a reasonable time, as determined by the fund administrator or his designee, or else the local unit, if it continues to employ the officer full time, shall be in violation of this paragraph and shall lose its eligibility to participate in the fund. If an officer, under circumstances that are not extenuating, fails to successfully complete forty (40) hours of in-service training in a calendar year, he shall receive no salary supplement until he makes up the in-service training for the year of delinquency.

(c) The local unit shall provide at least five (5) days leave with pay, not chargeable against the officer's annual leave allotment, for each police officer attending in-service training.

(d) A police officer who meets the basic training requirement (or obtains credit for meeting it) shall be considered to have fulfilled the in-service training requirement for the calendar year in which the basic training is successfully completed (or the credit is obtained).

(e) If a police officer who is qualified to participate in the fund has his police service terminated (due to resignation, dismissal, etc.) before he meets his in-service training requirement for the calendar year, he shall still be eligible to participate in the fund for that part of the calendar year during which he was employed as a police officer.

(f) If a police officer who is qualified to participate in the fund has his police service terminated (due to resignation, dismissal, etc.), but is reemployed as a police officer, he shall regain eligibility to participate in the fund as soon as he meets the in-service training requirement for the year in which reemployed. If the remploying is not within two (2) years, he must meet the basic training requirement (or obtain credit for meeting it); see subsection (4)(e) of this section. This rule shall also be applicable to officers who are members of an agency which participates in the fund but which agency withdraws from or becomes ineligible to participate in the fund and later applies for reparticipation in the fund if the period of nonparticipation exceeds two (2) years.

(g) A police officer may not, for fund eligibility purposes, take the same in-service training course that he has successfully completed in a previous year for fund eligibility purposes unless at least three (3) years have passed since the earlier course was completed.

(6) Compliance with the law.

(a) KRS 15.440(6) requires the local unit to comply with all provisions of the law applicable to local police, including transmission of criminal information and statistics to the state as required by KRS 17.150.

(b) KRS 15.440(7) requires the local unit to comply with all reasonable rules and regulations, appropriate to the size and location of the local police department, issued by the cabinet to facilitate the administration of the fund.

(c) KRS 15.440(8) provides that a local unit's eligibility to participate in the fund shall continue only if the local police department actually begins and continues to comply with the requirements of KRS 15.440.

(7) Local ordinance requirement. To be eligible to participate in the fund, a local unit shall enact an ordinance or resolution requiring the local unit and police department to comply with KRS 15.410 to 15.510 and with these regulations. A certified copy of this local ordinance or resolution shall be submitted by the local unit to the fund administrator along with the application for participation in the fund.

Section 2. Application. A local unit desiring to apply for admission to the fund shall submit an application form to the fund administrator. (This form is available from the Kentucky Law Enforcement Foundation Program Fund, 107 Stratton Building, Eastern Kentucky University, Richmond, Kentucky 40475.)

Section 3. Withdrawal. To withdraw from the fund, a local unit shall send a written notice of withdrawal to the Fund administrator. The fund administrator or his designee shall acknowledge in writing the receipt of the withdrawal notice; the withdrawl shall be effective as of the date the withdrawal notice is received by the fund administrator. Upon withdrawal, a local unit shall be obligated to return all salary supplement funds received from the fund for which its police officers have not yet become qualified.

NORMA C. MILLER, Secretary
A. JACK MAY, Director
APPROVED BY AGENCY: March 12, 1986
FILED WITH LRC: March 12, 1986 at 10 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on April 22, 1986 at 10 a.m. in Room 335, Stratton Building, Eastern Kentucky University. Those interested in attending this hearing shall contact: A. Jack May, Director, Administrative Division, Department of Criminal Justice Training, 107 Stratton Building, Eastern Kentucky University, Richmond, Kentucky 40475.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: A. Jack May
(1) Type and number of entities affected: Local law enforcement agencies, number unknown.
(a) Direct and indirect costs or savings to those affected:
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): None
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings: None
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: None
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict: N/A
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A
(6) Any additional information or comments: Clarifies requirements for participation in pay supplement.

Tiering:
Was tiering applied? No. Standards are general; same for all trainees.

KENTUCKY TRANSPORTATION CABINET
Kentucky Airport Zoning Commission
(Proposed Amendment)

602 KAR 50:100. Marking and lighting obstruction standards.

RELATES TO: KRS 183.861 to 183.990
PURSUANT TO: KRS 183.861
NECESSITY AND FUNCTION: To describe the standards for the marking and lighting of obstructions as official policy of the Kentucky Airport Zoning Commission in order to provide the most effective means of indicating the presence of obstructions to pilots, in accordance with the commission's responsibility to promote the safety of air commerce.

Section 1. (1) The Advisory Circular No. 70/7460-1G [F], Obstruction Marking and Lighting, issued by the Federal Aviation Administration, is hereby adopted and incorporated by reference, except as otherwise provided in the regulations of the commission.
(2) The above mentioned material has been published by Federal Aviation Administration and may be obtained from the Administrator, Kentucky Airport Zoning Commission, Frankfort, Kentucky 40622.

Section 2. Every person who is issued a permit to alter or construct a structure is required to mark and light the structure in accordance with the applicable standards described in Section 1 of this regulation, unless the commission determines that the absence of such marking and lighting will not impair the safety of air navigation.

Section 3. The determination that the absence of marking and lighting of a structure will not impair the safety of air navigation shall not be made by the commission unless the applicant for a permit to alter or construct a structure requests such a determination at the time of filing of an application. Otherwise, the marking and lighting standards described in Section 1 of this regulation shall be mandatory.

Section 4. Any structure that exceeds 200 feet above ground level is to be obstruction marked and lighted in accordance with the advisory circular listed under Section 1 of this regulation, unless the commission determines the absence of such marking and/or lighting will not impair the safety of air navigation.

Section 5. Any holder of a commission variance permit that requires obstruction marking and lighting, as a condition for the approval of the application, may request a change in the obstruction marking and lighting requirements in order to maintain or improve the existing obstruction marking and lighting system based upon technological advances. Said request shall be in writing and approved by the commission prior to any changes or alterations being made to the previously approved obstruction marking and lighting system.

Section 6. In the event that an existing, standing facility is abandoned, the permit holder shall continue to maintain obstruction marking and lighting (if required by the

commission) unless the facility is otherwise physically removed.

STEPHEN REEDER, Chairman
C. LESLIE DAWSON, Secretary/Commissioner
APPROVED BY AGENCY: February 3, 1986
FILED WITH LRC: February 19, 1986 at 4 p.m.
PUBLIC HEARING SCHEDULED: A public comment hearing will be held on this proposed administrative regulation on April 22, 1986 at 1:30 p.m., local prevailing time, in the fourth floor hearing room of the State Office Building. The State Office Building is located on the corner of High and Clinton Streets in Frankfort, Kentucky. Any person who intends to attend this hearing must in writing by April 17, 1986 so notify: Sandra G. Pullen, Transportation Cabinet, State Office Building, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Ed Martin
(1) Type and number of entities affected: No change.
(a) Direct and indirect costs or savings to those affected: No change.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: No change.
(2) Effects on the promulgating administrative body: None
(a) Direct and indirect costs or savings: No change.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: No change.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: Not applicable.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:

Tiering:
Was tiering applied? No. Tiering not applicable for regulation change.

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Research and Planning
(Proposed Amendment)

701 KAR 7:010. Educational innovation incentive grants.

RELATES TO: KRS 158.805
PURSUANT TO: KRS 156.070, 158.805
NECESSITY AND FUNCTION: KRS 158.805 creates the Educational Innovation Incentive Fund to encourage the development of innovative programs to meet the educational needs of the citizens of the Commonwealth of Kentucky, and to provide grants from the State Board of Education to teachers and school districts for specified purposes. The statute gives the State Board of Education the responsibility for developing criteria and funding guidelines for awards of grants from the fund. This regulation establishes the criteria for awarding of such grants and applicable funding guidelines.

Section 1. The State Board of Education shall provide Educational Innovation Incentive Fund grants to individual teachers or groups of teachers, individual schools, school districts or groups of school districts. The Educational Innovation Incentive Fund Advisory Committee shall review proposals for grants and make recommendations to the board relating to the merits of each proposal.

Section 2. (1) The State Board of Education shall award grants to eligible recipients as defined in Section 1 of this regulation for the purposes enumerated in KRS 158.805 (1)(a)-(d).
(2) Each local board of education shall ensure that all instructional personnel are made aware of the criteria for awarding of grants and the applicable funding guidelines.

Section 3. The State Board of Education shall award Educational Innovation Incentive Fund grants in accordance with the funding restrictions established in KRS 158.805(4) and the following:
(1) Teacher grants may be awarded annually up to $5,000 each, and school grants may be so awarded up to $20,000.
(2) Within a given school district, the teacher and school grants may not exceed fifteen (15) percent of the total incentive fund appropriation for each fiscal year. The total of all teacher and school grants for any one (1) district shall not exceed $375,000 based on a $2.5 million annual appropriation.
(3) In addition to the teacher and school grants, each school district shall be eligible to receive one (1) district grant up to $100,000 annually.
(4) Multi-district grants may be awarded up to $125,000 each annually. A district shall be eligible to participate in one (1) multi-district grant annually.
(5) Priorities [Priority areas] for funding, not to exceed two (2) years, for experimental and model programs shall be those district, school, and teacher applications which set forth programs designed to instill in students a valuing of education or to develop student motivation for learning at all school levels [established by the state board each year at its March meeting and incorporated in this regulation].
(6) Equipment may be approved for purchase at the discretion of the state board. The cost of equipment purchased by an grantee shall not exceed twenty (20) percent of the total amount of money awarded for each proposal and shall be matched by local funds on a dollar-for-dollar basis. Renovation and construction costs shall not be eligible for approval.
(7) The Educational Innovation Incentive Fund shall be targeted for programs and activities

that are not currently funded by other appropriations or grants.

(8) Administrative costs allowable for each funded proposal shall not exceed ten (10) percent of the total amount of the grant.

(9) Grant awards shall not supplant funds from any other source.

(10) Districts receiving grants from the Educational Innovation Incentive Fund shall be required to indicate whether they intend to continue successful programs within the district.

(11) In the event that all the funds appropriated for FY 87 are not awarded hereunder, the state board shall consider the Educational Innovation Incentive Fund Advisory Committee's recommendations regarding the funding of additional quality proposals in a second review, regardless of a district's receipt of other grants from the fund but subject to the minimum percentage of available funds restrictions for loans to teachers and individual schools set forth in KRS 158.805(5).

ALICE McDONALD, Superintendent

APPROVED BY AGENCY: March 5, 1986

FILED WITH LRC: March 12, 1986 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on April 21, 1986, at 10 a.m. Eastern Standard Time, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, to review the regulations adopted by the State Board of Education at its March meeting. Those persons wishing to attend and testify shall contact in writing: Laurel True, Secretary, State Board of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before April 16, 1986. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Rebecca Brown

(1) Type and number of entities affected: All public school districts are eligible to participate.

(a) Direct and indirect costs or savings to those affected:

1. First year: N/A

2. Continuing costs or savings: N/A

3. Additional factors increasing or decreasing costs (note any effects upon competition): N/A

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: N/A

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: None

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

Tiering:

Was tiering applied? No. Tiering was not applied because of the need for uniformity.

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Local Services
(Proposed Amendment)

702 KAR 5:060. Buses; specifications and purchases.

RELATES TO: KRS 156.152, 156.153, 156.154, 156.160

PURSUANT TO: KRS 156.070, 156.160

NECESSITY AND FUNCTION: KRS 156.152 to 156.154 set forth methods and procedures for cooperative, centralized purchasing of school buses by local boards of education through contracts established through the Department of Education and the Finance Cabinet; and KRS 156.160 requires the State Board of Education to adopt regulations pertaining to the safety and transportation of school children. This regulation implements that system and establishes procedures for the cooperative purchase of school buses by Kentucky's school districts, and it further prescribes vehicles designed for more than ten (10) passengers which can be used to transport school children.

Section 1. The Division of Pupil Transportation, Department of Education, shall prepare Kentucky minimum specifications for school buses for approval by the State Board of Education and shall keep said specifications up-to-date by revision whenever experience, model changes, manufacturing techniques, and product improvement indicate that revision and updating is necessary.

Section 2. The State Board of Education shall approve appropriate Kentucky Minimum Specifications for School Buses, Revised, as a separate document and as warranted. Copies of this document containing the detailed specifications for the separate parts of new school buses and the specifications that pertain to used school buses shall be kept on file in the Division of Pupil Transportation, Department of Education. This document shall be made available in reasonable numbers to those persons or firms that have need for same.

Section 3. All manufacturers, their agents or representatives that propose to sell new school bus chassis, school bus bodies, and complete school buses to be used in the Commonwealth of Kentucky for the transportation of pupils to and from school and for related uses shall file detailed specifications, test results, certifications, and advertising brochures on these chassis, bodies, and complete buses with the Division of Pupil Transportation, Department of Education, Frankfort, Kentucky. These shall be filed at least annually at a time and in the manner prescribed. Said manufacturers, their agents or representatives shall keep these files up-to-date following model changes or modifications made between filing dates.

Section 4. Any new school bus chassis, new school bus body, or complete new school bus

purchased by any district board of education, individual, company or corporation for use in transporting pupils to and from school and for related purposes shall meet the Kentucky Minimum Specifications for School Buses; Revised, that were in effect on the date of manufacture. Same shall not be used for the above stated purposes until it shall have been approved by the Division of Pupil Transportation as meeting these requirements.

Section 5. Any used school bus chassis, used school bus body, or complete used school bus purchased by any district board of education, individual, company or corporation for use in transporting pupils to and from school and for related uses shall not be used for said purposes until it shall have been approved by the Division of Pupil Transportation as meeting the Kentucky Minimum Specifications for School Buses in effect on the date of its original purchase, and as meeting the used school bus mandatory safety equipment requirements in effect on the date same was purchased in used condition.

Section 6. (1) No vehicle which was designed by the manufacturer to carry more than ten (10) passengers in addition to the driver shall be used to transport children to or from school or events related to such schools that does not meet Kentucky Minimum Specifications for School Buses; Revised, that were in effect on the date of manufacture, or does not meet Federal Motor Vehicle Safety Standards applicable to manufacturers of school buses, except as provided in subsection (2) of this section.

(2) School districts may, in their reasonable discretion and with due regard to the safety and required supervision of the school children to be transported, utilize appropriately certificated common carriers, in regular or charter service, to transport school children to or from school-related events, as long as the vehicles so utilized are not significantly used as school buses. Such use of common carrier service, in lieu of qualifying school buses, shall be on a case-by-case basis, and the reasons believed by the board to justify such shall be cited in the board minutes.

ALICE McDONALD, Superintendent
APPROVED BY AGENCY: March 5, 1986
FILED WITH LRC: March 12, 1986 at 11 a.m.
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REGULATORY IMPACT ANALYSIS

Agency Contact Person: Wendell Bruce
(1) Type and number of entities affected: Local school districts
(a) Direct and indirect costs or savings to those affected: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body: None
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected:
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:

Tiering:
Was tiering applied? No. For the interest of safety and comfort of transported school children.

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Instruction
(Proposed Amendment)

704 KAR 3:035. Annual in-service plan.

RELATES TO: KRS 156.095, 157.390, 158.070
PURSUANT TO: KRS 156.095, 157.390, 158.070
NECESSITY AND FUNCTION: KRS 156.095 authorizes the Department of Education to establish, direct, and maintain a state-wide program of in-service teacher training, with relevant purposes of such a program being the improvement of the leadership qualities and professional competence of principals and supervisors and for such other services designated by the State Board of Education for the improvement of instruction. KRS 157.390(2)(a) allows the state board to approve the use of extended employment days; and KRS 158.070 requires the state board to adopt regulations setting forth guidelines and procedures to be followed for the approval of the four (4) days of the minimum school term which are mandated to be utilized by each local school district for in-service activities for the professional staff. This regulation implements these duties and powers by interpreting what in-service education consists of and by requiring each local district to have approved annually a master in-service education plan by which it is to be guided in providing suitable in-service training programs and in requiring all instructional leaders to participate in the state-wide training program implemented under KRS 156.101.

Section 1. In-service education shall mean any training of school personnel to prepare them to satisfy a need of the school system. The data, skills, and concepts comprising the substance of

the training programs are determined by deficiencies in the instructional, administrative and support services of the school system.

Section 2. Each local district board of education shall annually, by July 15, submit to the State Department of Education for approval a master in-service education plan. The plan shall include the following components:

(1) Name of local school district;

(2) Name of in-service education director [coordinator];

(3) Names of local school district's in-service education committee, which shall be a representative body of all areas or levels of educational personnel within the local school district;

(4) Description of needs assessment, including a brief description of procedures implemented to determine how the district's in-service education needs were assessed;

(5) Statement of district's instructional improvement goal(s), which shall be based on identified needs and which shall include but shall not be limited to the completion of the requisite training hours by all instructional leaders, as defined by KRS 156.101, regardless of the date of initial certification of such instructional leaders. Such training hours for instructional leaders may be completed as a part of the state-wide program for such, either during the regular school term or as an approved use of extended employment;

(6) Statement of district's in-service education objectives, which shall provide direction for education personnel in the attainment of the district's instructional improvement goal(s) and shall include but shall not be limited to the completion of the above-defined requisite training hours for all instructional leaders;

(7) Description of recordkeeping system and procedures, including an indication of the participation of educational personnel in in-service education activities; and

(8) Description of evaluation, including:

(a) A summary of how in-service education programs implemented and operated by individual local school districts will be evaluated; and

(b) A summary of how the implementation of the master in-service education plan will be evaluated.

Section 3. (1) The master in-service plan shall address any local district instructional improvement or training needs that are in accordance with 704 KAR 3:005.

(2) In-service activities shall be related to teachers' instructional assignments and administrators' professional responsibilities. Activities must support the local school district's instructional improvement goal(s) and objectives identified in the master in-service plan.

(3) Activities for in-service credit of classroom teachers shall not supplant any of the six (6) hour instructional day on days when children are in attendance.

(4) In-service education activities shall not occur on snow days. Districts may, however, report flexible in-service on snow days. This situation involves a calendar change only; it does not result in activities on snow days.

(5) In-service credit shall not be awarded for college graduate courses that lead to a change in rank or certification status. Exceptions may be made for university courses that are clearly supportive of the participating district's master in-service plan.

(6) In-service credit shall not be awarded for those activities that provide remuneration for time served.

(7) Districts implementing a flexible in-service schedule shall award in-service credit for any given academic school year within the date limitations of the master in-service plan.

(8) Sick leave may not be applied to in-service days scheduled in a flexible format. For those districts electing to use flexible in-service, the school board shall promulgate appropriate policy regulating such use.

(9) Approvable in-service activities are those which address instructional improvement for the school district, an individual school or a group of teachers. Activities which are not approvable for in-service credit include, but are not limited to, the following: organizational business meetings, compiling class rosters, scheduling, counting textbooks, writing lesson plans, housekeeping duties, faculty meetings, extracurricular activities; PTA/PTO meetings, sporting events, and field trips, etc.

Section 4. (1) Each local board of education shall appoint a certified school employee to fulfill the role and responsibilities of an in-service education director.

(2) The in-service education director shall be appointed by the local board of education upon the recommendation of the local superintendent of schools.

(3) The minimum qualifications for the appointment shall be a valid Kentucky certificate as a principal or supervisor.

(4) The duties of the in-service education director are as follows:

(a) Conducts needs assessments for in-service education and establishes goals and objectives for training programs and projects.

(b) Completes Master In-service Education Plan for inclusion in the Master Educational Improvement Plan.

(c) Serves as chairperson of district's Master In-service Education Committee.

(d) Plans, organizes/implements in-service projects and training.

(e) Meets regularly with administrators/teachers to establish future goals, identify specific training needs of the district's personnel.

(f) Coordinates the establishment of procedures, timetables, preparation of necessary forms and letters, selection of school coordinators, assignment of workshop sites and all other practical elements of in-service training.

(g) Maintains all in-service education records, documentations, and other pertinent records.

(h) Conducts evaluation of all in-service training programs in the district in a manner which determines their effectiveness in improving teaching and management.

(i) Interprets the in-service programs' objectives, results, and needs to district staff, the board, civic and parent groups,

teacher training institutions and/or others.
(j) Prepares for approval and monitors the in-service program budget.
(k) Keeps updated on current in-service education trends.
(l) Maintains continuous liaison with Kentucky Department of Education and other agencies involved with the district in the provision of in-service education activities.

Section 5. [4.] When implementing in-service education programs under KRS 158.070, each local school district shall adhere to its approved master in-service education plan as developed with technical assistance provided from the Department of Education.

ALICE McDONALD, Superintendent
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REGULATORY IMPACT ANALYSIS

Agency Contact Person: Tom Vest/Steve Henderson
(1) Type and number of entities affected: All school districts with the exception of Jefferson County.
(a) Direct and indirect costs or savings to those affected:
1. First year: No additional cost or savings.
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: No additional reporting or paperwork requirements.
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: No additional cost or savings.
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: No additional reporting or paperwork requirements.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected:
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:

Tiering:
Was tiering applied? No. Requirements are uniform for all districts.

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Instruction
(Proposed Amendment)

704 KAR 3:292. Chapter 1, ECIA Migrant Plan.

RELATES TO: KRS 156.010, 156.035, 156.070
PURSUANT TO: KRS 156.035, 156.070
NECESSITY AND FUNCTION: In accordance with Section 435 of the General Education Provisions Act and Section 564 of the Education Consolidation and Improvement Act of 1981, the Department of Education, when applying to the U.S. Department of Education for participation in programs for migratory children under Chapter 1 of the Education Consolidation and Improvement Act of 1981, must submit an approvable plan and satisfactory assurances that all requirements of the law will be met. This regulation, through adoption of the migrant plan developed by the Department of Education, implements the State Board of Education's duties to implement acts of Congress appropriating and apportioning funds to the state and to provide for the proper apportionment and disbursement of migratory children funds.

Section 1. The Chapter 1, ECIA Migrant Education Annual Program Plan for fiscal year ending September 30, 1987 [1986], such to become effective July 1, 1986 [1985], is presented herewith for filing with the Legislative Research Commission, and incorporated by reference. Copies of this plan may be obtained from the Division of Compensatory Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

Section 2. The Chapter 1, ECIA Migrant Plan for Fiscal Year 1986 [1985], ending September 30, 1986 [1985], which is filed herewith and incorporated by reference, shall remain in effect for all funds until July 1, 1986 [1985], and between July 1 and September 30, 1986 [1985], for all funds obligated or encumbered by June 30, 1986 [1985].

Section 3. Local educational agency program applications must be authorized by the local board of education prior to submission to the Kentucky Department of Education.

ALICE McDONALD, Superintendent
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REGULATORY IMPACT ANALYSIS

Agency Contact Person: Joanne Brooks
(1) Type and number of entities affected:

(a) Direct and indirect costs or savings to those affected:
1. First year: LEAs may claim indirect costs as per indirect costs formula approved by Kentucky Department of Education.
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): None
(b) Reporting and paperwork requirements: LEAs must file monthly financial reports.
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: SEA files annual financial report to U.S.D.E.
(3) Assessment of anticipated effect on state and local revenues: SEA will generate approximately $23.022 for administration. The affected LEAs will generate approximately 2.30 million dollars.
(4) Assessment of alternative methods; reasons why alternatives were rejected: There are no allowable alternatives.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:
(a) Necessity of proposed regulation if in conflict: None
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: None
(6) Any additional information or comments: None

Tiering:
Was tiering applied? No. Tiering not possible under federal law providing these funds.

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Instruction
(Proposed Amendment)

704 KAR 3:345. Evaluation guidelines.

RELATES TO: KRS 156.101
PURSUANT TO: KRS 156.070, 156.101
NECESSITY AND FUNCTION: KRS 156.101 requires the State Board of Education to establish a statewide program for evaluation of certified school employees, including [the] superintendents, and to develop [adopt] guidelines [developed by the Department of Education] for implementing the program and establishing the framework within which each local school district is to develop its own specific evaluation policies. This regulation establishes the requirements for the evaluation programs and policies of local school districts.

Section 1. Definitions. (1) Teacher - for the purpose of this regulation, any certified staff person who directly instructs students.
(2) Administrator - for the purpose of this regulation, any certified staff person other than the classroom teacher.
(3) Evaluation - the process of assessing or determining the effectiveness of the performance of the certified employee in a given teaching/learning or leadership/management situation, based on predetermined criteria, through observation and other means of gathering information.
(4) Formative evaluation - a continuous cycle of collecting evaluation information through observation and other means, and interacting or providing feedback and suggestions regarding the certified employee's teaching or administrative performance. The formative evaluation phase may also include the establishment of an improvement plan mutually agreed upon by the evaluator and the evaluated certified employee.
(5) Summative evaluation - the summary of the results of the formative evaluation phase occurring at the end of an evaluation cycle. Summative evaluation includes a conference involving the evaluator and the evaluated certified employee, and a written evaluation report.
(6) Observation - the process of gathering information, based on predetermined criteria, to determine the effectiveness of the teacher by observing in the classroom the behaviors of the teacher and the reactions of the students to the teaching process, as well as the physical set of the classroom.
(7) Conference - a meeting involving the evaluator and the certified employee evaluated for the purpose of providing feedback from the evaluator, analyzing the results of the observation(s) or other information to determine strengths and weaknesses, to develop a plan for improvement and follow-up.
(8) Performance criteria - predetermined performance areas or skills on which the certified employee will be evaluated.
(9) Indicators - observable level of attainment of a performance criterion.
(10) Standards of performance - acceptable qualitative and/or quantitative level of performance expected of effective teachers/administrators.
(11) Position - term used to signify a professional role in the school district (e.g., teacher, secondary principal, supervisor of instruction).
(12) Job category - term used to signify a group or class of positions with closely related functions (e.g., principal, coordinator, director, etc.).

Section 2. [By July 1, 1985,] Each local school district shall have [submit] an evaluation plan and procedures approved by the State Board of Education [to the Department of Education for approval. The Superintendent of Public Instruction may extend the deadline to August 1, 1985, for local districts to submit the evaluation plan and procedures when documenting and compelling extenuating circumstances merit such extensions]. Approval of the plan and procedures shall be for the purpose of certification as to the compliance of each specific school district's evaluation plan with the broad guidelines set forth herein.

Section 3. The local school district shall have a written policy for the evaluation of all certified employees. The policy shall include a statement that the purposes of the evaluation system are to improve instruction, provide a measure of performance accountability to citizens and to provide encouragement and

incentives for certified employees to improve their performances, as well as to support individual personnel decisions. The policy shall also contain [a] procedures for appeal of individual evaluations in accordance with KRS 156.101(11). The local appeals panel mandated therein shall be in place by June 1, 1986. Its jurisdiction shall include but not be limited to evaluations upon which the determination of eligibility for the $300 payment to be given in the 1987-88 school year is based. [that provides all certified school personnel an opportunity for a review of their evaluation.]

Section 4. All employees required to hold a valid certificate, issued by the Kentucky Department of Education, in order to perform their functions are to be evaluated as follows:

(1) The initial evaluation process shall be completed for all administrators, including the superintendent, and non-tenured teachers, under an approved plan by the end of the 1985-86 school year.

(2) The initial evaluation process shall be completed for all tenured teachers under an approved plan by the end of the 1986-87 school year.

(3) In any local school district with an established evaluation plan in full operation during the 1984-85 school year which provides for a three (3) year evaluation cycle for tenured teachers, any evaluations of tenured teachers during the 1984-85 school year may be considered the initial evaluation of those tenured teachers as required by subsection (2) of this section, provided that such evaluation plan and procedures are approved by the Department of Education pursuant to the provisions of this regulation.

Section 5. (1) An ad hoc committee consisting of equal numbers of teachers and administrators shall develop evaluation procedures and forms.

(2) The procedures shall provide for both formative evaluation and summative evaluation and shall include, but not be limited to, the following elements:

(a) The immediate supervisor of the certified school employee shall be designated the primary evaluator. Additional administrative personnel may be used in addition to the primary evaluator.

(b) All monitoring or observations of performance of a certified employee shall be conducted openly and with the full knowledge of the teacher or administrator. The local district may determine the length and frequency and nature of observations conducted by an evaluator.

(c) The evaluation system shall include a plan whereby the person evaluated is given assistance for becoming more proficient as a teacher or administrator.

(d) Evaluation shall include a minimum of one (1) conference between the evaluator and the person evaluated. However, additional conferences after observations are recommended.

(e) Evaluation with multiple observations shall occur annually for each non-tenured certified employee.

(f) Multiple observations shall be conducted with certified employees whose initial observation results are unsatisfactory.

(g) Evaluation shall occur, at a minimum, once every three (3) year period for each tenured teacher. The local district may evaluate tenured teachers with greater frequency than the minimum.

(h) Evaluation shall occur annually for administrators, except for superintendents who shall be evaluated not less than every two (2) years.

(i) All evaluations shall be in writing on an evaluation form.

(j) All observations shall include documentation of information to be used in determining the performance of the person evaluated.

(k) The evaluation system shall provide personnel an opportunity for a written response by the certified employee evaluated.

(l) A copy of the evaluation shall be provided to the person evaluated.

Section 6. (1) The evaluation procedures and forms shall be designed to support individual personnel decisions.

(2) The evaluation forms shall include, but not limited to, a list of performance criteria characteristic of effective teaching or administrative practices. The performance criteria shall include, but not limited to the following:

(a) Performs professional responsibilities and duties as outlined in the job description including regular attendance and punctuality;

(b) Demonstrates effective classroom and/or staff management skills;

(c) Uses instructional strategies and processes effectively;

(d) Demonstrates effective interpersonal and communication skills with peers, subordinates, students and/or parents;

(e) Demonstrates knowledge of subject matter and/or administrative techniques;

(f) Plans and evaluates instructional and/or administrative activities. Under each criterion, specific indicators that can be observed and recorded shall be listed. In addition, standards of performance shall be established for each criterion.

(3) All certified school personnel shall be made aware of the criteria on which they are to be evaluated at the beginning of the evaluation period.

(4) Evaluation forms or instruments shall be specific for each position or job category. Other forms for observation and pre- and post-conferences may be used at the discretion of the local district. The Florida Performance Measurement System adopted for use in the Beginning Teacher Internship Program may be used as an observation instrument in this program, but shall not be the sole basis of the summative evaluation of experienced personnel. All certified personnel shall be made aware of the observation instrument(s) to be used prior to the observation.

Section 7. (1) All evaluators shall be trained, tested, and certified.

(2) [Such] Training shall:

(a) Include skill development in the use of the local evaluation process and instrument. Each local district shall conduct this training; [Be appropriate and specific to the local district system implemented pursuant to KRS 156.101(6) and the proper techniques for effectively evaluating certified personnel; and]

(b) Include skill development in the identification of effective teaching/management

practices, effective observation and conferencing techniques, establishing and assisting with certified employee improvement plans, and summative evaluation techniques. This training shall be conducted by persons who have been approved by the State Board of Education as trainers for the Instructional Leadership Improvement Program; [Be conducted by persons who have received training in evaluation methods and/or have conducted training in evaluation methods.]

(c) Be provided by the State Board of Education for all new administrators who are designated as evaluators. Other administrators who have not received training in the skill areas listed in paragraph (b) of this subsection may participate also; and [Be approved as a part of the evaluation plan and procedures submitted to the State Department of Education.]

(d) Be approved as a part of the evaluation plan and procedures submitted to the State Board of Education.

(3) Testing shall: [Each local district shall designate a person responsible for evaluation training and as the contact person for the evaluation plan submitted by the local district.]

(a) Include a cognitive test of research-based and professionally accepted teaching/management practices and effective evaluation techniques listed in subsection (2)(b) of this section; and

(b) Be conducted by the State Board of Education or agencies approved by the State Department of Education.

(4) Initial certification as an evaluator shall be issued by the State Board of Education upon completion of the required evaluation training program and successful completion of testing. Principals who receive certification through the Beginning Teacher Internship Program shall not be required to receive additional training or testing on research-based effective teaching practices and observation techniques.

(5) All principals who have received a passing score on the cognitive test required by the Beginning Teacher Internship Program prior to July 1, 1986 shall be eligible for initial certification.

(6) Continued certification as an evaluator shall be contingent upon the completion of a minimum twelve (12) hours of evaluation training every two (2) years beginning July 1, 1986. This training shall be in any one, or a combination, of the following skill areas: Use of the local evaluation process and instrument; identification of effective teaching/management practices; effective observation and conferencing techniques; establishing and assisting with certified employee improvement plans; or summative evaluation techniques.

(a) Hours of training received in the use of the local evaluation process and instruments shall be certified by the local board of education and be subject to review by the State Department of Education.

(b) Hours of training received in the other skill areas may compose part of the evaluator's required hours for the Instructional Leader Improvement Program.

(7) Each local district shall designate a person responsible for evaluation training as the contact person for the evaluation plan submitted by the local district.

Section 8. The local board of education [evaluation plan] shall appoint an ad hoc committee consisting of teachers and administrators to [be reviewed] annually review the evaluation plan to ensure compliance with KRS 156.101 and these regulations. [that the evaluation system is serving the purposes for which it was established.] This ad hoc committee may include representation of the lay public as non-voting (advisory) members. Revisions are to be approved by the State Board [Department] of Education.

Section 9. (1) Any certified employee who feels that the local district is not implementing the evaluation plan according to the way it was approved by the State Board of Education shall have the opportunity to appeal to the State Board of Education.

(2) The appeal procedures shall be as follows:

(a) The State Board of Education shall appoint a committee of three (3) board members to serve on the State Evaluation Appeals Panel. Said panel shall have no jurisdiction relative to complaints involving the professional judgmental conclusions of evaluations.

(b) The certified employee must submit a written request to the Superintendent of Public Instruction for a hearing before the State Evaluation Appeals Panel. A specific description of the complaint and grounds for appeal must be submitted with this request.

(c) The State Evaluation Appeals Panel, or the Department of Education at its direction shall review the complaint and investigate to determine if a hearing should be granted.

(d) If a hearing is granted, all involved parties shall have an opportunity to speak before the appeals panel.

(e) A decision of the appeals panel shall be rendered within fifteen (15) working days after a hearing.

Section 10. Each classroom teacher and librarian employed during the 1987-88 school year who has a summative evaluation report which is not unsatisfactory overall shall be paid the sum of $300.

(1) "Unsatisfactory" is the lowest rating that any teacher or librarian can receive, regardless of what it is called on each specific evaluation instrument.

(2) The ad hoc evaluation committee appointed by the local board of education shall determine the specific local procedures regarding the eligibility for the $300 payment and submit the implementation plan to the State Department of Education for approval by the state board by July 1, 1986.

(3) Eligibility for the $300 payment shall be based on the summative evaluation of classroom teachers and librarians during the 1987-88 school year, or during either of the two (2) previous school years if no evaluation is due during 1987-88. Only one (1) $300 payment will be awarded for each eligible person during this three (3) year period, and said payment shall be made during the 1987-88 school year.

ALICE McDONALD, Superintendent
APPROVED BY AGENCY: March 5, 1986
FILED WITH LRC: March 12, 1986 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on April 21, 1986, at 10 a.m. Eastern Standard Time, in the State Board Room,

First Floor, Capital Plaza Tower, Frankfort, to review the regulations adopted by the State Board of Education at its March meeting. Those persons wishing to attend and testify shall contact in writing: Laurel True, Secretary, State Board of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before April 16, 1986. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Rita Lindsey/Steve Henderson
(1) Type and number of entities affected: 180 local school districts.
(a) Direct and indirect costs or savings to those affected: No costs or savings to the local districts.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: One additional implementation plan concerning the local procedure for determining eligibility for the $300 payment.
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: $1,000,000 provided by the General Assembly.
2. Continuing costs or savings: 2nd year - $1,000,000 provided by the General Assembly.
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: There will be additional paperwork and reporting requirements in order to comply with the new education mandate specified in House Bill 6. These are centered around the mandate to train, test and certify all evaluators and the annual monitoring of the evaluation plan in all local school districts.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected:
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:

Tiering:
Was tiering applied? No. Requirements are uniform for all districts.

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Instruction
(Proposed Amendment)

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

RELATES TO: KRS 161.020, 161.025, 161.030
PURSUANT TO: KRS 156.070, 161.030

NECESSITY AND FUNCTION: KRS 161.020 prohibits any person from holding the position of superintendent, principal, teacher, supervisor, director of pupil personnel, or other public school position for which certificates may be issued unless he holds a certificate of legal qualifications for the particular position; KRS 161.025 gives the Kentucky Council on Teacher Education and Certification the duty to develop and recommend policies and standards relating to teacher preparation and certification; and KRS 161.030 rests the certification of teachers and other school personnel and the approval of teacher-preparatory colleges and universities and their curricula with the State Board of Education. This regulation establishes the standards and procedures which are to be used for the approval of the various teacher preparation programs offered by the colleges and universities, and where applicable, these curriculum standards are consistent with the Program of Studies as incorporated in 704 KAR 3:304.

Section 1. Pursuant to the statutory authority placed upon the Superintendent of Public Instruction, the State Board of Education, and the Kentucky Council on Teacher Education and Certification under KRS Chapter 161, there is hereby devised, created, and incorporated by reference the Kentucky Standards for the Preparation-Certification of Professional School Personnel, which shall include the standards and procedures for the approval of college and university curricula for the preparation programs.

Section 2. The Kentucky Standards for the Preparation-Certification of Professional School Personnel are hereby amended, and the amended document is hereby incorporated by reference and identified as the Kentucky Standards for the Preparation-Certification of Professional School Personnel, revised March, 1986 [December, 1985]. A copy of this document can be obtained from the Office of Instruction, Department of Education, Capital Plaza Tower, Frankfort, Kentucky.

ALICE McDONALD, Superintendent
APPROVED BY AGENCY: March 5, 1986
FILED WITH LRC: March 12, 1986 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on April 21, 1986, at 10 a.m. Eastern Standard Time, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, to review the regulations adopted by the State Board of Education at its March meeting. Those persons wishing to attend and testify shall contact in writing: Laurel True, Secretary, State Board of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before April 16, 1986. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: James Fouche
(1) Type and number of entities affected: The teacher education institutions offering the programs of preparation for teachers of exceptional children; persons preparing to become teachers of exceptional children.
(a) Direct and indirect costs or savings to

those affected: No appreciable effect.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: Teacher education institutions must redesign curricula for preparing teachers of exceptional children and submit the proposals to the Superintendent of Public Instruction for review and approval by the State Board of Education.
(2) Effects on the promulgating administrative body: No appreciable effect - this is part of the regular workload of the Department of Education.
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: Department of Education staff must review curriculum proposals from the teacher education institutions and recommend action to the Superintendent of Public Instruction and to the State Board of Education.
(3) Assessment of anticipated effect on state and local revenues: No effect.
(4) Assessment of alternative methods; reasons why alternatives were rejected: Not applicable.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:

Tiering:
Was tiering applied? No. Utlimately applies to individual teacher candidates who must satisfy the same curriculum requirements for certification.

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Instruction
(Proposed Amendment)

704 KAR 20:015. Rank I classification.

RELATES TO: KRS 157.390
PURSUANT TO: KRS 156.070, 157.390
NECESSITY AND FUNCTION: KRS 157.390 authorizes the State Board of Education to adopt regulations to determine the salary ranks of certified teachers and to determine equivalent qualifications for the salary ranks. This regulation defines approved graduate work for the Rank I classification and defines an equivalent program for Rank I.

Section 1. (1) The preparation program for a Rank I classification shall be planned as outlined in 704 KAR 20:010 and shall require the completion of either:
(a) Plan I. Thirty (30) semester hours approved graduate level credit or approved equivalent in addition to the requirements for a Rank II classification, or
(b) Plan II. Sixty (60) semester hours approved graduate level credit or approved equivalent including a master's degree.
(2) The equivalent preparation shall be approved by the Superintendent of Public Instruction on the basis of the following criteria:
(a) Approved equivalent credit shall be offered in the form of teacher institutes designed for the purpose of upgrading classroom teaching personnel in their teaching specialties.
(b) The teacher institutes shall be offered only by the institutions that are approved by the State Board of Education for offering Rank I programs. Teacher education institutions shall make application for the advanced approval of teacher institutes on forms provided by the Superintendent of Public Instruction.
(c) Operation of the teacher institutes shall meet the generally accepted standards for graduate study as described in the standards for the accreditation of teacher preparation programs.
(d) Equivalency credit toward a Rank I classification may be earned only by professional personnel who have already attained a Rank II classification.
(e) A minimum of twenty (20) contact clock hours of participation exclusive of out-of-class preparation shall be required as an equivalency for one (1) semester hour of graduate credit. Equivalency credit toward a Rank I classification shall be limited to a maximum of fifteen (15) semester hours of the requirements for Rank I.
(f) Approved equivalency credit shall be an integrated part of an individualized Rank I program as planned with a graduate curriculum adviser. Approved equivalency credit earned through approved teacher institutes may be applied for teacher certification purposes as described in 704 KAR 20:030.
(3) [(2)] The appropriate official designated by the teacher education institution shall certify to the State Department of Education when the curriculum requirements have been completed for the Rank I program at the institution.
(4) [(3)] Of the thirty (30) semester hour program, at least fifteen (15) semester hours shall be taken at the college making the recommendation. The remaining fifteen (15) semester hours credit may be taken at the same institution or, upon approval of the college adviser, at other institutions.

ALICE McDONALD, Superintendent
APPROVED BY AGENCY: March 5, 1986
FILED WITH LRC: March 12, 1986 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on April 21, 1986, at 10 a.m. Eastern Standard Time, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, to review the regulations adopted by the State Board of Education at its March meeting. Those persons wishing to attend and testify shall contact in writing: Laurel True, Secretary, State Board of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before April 16, 1986. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: James Fouche
(1) Type and number of entities affected: Eleven teacher education institutions that will qualify to offer teacher institutes for ranking purposes.
(a) Direct and indirect costs or savings to those affected: No change. The alternative options are no more or less expensive than the usual programs and no more or no fewer teachers are expected to achieve the higher salary rank.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: Teacher education institutions must submit a request for approval for any teacher institute offered under this regulation.
(2) Effects on the promulgating administrative body: No appreciable change.
(a) Direct and indirect costs or savings: No appreciable change.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: Applications for institutes must be evaluated for approval, but this is a part of the ongoing responsibilities of the division.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: This regulation is established to provide an alternative method.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: Allows non-credit teacher institutes to apply on an equivalent basis for salary ranking for teachers.

Tiering:
Was tiering applied? No. Not applicable to a statewide uniform ranking system.

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Instruction
(Proposed Amendment)

704 KAR 20:120. Emergency certification.

RELATES TO: KRS 161.020, 161,030, 161.100
PURSUANT TO: KRS 156.070, 161.030, 161.100
NECESSITY AND FUNCTION: KRS 161.100 provides for the employment of school personnel in the event that regularly qualified persons are not available for specific positions. This regulation establishes the procedures by which the local boards of education and the State Board of Education may comply with the statute.

Section 1. (1) In order to comply with KRS 161.100 in establishing the need for employing emergency teaching personnel, the superintendent of the local school district and the board of education shall make the following declaration to the Superintendent of Public Instruction on request forms supplied by his office:
(a) No qualified teachers have applied for the vacant position and to our knowledge qualified teachers are not available for the position.
(b) Diligent efforts have been made to recruit a qualified teacher for the vacant position, and furthermore, this vacancy has been made known locally by appropriate means.
(c) The local school district has been unsuccessful in recruiting teachers for the vacant position either from the listings of teachers supplied by the State Department of Education or by means of the placement services of the teacher education institutions.
(d) The position will be filled by the best qualified person available, giving preference to the factors of academic preparation, prior teaching experience or related educational work, and personal attributes compatible with the demands of the teaching profession.
(2) The Superintendent of Public Instruction, depending upon his assessment of the need for the position and the availability or anticipated availability of qualified personnel, shall approve or disapprove a request for the employment of emergency teaching personnel. The term of validity of an emergency certificate may be limited to a period less than the full school year; the beginning date shall be no earlier than the date the request form is received in the Department of Education.
(3)(a) The superintendent of the local school district and the board of education may establish the need for emergency teaching personnel, restricted to substitute teaching only, on the basis of anticipated shortages of regularly certified teachers. Emergency certificates may then be issued by the Superintendent of Public Instruction restricted to substitute teaching only and subject to the priority schedule for the employment of substitute teachers as established by 704 KAR 20:210. Emergency certificates for substitute teaching shall not be issued to applicants having less than sixty-four (64) semester hours of credit, except that [for the remainder of the 1984-85 school year,] the Superintendent of Public Instruction may grant approval for applicants having at least thirty-two (32) semester hours of credit or more whenever the need for such personnel is appropriately documented by the local school district superintendent and board of education using application forms provided by the Department of Education.
(b) Each local school district that employs emergency substitute teachers shall report by June 30 of each year on forms provided by the Superintendent of Public Instruction the number of days of substitute teaching performed by each emergency teacher.
(4) The Superintendent of Public Instruction shall periodically report to the State Board of Education the numbers of emergency certificates issued for full-time, part-time, and substitute teaching by school district, by position, and by academic preparation.
(5) [(4)] A minimum grade point average of 2.0 on a 4.0 scale shall be required for the issuance of any emergency certificate whether

for employment in a full-time, part-time, or substitute teaching position.

(6) [(5)] An application form signed by the local school superintendent and approved by the local board of education shall be submitted for each anticipated emergency position. The application shall be accompanied by official transcripts of all college credits earned by the prospective emergency teacher.

ALICE McDONALD, Superintendent
APPROVED BY AGENCY: March 5, 1986
FILED WITH LRC: March 12, 1986 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on April 21, 1986, at 10 a.m. Eastern Standard Time, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, to review the regulations adopted by the State Board of Education at its March meeting. Those persons wishing to attend and testify shall contact in writing: Laurel True, Secretary, State Board of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before April 16, 1986. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: James Fouche
(1) Type and number of entities affected: Any of the 180 public school districts which may need to apply for the approval of the Superintendent of Public Instruction to employ emergency substitute teachers who have preparation between 32 and 63 semester hours of credit.
(a) Direct and indirect costs or savings to those affected: No change.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: School districts desiring to use substitute teaching personnel with less than 64 semester hours of credit must apply for the approval of the Superintendent of Public Instruction on forms provided.
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: Once approved, the Department of Education will need to issue the emergency substitute certificates; periodic reports must be prepared for the State Board of Education.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: The school districts must document that personnel are not available with 64 or more semester hours of credit.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:
(a) Necessity of proposed regulation if in conflict: None
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: Regulation revision lowers the minimum qualifications for emergency substitute teachers from 64 to 32 semester hours of credit.

Tiering:
Was tiering applied? No. Regulation ultimately applies to individual teacher candidates who must satisfy the same requirements for certification.

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Instruction
(Proposed Amendment)

704 KAR 20:230. Hearing impaired; teacher's provisional certificate.

RELATES TO: KRS 161.020, 161.025, 161.030
PURSUANT TO: KRS 156.070, 161.030
NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; futhermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the Council and approved by the State Board. This regulation establishes an appropriate provisional certificate for teaching the hearing impaired and relates to the corresponding standards and procedures for program approval as included in the Kentucky Standards for the Preparation-Certification of Professional School Personnel.

Section 1. Effective September 1, 1989, the issuance of certificates under the provisions of this section shall be discontinued. Effective with the beginning of the 1986-87 academic year, new teacher candidates desiring to prepare for teaching children who are hearing impaired shall not be admitted to any program described in this section; instead, the teacher education institutions shall advise and guide them with respect to the provisions of Section 2 of this regulation.
(1) The provisional certificate for teachers of exceptional children - hearing impaired shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who has completed the approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in the Kentucky Standards for the Preparation-Certification of Professional School Personnel as adopted in 704 KAR 20:005, TEC 63.0.
[(2) Effective until December 31, 1984, the provisional certificate for teachers of exceptional children - hearing impaired shall be issued initially for a duration period which expires ten (10) years from the calendar year of

completion of the curriculum requirements. This certificate shall be renewed for a ten (10) year period only upon completion of the planned fifth-year program. The certificate may be extended for life upon completion of three (3) years of successful teaching experience on a regular certificate and upon completion of a planned fifth-year program.]

(2) [(3) Effective January 1, 1985,] The provisional certificate for teachers of exceptional children - hearing impaired shall be issued and renewed in accordance with the provisions of KRS 161.030 and 704 KAR 20:045.

(3) [(4)] The provisional certificate for teachers of exceptional children - hearing impaired shall be valid at any grade level for the instruction of exceptional children who are hearing impaired and as a provisional elementary certificate valid for classroom teaching in grades one (1) through eight (8).

(4) [(5)] The provisional certificate for teachers of exceptional children - hearing impaired shall be issued for a one (1) year period to an applicant who holds the provisional elementary certificate or any other certificate of similar validity for elementary classroom teaching and who has completed at least six (6) semester hours credit from the special education component of the approved curriculum. As a prerequisite, the certificate application shall be accompanied by a statement from the superintendent of the local school district declaring that an emergency exists as described in the regulations governing emergency teacher certification (704 KAR 20:120) and also describing the special supervisory services that will be provided for this teaching position. The certificate may be renewed for no more than three (3) subsequent one (1) year periods upon completion of a minimum of six (6) semester hours additional credit each year after which time the teacher must qualify by having completed the entire curriculum.

Section 2. Effective July 1, 1986, the following provisions shall become applicable for teacher candidates admitted to the preparation program as described:

(1) The Provisional Certificate for Teachers of Exceptional Children - Hearing Impaired shall be issued in accordance with the pertinent Kentucky statutes and the State Board of Education regulations to an applicant who has completed the approved program of preparation which corresponds to the certificate grade levels as described in the Kentucky Standards for the Preparation-Certification of Professional School Personnel as adopted in 704 KAR 20:005, TEC 63.2 and TEC 63.4.

(2) The certificate shall be issued and renewed in accordance with the provisions of KRS 161.030 and 704 KAR 20:045.

(3) The preparation program for teachers of exceptional children - hearing impaired shall also include preparation for teaching in the regular instructional program with preparation options for grade levels as follows:

(a) Option I. Provisional Certificate for Teachers of Exceptional Children - Hearing Impaired Grades K-12, and Provisional Certificate for Teaching in the Early Elementary Grades K-4. Curriculum Standards TEC 63.2.

(b) Option II. Provisional Certificate for Teachers of Exceptional Children - Hearing Impaired Grades K-12, and Provisional Certificate for Teaching in the Middle Grades 5-8. Curriculum Standards 63.4.

ALICE McDONALD, Superintendent
APPROVED BY AGENCY: March 5, 1986
FILED WITH LRC: March 12, 1986 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on April 21, 1986, at 10 a.m. Eastern Standard Time, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, to review the regulations adopted by the State Board of Education at its March meeting. Those persons wishing to attend and testify shall contact in writing: Laurel True, Secretary, State Board of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before April 16, 1986. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: James Fouche
(1) Type and number of entities affected: All applicants for the type of certificate named in this regulation - numbers vary.
(a) Direct and indirect costs or savings to those affected: Not applicable.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: No change; relates to curriculum differences for teacher certification.
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: No change; relates to curriculum differences for teacher certification.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: Not applicable.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:
(a) Necessity of proposed regulation if in conflict: None
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:

Tiering:
Was tiering applied? No. Regulation ultimately applies to individual teacher candidates who must satisfy the same curriculum, testing and internship requirements for certification.

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Instruction
(Proposed Amendment)

704 KAR 20:235. Learning and behavior disorders; teacher's provisional certificate.

RELATES TO: KRS 161.020, 161.025, 161.030
PURSUANT TO: KRS 156.070, 161.030
NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; futhermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the Council and approved by the State Board. This regulation establishes an appropriate provisional certificate for teaching exceptional children with learning and behavior disorders and relates to the corresponding standards and procedures for program approval as included in the Kentucky Standards for the Preparation-Certification of Professional School Personnel.

Section 1. Effective September 1, 1989, the issuance of certificates under the provisions of this section shall be discontinued. Effective with the beginning of the 1986-87 academic year, new teacher candidates desiring to prepare for teaching children with learning and behavior disorders shall not be admitted to any program described in this section; instead, the teacher education institutions shall advise and guide them with respect to the provisions of Section 3 of this regulation.

(1) The provisional certificate for teachers of exceptional children - learning and behavior disorders shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who has completed the approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in the Kentucky Standards for the Preparation-Certification of Professional School Personnel as adopted in 704 KAR 20:005.

(2) The provisional certificate for teachers of exceptional children - learning and behavior disorders shall be issued and renewed in accordance with the provisions of KRS 161.030 and 704 KAR 20:045.

(3) The provisional certificate for teachers of exceptional children - learning and behavior disorders shall be valid at any grade level for the instruction of exceptional children with learning and behavior disorders and as a provisional elementary certificate valid for classroom teaching in grades one (1) through eight (8).

Section 2. (1) [(4)] For a person who qualifies before the deadline date of September 1, 1986, the provisional certificate for teachers of exceptional children - learning and behavior disorders shall be issued for a one (1) year period to an applicant who holds the provisional elementary certificate or any other certificate of similar validity for elementary classroom teaching and who has completed at least six (6) semester hours credit from the special education component of the approved curriculum. As a prerequisite, the certification application shall be accompanied by a statement from the superintendent of the local school district declaring that an emergency exists as described in the regulations governing emergency teacher certification (704 KAR 20:120) and also describing the special supervisory services that will be provided for this teaching position. The certificate may be renewed for no more than three (3) subsequent one (1) year periods upon completion of a minimum of six (6) semester hours additional credit each year after which time the teacher must qualify by having completed the entire curriculum. Three (3) years of teaching experience performed under a succession of one (1) year certificates in a full-time position requiring LBD certification shall be substituted for the special education portion of the student teaching requirement.

(2) [(5)] For a person who qualifies before the deadline date of September 1, 1986, the provisional certificate for teachers of exceptional children - learning and behavior disorders, valid for grades seven (7) through twelve (12), may be issued for a one (1) year period to an applicant who holds the provisional high school certificate or any other certificate of similar validity for secondary classroom teaching and who has completed at least six (6) semester hours of credit from the major in exceptional children - learning and behavior disorders and a three (3) semester hour course in reading. As a prerequisite, the certificate application shall be accompanied by a statement from the superintendent of the local school district declaring that an emergency exists as described in the regulations governing emergency teacher certification (704 KAR 20:120) and also describing the special supervisory services that will be provided for this teaching position. The certificate may be renewed for subsequent one (1) year periods upon completion of at least six (6) semester hours of credit each year from the approved curriculum. Three (3) years of teaching experience performed under a succession of one (1) year certificates in a full-time position requiring LBD certification shall be substituted for the special education portion of the student teaching requirement.

Section 3. Effective July 1, 1986, the following provisions shall become applicable for teacher candidates admitted to the preparation programs as described:

(1) The Provisional Certificate for Teachers of Exceptional Children - Learning and Behavior Disorders shall be issued in accordance with the pertinent Kentucky statutes and the State Board of Education regulations to an applicant who has completed the approved program of preparation which corresponds to the certificate grade levels as described in the Kentucky Standards for the Preparation-Certification of Professional School Personnel as adopted in 704 KAR 20:005, TEC 60.2, TEC 60.4, and TEC 40.2.

(2) The certificate shall be issued and renewed in accordance with the provisions of KRS

161.030 and 704 KAR 20:045.

(3) The preparation program for teachers of exceptional children - learning and behavior disorders shall also include preparation for teaching in the regular instructional program with preparation options for grade levels as follows:

(a) Option I. Provisional Certificate for Teachers of Exceptional Children - Learning and Behavior Disorders Grades K-12, Provisional Certificate for Teaching in the Early Elementary Grades K-4. Curriculum Standards 60.2.

(b) Option II. Provisional Certificate for Teachers of Exceptional Children - Learning and Behavior Disorders Grades K-12, Provisional Certificate for Teaching in the Middle Grades 5-8. Curriculum Standards 60.4.

(c) Option III. Provisional High School Certificate Grades 7-12 with a major in exceptional children - learning and behavior disorders, after September 1, 1989, Provisional Certificate for Teaching in the Secondary Grades 9-12. Curriculum Standards 40.2.

ALICE McDONALD, Superintendent
APPROVED BY AGENCY: March 5, 1986
FILED WITH LRC: March 12, 1986 at 11 a.m.
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REGULATORY IMPACT ANALYSIS

Agency Contact Person: James Fouche
(1) Type and number of entities affected: All applicants for the type of certificate named in this regulation - numbers vary.
(a) Direct and indirect costs or savings to those affected: Not applicable.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: No change; relates to curriculum differences for teacher certification.
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: No change; relates to curriculum differences for teacher certification.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: Not applicable.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:
(a) Necessity of proposed regulation if in conflict: None
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:

Tiering:
Was tiering applied? No. Regulation ultimately applies to individual teacher candidates who must satisfy the same curriculum, testing and internship requirements for certification.

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Instruction
(Proposed Amendment)

704 KAR 20:245. Trainable mentally handicapped; teacher's provisional certificate.

RELATES TO: KRS 161.020, 161.025, 161.030
PURSUANT TO: KRS 156.070, 161.030
NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the Council and approved by the State Board. This regulation establishes an appropriate provisional certificate for teaching exceptional children classified as trainable mentally handicapped and relates to the corresponding standards and procedures for program approval as included in the Kentucky Standards for the Preparation-Certification of Professional School Personnel.

Section 1. Effective September 1, 1989, the issuance of certificates under the provisions of this section shall be discontinued. Effective with the beginning of the 1986-87 academic year, new teacher candidates desiring to prepare for teaching children who are trainable mentally handicapped children shall not be admitted to any program described in this section; instead, the teacher education institutions shall advise and guide them with respect to the provisions of Section 2 of this regulation.

(1) The provisional certificate for teachers of exceptional children - trainable mentally handicapped shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who has completed the approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in the Kentucky Standards for the Preparation-Certification of Professional School Personnel as adopted in 704 KAR 20:005, TEC 61.0.

[(2) Effective until December 31, 1984, the provisional certificate for teachers of exceptional children - trainable mentally handicapped shall be issued initially for a duration period which expires ten (10) years

from the calendar year of completion of the curriculum requirements. This certificate shall be renewed for a ten (10) year period only upon completion of the planned fifth-year program. The certificate may be extended for life upon completion of three (3) years of successful teaching experience on a regular certificate and upon completion of a planned fifth-year program.]

(2) [(3) Effective January 1, 1985,] The provisional certificate for teachers of exceptional children - trainable mentally handicapped shall be issued and renewed in accordance with the provisions of KRS 161.030 and 704 KAR 20:045.

(3) [(4)] The provisional certificate for teachers of exceptional children - trainable mentally handicapped shall be valid at any grade level for the instruction of exceptional children who are trainable mentally handicapped and as a provisional elementary certificate valid for classroom teaching in grades one (1) through eight (8).

(4) [(5)] The provisional certificate for teachers of exceptional children - trainable mentally handicapped shall be issued for a one (1) year period to an applicant who holds the provisional elementary certificate or any other certificate of similar validity for elementary classroom teaching and who has completed at least six (6) semester hours credit from the special education component of the approved curriculum. As a prerequisite, the certificate application shall be accompanied by a statement from the superintendent of the local school district declaring that an emergency exists as described in the regulations governing emergency teacher certification (704 KAR 20:120) and also describing the special supervisory services that will be provided for this teaching position. The certificate may be renewed for no more than three (3) subsequent one (1) year periods upon completion of a minimum of six (6) semester hours additional credit each year after which time the teacher must qualify by having completed the entire curriculum. Three (3) years of teaching experience performed under a succession of one (1) year certificates in a full-time position requiring TMH certification shall be substituted for the special education portion of the student teaching requirement.

Section 2. Effective July 1, 1986, the following provisions shall become applicable for teacher candidates admitted to the preparation program as described:

(1) The Provisional Certificate for Teachers of Exceptional Children - Trainable Mentally Handicapped shall be issued in accordance with the pertinent Kentucky statutes and the State Board of Education regulations to an applicant who has completed the approved program of preparation which corresponds to the certificate grade levels as described in the Kentucky Standards for the Preparation-Certification of Professional School Personnel as adopted in 704 KAR 20:005, TEC 61.2 and TEC 61.4.

(2) The certificate shall be issued and renewed in accordance with the provisions of KRS 161.030 and 704 KAR 20:045.

(3) The preparation program for teachers of exceptional children - trainable mentally handicapped shall also include preparation for teaching in the regular instructional program with preparation options for grade levels as follows:

(a) Option I. Provisional Certificate for Teachers of Exceptional Children - Trainable Mentally Handicapped Grades K-12 and Provisional Certificate for Teaching in the Early Elementary Grades K-4. Curriculum Standards TEC 61.2.

(b) Option II. Provisional Certificate for Teachers of Exceptional Children - Trainable Mentally Handicapped Grades K-12, and Provisional Certificate for Teaching in the Middle Grades 5-8. Curriculum Standards TEC 61.4.

ALICE McDONALD, Superintendent
APPROVED BY AGENCY: March 5, 1986
FILED WITH LRC: March 12, 1986 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on April 21, 1986, at 10 a.m. Eastern Standard Time, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, to review the regulations adopted by the State Board of Education at its March meeting. Those persons wishing to attend and testify shall contact in writing: Laurel True, Secretary, State Board of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before April 16, 1986. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: James Fouche
(1) Type and number of entities affected: All applicants for the type of certificate named in this regulation - numbers vary.
(a) Direct and indirect costs or savings to those affected: Not applicable.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: No change; relates to curriculum differences for teacher certification.
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: No change; relates to curriculum differences for teacher certification.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: Not applicable.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:
(a) Necessity of proposed regulation if in conflict: None
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:

Tiering:
Was tiering applied? No. Regulation ultimately applies to individual teacher candidates who must satisfy the same curriculum, testing and internship requirements for certification.

LABOR CABINET
Department of Workplace Standards
Kentucky Occupational Safety and Health
(Proposed Amendment)

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

RELATES TO: KRS Chapter 338
PURSUANT TO: KRS Chapter 338
NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules and regulations, and standards. Express authority to adopt by reference established federal standards and national consensus standards is also given to the board. The following regulation contains those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of general industry. The standards are arranged in numerical order in order to facilitate reference to 29 CFR 1910.

Section 1. The Occupational Safety and Health Standards Board hereby adopts Chapter 29, Part 1910 of the Code of Federal Regulations revised as of July 1, 1984, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration. These standards are hereby adopted by reference with the following additions, exceptions, and deletions.

(1) 29 CFR Part 1910.1 shall read as follows: "The provisions of this regulation adopt and extend the applicability of established federal standards contained in 29 CFR Part 1910 to all employers, employees, and places of employment throughout the Commonwealth except those excluded in KRS 338.021."

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

(a) "Act" means KRS Chapter 338.

(b) "Assistant Secretary of Labor" means the Secretary of Labor, Commonwealth of Kentucky.

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

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

(e) "Standard" means a standard which requires conditions or the adoption or use of one (1) or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe and healthful employment. "Standard" has the same meaning as and includes the words "regulation" and "rule."

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

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

(h) An employer, required under these standards to report information to the U.S. Department of Labor, or any subsidiary thereof, shall instead report such information to the Kentucky Labor Cabinet, U.S. 127 South, Frankfort, Kentucky 40601.

(3) 29 CFR 1910.20 "Access to employee exposure and medical records" is amended as follows:

(a) 29 CFR 1910.20(e)(1)(i) is amended to read "Whenever an employee or designated representative requests access to an exposure or medical record, the employer shall assure that access is provided in a reasonable time, place, and manner, but no longer than fifteen (15) days after the request for access is made unless sufficient reason is given why such a time is unreasonable or impractical."

(b) 29 CFR 1910.20(e)(1)(ii) is amended to read "Whenever an employee or designated representative requests a copy of a record, the employer shall, except as specified in (v) of this section, within the period of time previously specified assure that either:"

(c) 29 CFR 1910.20(e)(1)(v) is added and shall read "Original x-ray film will be made available to the employee and/or designated representative for inspection, review, and duplication under the supervision of the employer or his representative. The employer is not required to bear the cost of duplication of x-ray film."

(d) 29 CFR 1910.20(g)(1) is amended to read "Upon an employee's first entering into employment, and at least annually thereafter, each employer shall inform each employee exposed to toxic substances or harmful physical agents of the following:"

(e) 29 CFR 1910.20(g)(2) is amended to read "Each employer shall make readily available to employees any informational materials concerning this standard which are provided to the employer by the Assistant Secretary of Labor for Occupational Safety and Health."

(4) Subparagraph 29 CFR 1910.23(a)(7) shall be amended to read as follows: "Every temporary or permanent floor opening shall have standard railings, or shall be constantly attended by someone."

(5) 29 CFR 1910.95 "Hearing Conservation Program" is amended as follows:

(a) 29 CFR 1910.95(h)(1) shall read: Audiometric tests shall be pure tone, air conduction, hearing threshold examinations with test frequencies including as a minimum 500, 1,000, 2,000, 3,000, 4,000, and 6,000 Hz. Testing at 8,000 Hz must be included in the audiometric tests for employers using audiometers with that capacity and all audiometric tests must include 8,000 Hz after January 15, 1985.

(b) 29 CFR 1910.95(h)(4) shall read: Audiometric examinations shall be administered in a room meeting the requirements listed in Appendix D: Audiometric Test Rooms. When an audiometric test room is located in a mobile test van, background sound pressure level measurements shall be taken at each testing location.

(c) 29 CFR 1910.95(h)(5)(ii) shall read: Audiometer calibration shall be checked acoustically at least annually in accordance with Appendix E: Acoustic Calibration of Audiometers. Test frequencies below 500 Hz and above 8,000 Hz (6,000 Hz until January 15, 1985 for audiometers without 8,000 Hz capability) may be omitted from this check. Deviations of fifteen (15) decibels or greater require an exhaustive calibration.

(d) 29 CFR 1910.95(h)(5)(iii) shall read: An exhaustive calibration shall be performed at least every two (2) years in accordance with

sections 4.1.2; 4.1.3; 4.1.4.3; 4.2; 4.4.1; 4.4.2; 4.4.3; and 4.5 of the American National Standard Specification for Audiometers, S3.6-1969. Test frequencies below 500 Hz and above 8,000 Hz (6,000 Hz until January 15, 1985 for audiometers without 8,000 Hz capability) may be omitted from this calibration.

(e) 29 CFR 1910.95(L)(1) shall read: The employer shall make available to affected employees or their representatives copies of this standard and shall also post a notice of the availability of this standard in the workplace.

(f) 29 CFR 1910.95(o) shall read: Paragraphs (c) through (n) of this section shall not apply to employers engaged in oil and gas well drilling and servicing operations, agriculture, or construction.

(g) 29 CFR 1910.95 Appendix E shall read: Acoustic Calibration of Audiometers.

This Appendix is Mandatory.

Audiometer calibration shall be checked acoustically, at least annually, according to the procedures described in this Appendix. The equipment necessary to perform these measurements is a sound level meter, octave-band filter set, and a National Bureau of Standards 9A coupler. In making these measurements, the accuracy of the calibrating equipment shall be sufficient to determine that the audiometer is within the tolerances permitted by American Standard Specification for Audiometers, S3.6-1969.

1. Sound Pressure Output Check.

a. Place the earphone coupler over the microphone of the sound level meter and place the earphone on the coupler.

b. Set the audiometer's hearing threshold level (HTL) dial to seventy (70) dB.

c. Measure the sound pressure level of the tones that each test frequency from 500 Hz through 8,000 Hz (6,000 Hz until January 15, 1985 for audiometers without 8,000 Hz capability) for each earphone.

d. At each frequency the readout on the sound level meter should correspond to the levels in Table E-1 or Table E-2, as appropriate, for the type of earphone, in the column entitled "sound level meter reading."

2. Linearity check.

a. With the earphone in place, set the frequency to 1,000 Hz and the HTL dial on the audiometer to seventy (70) dB.

b. Measure the sound levels in the coupler at each ten (10) dB decrement from seventy (70) dB to ten (10) dB, noting the sound level meter reading at each setting.

c. For each ten (10) dB decrement on the audiometer the sound level meter should indicate a corresponding ten (10) dB decrease.

d. This measurement may be made electrically with a voltmeter connected to the earphone terminals.

3. Tolerances.

When any of the measured sound levels deviate from the levels in Table E-1 or Table E-2 plus or minus three (3) dB at any test frequency between 500 and 3,000 Hz, four (4) dB at 4,000 Hz, or five (5) dB at 6,000 Hz and 8,000 Hz, an exhaustive calibration is advised. An exhaustive calibration is required if the deviations are greater than ten (10) dB at any test frequency.

TABLE E-1 - REFERENCE THRESHOLD LEVELS FOR TELEPHONICS-TDH-39 EARPHONES

Frequency, Hz	Reference threshold level for TDH-39 earphones, dB	Sound level meter reading dB
500	11.5	81.5
1000	7	77
2000	9	79
3000	10	80
4000	9.5	79.5
6000	15.5	85.5
8000	13.0	83.0

TABLE E-1 - REFERENCE THRESHOLD LEVELS FOR TELEPHONICS-TDH-39 EARPHONES

Frequency, Hz	Reference threshold level for TDH-49 earphones, dB	Sound level meter reading dB
500	13.5	83.5
1000	7.5	77.5
2000	11	81.0
3000	9.5	79.5
4000	10.5	80.5
6000	13.5	83.5
8000	13.0	83.0

(6) 29 CFR 1910.101(b) shall be amended by revocation of referenced pamphlet P-1-1965 and the adoption of P-1-1974, herein filed by reference.

(7) 29 CFR 1910.106 "Flammable and combustible liquids" is amended as follows: 29 CFR 1910.106(a)(3) shall read: "The term automotive service station, or service stations, shall mean that portion of property where flammable or combustible liquids used as motor fuel are stored and dispensed from fixed equipment and into the fuel tanks of motor vehicles and shall include any facilities available for the sale and servicing of tires, batteries, accessories and for minor automotive maintenance work and shall also include private stations not accessible or open to the public such as those used by commercial, industrial or governmental establishments. This section shall not apply to agriculture."

(8) 29 CFR 1910.134 is amended as follows:

(a) 29 CFR 1910.134(c) shall read: "Proper selection of respirators shall be made according to the guidance of American National Standard Practices for Respiratory Protection Z88.2 - 1980."

(b) 29 CFR 1910.134(d) the third sentence shall read: "Breathing air shall meet at least the requirements of the specification for Grade D breathing air as described in Compressed Gas Association Commodity Specification G-7.1 - 1973."

(c) 29 CFR 1910.134(g) shall read: Identification of Air-Purifying Respirator Canisters and Cartridges.

1. The primary means of identifying an

air-purifying respirator canister or cartridge shall be by means of properly worded labels. The secondary means of identifying an air-purifying respirator canister or cartridge shall be by an identifying color or colors.

2. All who issue or use air-purifying respirators falling within the scope of this standard shall ensure that all canisters and cartridges purchased or used by them are properly labeled and colored in accordance with this standard before they are placed in service and that the labels and colors are properly maintained at all times thereafter until the canisters and cartridges have completely served their purpose. The user shall refer to the label wording to determine the type and degree of protection the canister or cartridge will afford.

3. On each air-purifying respirator canister and cartridge, the following shall appear in bold letters:

CANISTER FOR _____
(Name of atmospheric contaminant)

or

CARTRIDGE FOR _____
(Name of atmospheric contaminant)

In addition, either or both of subparagraphs a and b of this paragraph, and subparagraph (c) of this paragraph, shall appear beneath the appropriate phrase on the canister or cartridge label.

a. For respiratory protection in atmospheres containing not more than _____ by volume of
(Concentration)

_____
(Name of atmospheric contaminant)

b. For respiratory protection in atmospheres containing

_____
(Type of particulate contaminant)

c. Do not use in atmospheres containing less than nineteen and five-tenths (19.5) percent oxygen by volume at sea level.

4. Each respirator canister or cartridge, or canister or cartridge label, shall be a distinctive color as indicated in Table I-1. The color coating used shall offer a high degree of resistance to changes such as chipping, scaling, peeling, blistering, and fading, and to the effects of ordinary atmospheres to which they may be exposed under normal conditions of storage and use.

(d) 29 CFR 1910.134 Table I-1 shall read:

TABLE I-1
Color Assigned to Canister or Cartridge

Atmospheric Contaminant(s) to Be Protected Against	Color Assigned	ISCC-NBS Centroid Color Number	ISCC-NBS Centroid Color Name
Acid gases	White	263	White
Organic vapors	Black	267	Black
Ammonia gas	Green	139	Vivid green
Carbon monoxide gas	Blue	178	Strong blue
Acid gases and organic vapors	Yellow	82	Vivid yellow
Acid gases, ammonia, and organic vapors	Brown	75	Deep yellow brown
Acid gases, ammonia, carbon monoxide, and organic vapors	Red	11	Vivid red
Other vapors and gases not listed above	Olive	106	Light olive
Radioactive materials (except tritium and noble gases)	Purple	218	Strong purple
Dusts, fumes, and mists (other than radioactive materials)	Orange	48	Vivid orange

NOTES:

(1) A purple (ISCC-NBS Centroid Number 218) stripe shall be used to identify radioactive materials in combination with any vapor or gas.

(2) An orange (ISCC-NBS Centroid Number 48) stripe shall be used to identify dusts, fumes, and mists in combination with any vapor or gas.

(3) Where labels only are colored to conform with this table, the canister or cartridge body shall be gray (ISCC-NBS Centroid Number 265), or a metal canister or cartridge body may be left in its natural metallic color.

(4) The user shall refer to the wording of the label to determine the type and degree of protection the canister or cartridge will afford.

(9) 29 CFR 1910.141(c)(2)(i) shall read as follows: "(1) Each water closet shall occupy a separate compartment with walls or partitions between fixtures sufficiently high to assure privacy."

(10) 29 CFR 1910.151 relating to medical services and first aid shall be changed to read as follows:

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

"(b) Employers with eight (8) or more employees within the establishment shall have persons adequately trained to render first aid and first-aid supplies approved by the consulting physician, along with a signed list of these supplies, shall be readily available. Outside salesmen, truck drivers, seasonal labor, and others who while performing their duties, are away from the premises more than fifty (50) percent of the time are not to be included in determining the number of employees."

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

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

(11) 29 CFR 1910.156(a)(2) "Application" is amended to read: "The requirements of this section apply to fire brigades; industrial fire departments; private fire departments; and municipal public fire departments and fire protection districts. Personal protective equipment requirements apply to members of fire brigades and fire departments performing interior structural fire fighting. The requirements of this section do not apply to airport crash rescue, forest fire fighting operations, or volunteer fire fighters."

(12) 29 CFR 1910.217(b)(7)(xii) relating to machines using part revolution clutches shall be amended by adding the following:

"This provision will not prevent the employer from utilizing a reversing means of the drive motor with the clutch-brake control in the 'inch' position."

(13) Amendments to 29 CFR 1910.243, "Guarding of Portable Powered Tools" as published in the Federal Register, Volume 50, Number 22, February 1, 1985 are adopted by reference.

(14) Subparagraph 29 CFR 1910.252(a)(6)(iv), (d)(2) shall be corrected to read as follows:

"Wiring and electrical equipment in compressor or booster pump rooms or enclosures shall conform to the provisions of section 1910.309(a) for Class I, Division 2 locations."

(15) 29 CFR 1910 Subpart T Appendix B "Commercial Diving Operations" as published in the Federal Register, Volume 50, Number 6, January 9 1985, is adopted by reference.

(16) [(15)] 29 CFR 1910.1001 "Asbestos" is amended as follows: 29 CFR 1910.1001(d)(2)(iv)(a) is amended to read:

"The employer shall establish a respirator program in accordance with the requirements of the American National Standards Practices for Respiratory Protection, ANSI Z88.2 - 1980, which in incorporated by reference herein."

(17) [(16)] 29 CFR 1910.1005 4,4'-methylene bis (2-chloroaniline) and 29 CFR 1910.1003 through .1016 paragraphs (c)(6), Laboratory Activities, printed in the Federal Register, Volume 39, Number 125, June 27, 1974, are in effect.

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

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

(19) [(18)] 29 CFR 1910.1025 "Occupational Exposure to Lead" shall be amended as follows: "Table 1 - Implementation Schedule" is amended to read:

(20) 29 CFR 1910.1029 "Coke Oven Emissions" shall be amended as follows: Revision as published in the Federal Register, Volume 50, Number 178, September 13, 1985 are adopted by reference.

(21) [(19) Amendments to] 29 CFR 1910.1047, "Ethylene Oxide" be amended as follows: [as published in the Federal Register, Volume 50, Number 48, March 12, 1985 are adopted by reference.]

(a) Revisions as published in the Federal Register, Volume 50, Number 48, March 12, 1985 are adopted by reference.

(b) Revisions as published in the Federal Register, Volume 15, Number 198, October 11, 1985 are adopted by reference.

TABLE 1 - Implementation Schedule

INDUSTRY[1]	COMPLIANCE DATES 200 ug/m^3	100 ug/m^3	50 ug/m^3
Primary Lead Production	(2)	June 29, 1984	June 29, 1991
Secondary Lead Production	(2)	June 29, 1984	June 29, 1986
Lead Acid Battery Manufacture	(2)	June 29, 1983	June 29, 1986
Automobile/Manufacture/Solder Grinding	(2)	N/A	June 29, 1988
Electronics, Gray Iron Foundries, Ink Manufacture, Paints and Coatings Manufacture, Wall Paper Manufacture, Can Manufactures, and Printing	(2)	N/A	June 29, 1982
Lead Pigment Manufacture, NonFerrous Foundries, Leaded Steel Manufacture, Lead Chemical Manufacture, Ship Building and Ship Repair, Battery Breaking in the Collection and Processing of Scrap (excluding collection and processing of scrap which is part of a secondary smelting operation), Secondary Smelting of Copper, and Lead Casting	(2)	N/A	N/A
All Other Industries	(2)	N/A	June 11, 1984

[1] Includes ancillary activities located on the same worksite.

2. On effective date. This continues an obligation from Table Z-2 of 29 CFR 1910.1000 which had been in effect since 1971 but which was deleted upon effectiveness of this section.

JOHN CALHOUN WELLS, Chairman
APPROVED BY AGENCY: February 20, 1986
FILED WITH LRC: March 4, 1986 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public hearing concerning this regulation has been scheduled for April 30, 1986 at 1 p.m. (EST) to be held at the Kentucky Labor Cabinet, U.S. 127 Building South, Bay 2 Conference Room, Frankfort, Kentucky. Those interested in attending must provide by April 25, 1986, written notice to Mr. Guy Schoolfield, Kentucky Labor Cabinet, Division of Education and Training, OSH Technical Assistance Branch, U.S. 127 Building South, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Guy Schoolfield
(1) Type and number of entities affected: These amendments will affect those general industry workplaces which have commercial diving operations, coke oven emissions, and ethylene oxide.
(a) Direct and indirect costs or savings to those affected: No costs or savings will be incurred by the affected establishments as a result of these adoptions (commercial diving and ethylene oxide). The amendment of the coke oven emission standards will result in an approximate $65,000 annual savings to one affected employer.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: No additional reports or records are required by these adoptions.
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings: No costs or savings to the Kentucky OSH Program will occur as a result of these amendments.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: No additional reports or records are required by these amendments.
(3) Assessment of anticipated effect on state and local revenues: This amendment will have no effect on state and local revenues.
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: No statutes, rules, regulations, or governmental policies conflict, overlap, or duplicate these amendments.
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: None.

Tiering:
Was tiering applied? No. The Occupational Safety and Health Program targets its scheduled inspections toward those industries or firms that pose higher risks to worker health and safety or from which the OSH Program has received worker complaints.

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

807 KAR 5:067. Purchased water adjustment clause.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 278.030(1), 278.040(3)
NECESSITY AND FUNCTION: KRS 278.030(1) provides that all rates received by a water utility subject to the jurisdiction of the Public Service Commission shall be fair, just and reasonable. This regulation prescribes the requirements under which a water utility may implement a purchased water adjustment [clause] designed to recover the increased costs of water purchased[, where the water utility is not financially able to absorb an increase from its supplier].

Section 1. Water Utility Base Rate. The supplier's rate in effect immediately prior to the most recent increase shall be considered the base rate.

Section 2. [1.] Application for Change in Base Rate. [The rates a water utility is currently authorized to charge its customers are based upon the wholesale cost of water to that water utility pursuant to valid contracts or wholesale tariffs on file with the commission.] For purposes of a purchased water adjustment clause, the supplier's [this wholesale] rate as defined in Section 1 of this regulation shall be considered as the base rate for purchased water and any increase or decrease in the base rate shall be considered the changed rate.
(1) In the event there is a change in the base rate, the utility shall file with the commission the following information:
(a) A copy of the wholesale supplier's tariff effecting a change in the wholesale supplier's base rate and a statement from the wholesale supplier's evidencing the effective date of the changed rate;
(b) A detailed statement showing the total gallons and actual cost of water purchased each month [under the base rate] for a twelve (12) month period ended within ninety (90) days of the filing date and showing billing both under such base rate as defined in Section 1 of this regulation and also under the changed rate as defined in this section;
(c) A detailed statement showing the total gallons of water sold and revenues for the same twelve (12) month period.
(d) A balance sheet and statement of operating expenses and revenues for the most recent twelve (12) month period for which that information is available;
(e) In the event of an increase only, evidence that the water utility has notified its customers of the proposed rate revision;
(f) Revised tariff sheets reflecting the rates the applicant proposes to charge; and
[(g) Such other information as the commission may request for a proper determination of the purchased water adjustment.]
[(2) The commission may require that the balance sheet and statement of expenses and revenues furnished pursuant to subsection (1)(d) of this section be updated to within ninety (90) days of the filing of an application and that the updated information corresponds to the same twelve (12) month period as the water purchased information furnished pursuant to subsection (1)(b) of this section.]
(2) [(3) Upon receipt of all the necessary information, the commission will review the effect of the changed rate upon the applicant's operations and if an increase is proposed determine whether all or a part of the increase can be absorbed by the applicant.] An applicant shall not implement its proposed [revised] rates until the commission issues an order authorizing

the applicant to adjust its rates. [If an adjustment is authorized, the supplier's changed rate shall become the supplier's base rate for use in future applications.]

(3) [(4)] The maximum amount of the adjustment so ordered shall not produce revenue adjustments greater than the difference between the purchased water billed at the base rate and the purchased water billed at the changed rate. Where the applicant's unaccounted for water loss is determined to be greater than either fifteen (15) percent or the percent allowed in the applicant's last rate case, water purchases as defined in subsection (1)(b) of this section shall be adjusted to allow only the unaccounted-for water loss found reasonable.

(4) [(5)] The notice required by subsection (1)(e) of this section may be accomplished by a bill insert or by publication once a week for three (3) consecutive weeks in a newspaper of general circulation. Such notice shall set out the rates proposed to be charged by the applicant to its customers and shall contain the following language: "The rates contained in this notice are the rates proposed by (name of utility). However, the Public Service Commission may order rates to be charged that differ from these proposed rates. Such action may result in rates for consumers other than the rates in this notice."

Section 3. [2.] Calculation of the Purchased Water Adjustment. If a change is made in a base rate charged to a water utility by its supplier(s), the unit charges of the wholesale tariff shall be increased or decreased by a purchased water adjustment calculated as follows:

(1) Water purchases shall be computed at the supplier's base rate and the supplier's changed rate using a period of twelve (12) calendar months ending within ninety (90) days of the filing date of the application [preceding the month of the effective date of the supplier's rate change]. The difference between these amounts shows the total change in the applicant's purchased water costs.

(2) The total change in purchased water costs shall be divided by the actual number of cubic feet or gallons sold, yielding the purchased water adjustment expressed in cents per cubic feet or gallons, unless the applicant's unaccounted-for water loss exceeds either fifteen (15) percent or the percent allowed in the applicant's last rate case.

(3) In instances where the water loss exceeds fifteen (15) percent and no reasonable percentage has been determined in its last rate case, the actual water sales shall be divided by eighty-five (85) percent yielding the maximum allowable water purchases. Where a reasonable percentage of unaccounted-for water loss was determined in the applicant's last rate case, the actual water sales shall be divided by (100 percent minus the percentage found reasonable) yielding the maximum allowable water purchases. The maximum allowable water purchases shall then be multiplied by the supplier's base rate and the changed rate. The difference between these amounts will be [change in cost per cubic foot or gallons, yielding] the total allowable change in the applicant's purchased water costs. The total allowable change shall then be divided by the actual number of cubic feet or gallons sold, yielding the purchased water adjustment expressed in cents per cubic feet or gallons.

Section 4. [3.] Procedure for Distribution of Refunds from Suppliers. In the event a water utility receives a refund from its supplier for amounts previously paid, the water utility shall immediately apply to the commission for authority to make adjustments on the amounts charged customers' bills under this regulation as follows:

(1) The total refund received by the water utility shall be divided by the number of cubic feet or gallons of water the water utility estimates it will sell to its customers during the two (2) month period beginning with the first day of the month following receipt of the refund, yielding the refund factor to be applied against each cubic foot or gallon of water sold thereafter.

(2) Effective with meter readings taken on and after the first day of the second month following receipt of the refund, the water utility will reduce by the refund factor any purchased water adjustment that would otherwise be applicable during the period. The period of reduced purchased water adjustment shall be adjusted, if necessary, in order to most nearly approximate the total amount to be refunded. The water utility shall make full distribution of the refund within two (2) months.

(3) In the event a water utility receives a large or unusual refund, the water utility may apply to the commission for a deviation from the procedure for distribution of refunds specified herein.

[Section 4. Water Utility Tariffs. Every water utility that makes an application under Section 1 shall have a tariff on file with the commission containing a purchased water adjustment clause conforming to this regulation.]

RICHARD D. HEMAN, Chairman
ROBERT M. DAVIS, Secretary
APPROVED BY AGENCY: March 14, 1986
FILED WITH LRC: March 14, 1986 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on April 29, 1986 at 9 a.m., EDT, in the Public Service Commission Hearing Room No. 1 on Schenkel Lane in Frankfort, Kentucky. Those interested in attending this hearing shall contact: Forest M. Skaggs, Secretary, Kentucky Public Service Commission, Post Office Box 615, Frankfort, Kentucky 40602.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Barbara Jones
(1) Type and number of entities affected: Water utilities that purchase water - 109
(a) Direct and indirect costs or savings to those affected: Shorter period before cost recovery and no absorption test. Therefore, significant savings to utility.
1. First year: Shorter period savings = $100,000 and Absorption test savings = $200,000.
2. Continuing costs or savings: Same
3. Additional factors increasing or decreasing costs (note any effects upon competition): None
(b) Reporting and paperwork requirements: Decreases accounting filing.
(2) Effects on the promulgating administrative body: Decreases PSC review period and avoids

information request.
(a) Direct and indirect costs or savings: Decreases PSC review period and avoids information request.
1. First year: Will free up time of staff person assigned to case.
2. Continuing costs or savings: Same
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: Simplified orders and fewer information requests.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives would pass through these purchased water costs on a more expeditious basis, except automatic pass through. Automatic pass through rejected to protect interests of ratepayer as well as utility.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: None

Tiering:
Was tiering applied? No. Reduction of filing requirements and cost savings as discussed previously should be available to all utilities that purchase water, whatever their size.

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/1984," Ninth Edition, published by and copies available from Building Officials and Code Administrators International, Inc., 4051 W. Floosmoor Road, Country Club Hills, Illinois 60477. That code, including all standards listed in Appendices A through D 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." (See "Story Above Grade.")
(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 309.5 to read as follows: "309.5 Use group R-4 Structures: This use group shall include all detached one (1) or two (2) family dwellings not more than than three (3) stories in height, and their accessory structures as indicated in the Appendix B 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. Nevertheless, any builder may use exception #3 of Section 809.4 to determine minimum size of egress windows."

(5) Change subsection 505.1 to read as follows: "505.1 Limitations: These provisions shall not be deemed to prohibit alterations within the limitations of Sections 106 and 505.2 provided an unlawful change of use is not involved."

(6) Delete Sections 512.1 through 512.4.1 and substitute the following: "512.1" Requirements for accessibility of the handicapped: Please see 815 KAR 7:060 for construction requirements providing accessibility to the handicapped, Article 25 of this Code.

(7) Delete Section 513.1 in its entirety.

(8) Change Section 603.0 by creating a new subsection which shall read as follows: "603.3 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 608.1 to read as follows: "Private garages located beneath rooms in buildings of Use Groups R-1, R-2, R-3 or I-1 shall have walls, partitions, floors and ceilings separating the garage space from the adjacent interior spaces constructed of not less than one (1) hour fire-resistance rating. Attached private garages shall be completely separated from the adjacent interior spaces and the attic area by means of one-half (1/2) inch gypsum board or equivalent applied to the garage side. The sills of all door openings between the garage and adjacent interior spaces shall be raised not less than four (4) inches (102 mm) above the garage floor. The door opening protectives shall be one and three-fourths (1 3/4) inch solid core wood doors or approved equivalent. In lieu of the required one and three quarter (1 3/4) or twenty (20) minute 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 detector located directly above the door in the garage shall be acceptable."

(10) Delete Section 702 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 (2) 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 1983 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 A, shall be constructed, installed and maintained in conformity with the BOCA Basic Mechanical Code/1984 including all applicable standards listed within Appendices A."

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

(16) Amend Article 20 by changing, creating or deleting certain portions thereof, as follows:

(a) Create a new subsection 2000.5 which shall read as follows: "2000.5 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."

(b) Delete Subsections 2001.3, 2004.3, and 2004.4.

(c) In Subsections 2002.1, 2002.2, 2002.3 and 2003.1 change the words "Building Official" to "Certified Electrical Inspector."

(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 and I-1 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 (0.47 m2).

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 width 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, Dumbwaiter and Conveyor Equipment, Installation and Maintenance. The following subsections of Article 21 of the BOCA Basic Building Code are deleted or changed to read as follows:

(1) Change Subsection 2103.4 of Article 21 to read as follows: "2103.4 Posting certificates of compliance: The owner or lessee shall post the last issued certificate of compliance in a conspicuous place on the elevator, available to the building official."

(2) Change Subsection 2102.4.1 of Article 21 to read as follows: "2102.4.1 Periodic Inspection Intervals: Periodic inspections shall hereafter be made at intervals of not more than twelve (12) months for all passenger elevators, manlifts and escalators."

(3) Change Subsection 2110.1 of Article 21 to read as follows: "2110.1 General: The construction of machine rooms and related construction for passenger and freight elevators and dumbwaiters shall be protected from the weather, and shall be enclosed with fire resistive enclosures. Enclosures and access doors thereto shall have a fire endurance at least equal to that required for the hoistway enclosure in Table 401."

Section 4. Elevators. Appendix A of the BOCA Basic Building Code under "Elevators, Escalators and Moving Walks," shall be changed to read as follows: Change all citations relating to the "Safety Code for" and substitute "ANSI 17.1-1981 and Supplement to Safety Code for Elevators and Escalators ANSI/ASME A17.1b-1983."

Section 5. A new subsection of Article 3 of the Kentucky Building Code is hereby added to read as follows: "310.4 Tobacco auction warehouses: Warehouses, for the sale of tobacco only, of Type 1, Type 2, or Type 3 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."

Section 6. (1) Amend Article 5 as follows:

(a) In subsection 505.1, change the number, "103.0," to read "106.0."

(b) In subsection 511.1, change the number, "124.0," to read "123.0."

(2) Delete the reference to the BOCA Fire Prevention Code listed in Appendix A and install in its place the following: "The Kentucky Fire Safety Standards (815 KAR 10:020 - Fire Safety Standards) shall be used as the fire prevention code."

(3) In subsection 612.4, change the number, "107.4" to read "110.0."

(4) Change Table 816 to read as follows:

TABLE 816
TREAD AND RISER SIZE[a,c]

Use Group	Max. riser	Min. riser	Max. tread	Min. tread
R-3 and within dwelling units in Use Group R-2	8 1/4 in.	--	--	9 in.
All others[b]	7 in.	4 in.	--	11 in.

Note a. There shall be no variation exceeding 3/16" in the depth of adjacent treads or in the height of adjacent risers, and the tolerance between the largest and smallest riser shall not exceed 3/8" in any flight.

Note b. In balconies and galleries, risers and treads shall be as shown in above table, but one tread in each seat platform width may have a greater width to accommodate access to seats. Seating platforms shall be of a uniform width.

Note c. 1 inch = 25.4 mm.

(5) Amend Figure 916 of Article 9 by adding the following list of 120 Kentucky counties showing the assigned earthquake risk zone for each.

Earthquake Risk Zone #1

Adair	Elliott	Laurel	Oldham
Allen	Estill	Lawrence	Owen
Anderson	Fayette	Lee	Owsley
Barren	Fleming	Leslie	Pendleton
Bath	Floyd	Letcher	Perry
Bell	Franklin	Lewis	Pike
Boone	Gallatin	Lincoln	Powell
Bourbon	Garrard	Logan	Pulaski
Boyd	Grant	Madison	Robertson
Boyle	Grayson	Magoffin	Rockcastle
Bracken	Greene	Marion	Rowan
Breathitt	Greenup	Martin	Russell
Breckinridge	Hancock	Mason	Scott
Bullitt	Hardin	Meade	Shelby
Butler	Harlan	Menifee	Simpson
Campbell	Harrison	Mercer	Spencer
Carroll	Hart	Metcalfe	Taylor
Carter	Henry	Monroe	Todd
Casey	Jackson	Montgomery	Trimble
Christian	Jefferson	Morgan	Warren
Clark	Jessamine	Muhlenberg	Washington
Clay	Johnson	McCreary	Wayne
Clinton	Kenton	McLean	Whitley
Cumberland	Knott	Nelson	Wolfe
Daviess	Knox	Nicholas	Woodford
Edmonson	Larue	Ohio	

Earthquake Risk Zone #2	Earthquake Risk Zone #3
Caldwell	Ballard
Calloway	Carlisle
Crittenden	Fulton
Henderson	Graves
Hopkins	Hickman
Lyon	Livingston
Trigg	Marshall
Union	McCracken
Webster	

(6) Change subsection 1301.5.6.1.7 to read as follows: "Glazing in fixed panels having a glazed area in excess of nine (9) square feet (0.84 m^2) with the lowest edge less than eighteen (18) inches (457 mm) above the finish floor level or walking surface within thirty-six (36) inches (914 mm) of such glazing, and the finish floor or walking surface are extended on both sides of said glazing. In lieu of safety glazing, such glazed panels may be protected with a horizontal member not less than one and one-half (1 1/2) inches (38 mm) in width when located between twenty-four (24) inches (610 mm) and thirty-six (36) inches (914 mm) above the walking surface."

(7) Change section 1301.0 by adding a new subsection 1301.5.6.3 which shall read as follows:

(a) "1301.5.6.3 Labeling requirements:

1. Each light of safety glazing material manufactured, distributed, imported, or sold for use in hazardous locations or installed in such a location within the Commonwealth of Kentucky shall be permanently labeled by such means as etching, sandblasting or firing ceramic material on the safety glazing material. The label shall identify the labeler, whether manufacturer, fabricator or installer, and the nominal thickness and the type of safety glazing material and the fact that said material meets the test requirements of ANSI Standard Z-97.1 and Z-97.1a listed in Appendix A and such further requirements as may be adopted by the Department of Housing, Buildings and Construction. The label must be legible and visible after installation. Such safety glazing labeling shall not be used on other than safety glazing materials."

(8) Change subsection 1410.4 and the exceptions thereto to read as follows: "1410.4 Duct and pipe shafts: In all buildings other than buildings of Use Group R-2, vertical pipes arranged in groups of two (2) or more which penetrate two (2) or more floors and occupy an area of more than one (1) square foot (0.093 m^2), and vertical ducts which penetrate two (2) or more floors, shall be enclosed by construction of not less than one (1) hour fire-resistance rating to comply with this section. All combustible pipes and ducts connecting two (2) or more stories shall be enclosed as indicated herein.

Exceptions:

1. In all buildings of Use Group R-2, vertical noncombustible ducts shall not be required to have a one (1) hour enclosure provided:

(a) the cross sectional area does not exceed thirty-five (35) square inches;

(b) the duct does not penetrate more than three (3) floors;

(c) the duct serves no more than one (1) dwelling unit and shall not join other ducts except above the top level for the purpose of utilizing a single roof penetration; and

(d) these ducts are restricted for use as a bathroom or kitchen exhaust, and combustion air supply and relief.

2. Combustible pipe shall be permitted where approved by Article 22 of this code. Noncombustible fittings shall be required where branch lines enter into or exit from rated walls, with no requirement for one (1) hour enclosure."

(9) Add the following language and NFPA Standards to Appendix A:

"These NFPA Standards are to be used for fire suppression requirements and design only, where referenced in a specific code requirement in the body of the Code."

BOCA Guide for Suppression Requirements for Specific Occupations

Installation of Sprinkler Systems	NFPA 13-85
Aircraft Hangars	NFPA 409
Cellulose Nitrate Film	NFPA 40
Pyroxylin Plastics	NFPA 40C
Flammable Liquids	NFPA 30,NFPA 36
Paint Spray	NFPA 33
Dipping and Coating	NFPA 34
Laboratories	NFPA 45
Fireworks	NFPA 44A
Gaseous Oxidizing Materials	NFPA 43C
Heliports	NFPA 418
L.P. Gas Storage	NFPA 58
High Piled Storage in Excess of 12 ft. in height	NFPA 231
Rack and Palletized Storage in Excess of 12 ft. in height	NFPA 231C
Rubber Tire Storage	NFPA 231D
Baled Cotton Storage	NFPA 231E
Rolled Paper Storage	NFPA 231F
Rangehoods	NFPA 96
Computer Rooms	NFPA 75
Archives and Record Centers	NFPA 232AM
L.P. Gas Storage and Handling	NFPA 59A
Explosion Prevention Systems	NFPA 69
Fur Storage	NFPA 81
Cooling Towers	NFPA 214
Marinas and Boatyards	NFPA 303
Library Stacks	NFPA 910
Wood Working Facilities	NFPA 664

(10) Amend Article 18 as follows:

(a) In subsection 1805.2, change the words, "Section 2205.4" to read "Article 22, 815 KAR 20:090."

(b) In subsection 1807.2.1 and 1807.2.2, insert the words "two (2) feet (610 mm)" in spaces provided.

(11) Delete Article 22 in its entirety and substitute the following reference: "2200.1 General: See Kentucky State Plumbing Code for all the requirements for plumbing installations as set forth in Chapter 20, Title 815 of Kentucky Administrative Regulations. Informational copies are available from the Kentucky Division of Plumbing, U.S. 127 South, Frankfort, Kentucky 40601."

Section 7. Amend subsection 812.5.4 and add an exception to read as follows: "812.5.4 Panic hardware: All doors equipped with latching or locking devices in buildings of Use Groups A and

E or portions of buildings used for assembly or educational purposes and serving rooms or spaces with an occupant load greater than 100 shall be equipped with approved panic hardware. Acceptable panic hardware will be a door latching assembly incorporating a device which causes any door latch and lock to release and the leaf to open when a force of 15 pounds (73.23 N) is applied in the direction of egress to a bar or panel, the activating portion of which extends not less than one-half the width of the door leaf, and applied at a height greater than 30 inches (762 mm) but less than 44 inches (1118 mm) above the floor. The force shall be applied at the lock side of the door or 30 inches (762 mm) from the hinged side, whichever is farther from the hinge."

"Exception: Panic hardward for Use Group A3 is not required for the principal entrance/exit doors if (1) they are free-swinging; and (2) the calculated occupant load does not exceed 150; and (3) the latch/lock device is a thumb latch/lock or a key operated lock device in which the key cannot be removed from the side from which egress is to be made when it is locked."

CHARLES A. COTTON, Commissioner
ROBERT M. DAVIS, Secretary
APPROVED BY AGENCY: March 13, 1986
FILED WITH LRC: March 13, 1986 at 2 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on April 25, 1986 at 10 a.m. in the Office of the Department of Housing, Buildings and Construction, U.S. 127 South, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Judith G. Walden, Office of General Counsel, Department of Housing, Buildings and Construction, The 127 Building, U.S. 127 South, Frankfort, Kentucky 40601. If no written requests to appear at the public hearing are received by April 20, 1986, the hearing may be cancelled.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith G. Walden
(1) Type and number of entities affected: N/A
(a) Direct and indirect costs or savings to those affected:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body: N/A
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: N/A
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: None

Tiering:
Was tiering applied? No. Not applicable.

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

815 KAR 20:010. Definitions.

RELATES TO: KRS Chapter 318
PURSUANT TO: KRS 13.082, 318.130
NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation relates to the definitions needed to interpret other sections of the subsequent regulations or comprising the State Plumbing Code.

Section 1. Definition of Terms. (1) Air break (drainage system). A piping arrangement in which a drain from a fixture, appliance, or device discharges indirectly into another fixture, receptacle, or interceptor at a point below the flood level rim.
(2) Air gap (drainage system). The unobstructed vertical distance through the free atmosphere between the outlet of waste pipe and the flood level rim of the receptacle into which it is discharging.
(3) Air gap (water distribution system). The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the receptacle.
(4) Anchors. (See supports.)
(5) Apprentice plumber. (See plumber's apprentice.)
(6) [(5)] Approved. Accepted or acceptable under an applicable specification state or cited in this code.
(7) [(6)] Area drain. A receptacle designed to collect surface or storm water from an open area.
(8) [(7)] Aspirator. A fitting or device supplied with water or other fluid under positive pressure which passes through an integral orifice or "constriction" causing a vacuum. Aspirators are often referred to as "suction" apparatus, and are similar in operation to an ejector.
(9) [(8)] Autopsy table. A fixture or table used for post-mortem examination of a body.
(10) [(9)] Backflow. The flow of water or other liquids, mixtures, or substances into the distributing pipes of a potable supply of water from any source or sources other than its intended source. Back-siphonage is one type of backflow.
(11) [(10)] Backflow connection. Any arrangement whereby backflow can occur.
(12) [(11)] Backflow preventer. A device or means to prevent backflow.
(13) [(12)] Backflow preventer, reduced pressure zone type. An assembly of differential valves and check valves including an automatically opened spillage port to the atmosphere.

(14) [(13)] Back-siphonage. The flowing back of used, contaminated, or polluted water from a plumbing fixture or vessel or other sources into a potable water supply pipe due to a negative pressure in such pipe.

(15) [(14)](a) Basement. The basement is the lowest level of a dwelling unit which is wholly or partly below the ground level in which the entrance and exit is made by use of a stairway or other mechanical means and which may or may not have an entrance and exit at the basement floor level.

(b) Basement floor drains. A basement floor drain is a drain placed in the basement floor of a residence which may or may not receive sanitary waste water.

(16) [(15)] Battery of fixtures. Any group of two (2) or more similar adjacent fixtures which discharge into a common horizontal waste or soil branch.

(17) [(16)] Bedpan hopper. (See clinical sink.)

(18) [(17)] Bedpan steamer or boiler. A fixture used for scalding bedpans or urinals by direct application of steam of boiling water.

(19) [(18)] Bedpan unit. A small workroom in the nursing area designed and equipped for emptying, cleaning, and sometimes for steaming bedpans, and for no other purposes.

(20) [(19)] Bedpan washer and sterilizer. A fixture designed to wash bedpans and to flush the contents into the sanitary drainage system. It may also provide for disinfecting utensils by scalding with steam or hot water.

(21) [(20)] Bedpan washer hose. A device supplied with hot and cold water and located adjacent to a water closet or clinical sink to be used for cleaning bedpans.

(22) [(21)] Boiler blow-off. An outlet on a boiler to permit emptying or discharge of sediment.

(23) [(22)] Boiler blow-off tank. A vessel designed to receive the discharge from a boiler blow-off outlet and to cool the discharge to a temperature which permits its safe discharge to the drainage system.

(24) [(23)] Branch. The branch of any system of piping is that part of the system which extends horizontally, at a slight grade, with or without lateral or vertical extensions or vertical arms, from the main to receive fixture outlets not directly connected to the main.

(25) [(24)] Branch, fixture. (See fixture branch.)

(26) [(25)] Branch interval. A distance along a soil or waste stack corresponding in general to a story height, but in no case less than eight (8) feet, within which the horizontal branches from one (1) floor or story of a building are connected to the stack.

(27) [(26)] Branch vent. A vent connecting one (1) or more individual vents with a vent stack or stack vent.

(28) [(27)] Building. A structure having walls and a roof designed and used for the housing, shelter, enclosure, or support of persons, animals or property.

(29) [(28)] Building classification. The arrangement of buildings in classes according to occupancy.

(30) [(29)] Building drain. That part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning two (2) feet outside the building wall.

(31) [(30)] Building drain; combined. A building drain which conveys both sewage and storm water or other drainage.

(32) [(31)] Building drain; sanitary. A building drain which conveys sewage only.

(33) [(32)] Building drain; storm. A building drain which conveys storm water or other drainage but not sewage.

(34) [(33)] Building gravity drainage system. A drainage system which drains by gravity into the building sewer.

(35) [(34)] Building sewer. That part of the drainage system which extends from the end of the building drain and conveys its discharge to a public sewer, private sewer, individual sewage-disposal system, or other point of disposal.

(36) [(35)] Building sewer; combined. A building sewer which conveys both sewage and storm water or other drainage.

(37) [(36)] Building sewer; sanitary. A building sewer which conveys sewage only.

(38) [(37)] Building sewer; storm. A building sewer which conveys storm water or other drainage but no sewage.

(39) [(38)] Building subdrain. That portion of a drainage system which does not drain by gravity into the building sewer.

(40) [(39)] Cesspools. A lined and covered excavation in the ground which receives a discharge of domestic sewage or other organic wastes from a drainage system, so designed as to retain the organic matter and solids, but permitting the liquids to seep through the bottom and sides.

(41) [(40)] Circuit vent. A branch vent that serves two (2) or more traps and extends from the downstream side of the highest fixture connection of a horizontal branch to the vent stack.

(42) [(41)] Clinical sink (bedpan hopper). A fixture for the rinsing of bedpans and soiled linens. Such fixture shall have a trap size on not less than three (3) inches.

(43) [(42)] Code. Means the State Plumbing Code.

(44) [(43)] Combination fixture. A fixture combining one (1) sink and laundry tray or a two (2) or three (3) compartment sink or laundry tray in one (1) unit.

(45) [(44)] Combined building drain. (See building drain; combined.)

(46) [(45)] Combined building sewer. (See building sewer; combined.)

(47) [(46)] Combination waste and vent system. A specially designed system of waste piping embodying the horizontal wet venting of one (1) or more sinks or floor drains by means of a common waste and vent pipe adequately sized to provide free movement of air above the free water surface in the drain.

(48) [(47)] Common vent. A vent connecting at the junction of two (2) fixture drains and serving as a vent for both fixture drains.

(49) [(48)] Conductor. A pipe inside the building which conveys storm water from the roof to a storm or combined building drain.

(50) [(49)] Continuous vent. A vertical vent that is a continuation of the drain to which it connects.

(51) [(50)] Continuous waste. A drain from two (2) or more fixtures connected to a single trap.

(52) [(51)] Cross connection. Any physical

connection or arrangement between two (2) otherwise separate piping systems, one (1) of which contains potable water and the other either water of unknown or questionable safety or steam, gas, or chemical whereby there may be a flow from one (1) system to the other, the direction of flow depending on the pressure differential between the two (2) systems. (See backflow and back-siphonage.)

(53) [(52)] Dead end. A branch leading from a soil, waste or vent pipe, building drain, or building sewer, and terminating at a developed length of two (2) feet or more by means of a plug, cap, or other closed fitting.

(54) [(53)] Developed length. The length of a pipe line measured along the center line of the pipe and fittings.

(55) [(54)] Diameter. The nominal diameter as designated commercially.

(56) [(55)] Domestic sewage. The water-borne wastes derived from ordinary living processes.

(57) [(56)] Double offset. Two (2) changes of direction installed in succession or series in a continuous pipe.

(58) [(57)] Downspout. (See leader.)

(59) [(58)] Drain. Any pipe which carries waste water or water-borne wastes in a building drainage system.

(60) [(59)] Drainage pipe. (See drainage system.)

(61) [(60)] Drainage system. Includes all the piping, within public or private premises, which conveys sewage, rain water, or other liquid wastes to a point of disposal. It does not include the mains of a public sewer system or private or public sewage-treatment or disposal plant. Neither does this apply to plumbing appliances.

(62) [(61)] Drainage system (building gravity). A drainage system which drains by gravity into the building sewer.

(63) [(62)] Drainage system (sub-building). (See building subdrain.)

(64) [(63)] Dry well. (See leaching well.)

(65) [(64)] Dual vent. (See common vent.)

(66) [(65)] Durham system. A term used to describe soil or waste systems where all piping is of threaded pipe, tube, or other such rigid construction, using recessed drainage fittings to correspond to the types of piping.

(67) [(66)] Dwelling unit. One (1) or more rooms with provision for living, sanitary and sleeping facilities arranged for the use of one (1) family or individual.

(68) [(67)] Effective opening. The minimum cross-sectional area at the point of water supply discharge, measured or expressed in terms of (i) diameter of a circle, or (ii) if the opening is not circular, the diameter of a circle of equivalent cross-sectional area.

(69) [(68)] Ejector. (See aspirator.)

(70) [(69)] Existing work. A plumbing system or any part thereof installed prior to the effective date of this code.

(71) [(70)] Farmstead. As defined in KRS 318.010(8) and determined by the following:

(a) Must have ten (10) acres or more;

(b) Must have a barn and equipment incident to producing a crop;

(c) Must have a crop basis registered with the ASC Office;

(d) Must be outside the corporate limits of a municipality;

(e) Must not be connected to or utilize a municipal or water district water supply on any portion of the property;

(f) Farming must be agricultural in nature as defined in KRS 132.010(9) and registered with the PVA in that county; and the owner must earn a substantial portion of his/her income from his property, i.e., at least:

1. 10-30 acres--$1,000 plus $60 per acre or fraction thereof over 10 acres
2. 30-60 acres--$2,200 plus $40 per acre or fraction thereof over 30 acres
3. 60-100 acres--$3,400 plus $25 per acre or fraction thereof over 60 acres

(72) [(71)] Fire line. A system of pipes and equipment used exclusively to supply water for extinguishing fires.

(73) [(72)] Fixture. (See plumbing fixture.)

(74) [(73)] Fixture branch. A fixture branch is the piping distance between a soil, waste and vent stack and the fixture trap.

(75) [(74)] Fixture drain. The drain from the trap of a fixture to the junction of that drain with any other drain pipe.

(76) [(75)] Fixture supply. The water supply pipe connecting a fixture to a branch water supply pipe or directly to a main water supply pipe.

(77) [(76)] Fixture unit, drainage (d.f.u.). A measure of the probable discharge into the drainage system by various types of plumbing fixtures. The drainage fixture-unit valve for a particular fixture depends on its volume rate of drainage discharge, on the time duration of a single drainage operation, and on the average time between successive operations. (Note: In general, on small systems, one (1) drainage fixture unit approximates one (1) cubic foot per minute.)

(78) [(77)] Fixture unit, supply (s.f.u.). A measure of the probable hydraulic demand on the water supply by various types of plumbing fixtures. The supply fixture-unit value for a particular fixture depends on its volume rate of supply, on the time duration of a single supply operation, and on the average time between successive operations.

(79) [(78)] Flood level. (See flood level rim.)

(80) [(79)] Flood level rim. The edge of the receptacle from which water overflows.

(81) [(80)] Flooded. The condition which results when the liquid in a container or receptacle rises to the flood-level rim.

(82) [(81)] Floor drain. A floor drain is a drain placed in the floor of a building for the purpose of receiving sanitary waste water.

(83) [(82)] Floor pantry. A workroom in the nursing area designed and equipped to prepare supplemental diets or beverages, and to assemble food trays at meal times if used in conjunction with decentralized food service.

(84) [(83)] Flow pressure. The pressure in the water supply pipe near the faucet or water outlet while the faucet or water outlet is wide-open and flowing.

(85) [(84)] Flush valve. A device located at the bottom of a tank for slushing water closets and similar fixtures.

(86) [(85)] Flushing type flood drain. A drain which is equipped with an integral water supply enabling flushing of the drain receptor and trap.

(87) [(86)] Flushometer valve. A device which discharges a predetermined quantity of water to fixtures for flushing purposes and is closed by

direct water pressure.

(88) [(87)] Frostproof closet. A hopper with no water in the bowl and with the trap and water supply control valve located below frost line.

(89) [(88)] Grade. The fall (slope) of a line of pipe in reference to a horizontal plane. In drainage it is usually expressed as the fall in a fraction of an inch per foot length of pipe.

(90) [(89)] Grease interceptor. (See interceptor.)

(91) [(90)] Grease trap. (See interceptor.)

(92) [(91)] Hangers. (See supports.)

(93) [(92)] Horizontal branch drain. A drain branch pipe extending laterally from a soil or waste stack or building drain, with or without vertical sections or branches, which receives the discharge from one (1) or more fixture drains and conducts it to the soil or waste stack or to the building drain.

(94) [(93)] Horizontal pipe. Any pipe or fitting which makes an angle of less than forty-five (45) degrees with the horizontal.

(95) [(94)] Hot water. Water at a temperature of not less than 120 degrees F.

(96) [(95)] House drain. (See building drain.)

(97) [(96)] House sewer. (See building sewer.)

(98) [(97)] Individual sewage disposal system. A system for disposal of domestic sewage by means of a septic tank, cesspool or mechanical treatment, designed for use apart from a public sewer to serve a single establishment or building.

(99) [(98)] Indirect waste pipe. A waste pipe which does not connect directly with the drainage system, but which discharges into the drainage system through an air break or air gap into a trap, fixture, receptor or interceptor.

(100) [(99)] Individual vent. A pipe installed to vent a fixture drain. It connects with the vent system above the fixture served or terminates outside the building into the open air.

(101) [(100)] Individual water supply. A supply other than an approved public water supply which serves one (1) or more families.

(102) [(101)] Industrial floor drain. An industrial floor drain is a drain placed in the floor of a building other than in a toilet room or shower room to receive waste water.

(103) [(102)] Industrial wastes. Liquid wastes resulting from the processes employed in industrial and commercial establishments.

(104) [(103)] Insanitary. Contrary to sanitary principles; injurious to health.

(105) [(104)] Interceptor. A device designed and installed so as to separate and retain deleterious, hazardous, or undesirable matter from normal wastes while permitting normal sewage or liquid wastes to discharge into the drainage system by gravity.

(106) [(105)] Installed. Altered, changed or a new installation.

(107) Invert. The lowest portion of the inside of any horizontal pipe.

(108) [(106)] Kitchen sink unit. A kitchen sink unit is defined as a sink, double or single compartment, food waste disposer, and dishwasher placed in a unit so arranged that the dishwasher abuts the sink.

(109) [(107)] Leaching well or pit. A pit or receptacle having porous walls which permit the contents to seep into the ground.

(110) [(108)] Leader. An exterior drainage pipe for conveying storm water from roof or gutter drains.

(111) [(109)] Liquid waste. The discharge from any fixture, appliance, area or appurtenance, which does not contain fecal matter.

(112) [(110)] Load factor. The percentage of the total connected fixture unit flow which is likely to occur at any point in the drainage system.

(113) [(111)] Local vent stack. A vertical pipe to which connections are made from the fixture side of traps and through which vapor and/or foul air may be removed from the fixture or device used on bedpan washers.

(114) [(112)] Local ventilating pipe. A local ventilating pipe is a pipe through which foul air is removed from a room or fixture.

(115) [(113)] Loop vent. A circuit vent which loops back to connect with a stack vent instead of a vent stack.

(116) [(114)] Main. The main of any plumbing system is that part of such system of horizontal, vertical or continuous piping which receives the waste, soil, main or individual vents from fixture outlets, or traps, directly or through branch pipes.

(117) [(115)] Main sewer. (See public sewer.)

(118) [(116)] Main vent. The principal artery of the venting system to which vent branches may be connected. (Manufacturer's Floor Drain. See industrial floor drain.)

(119) [(117)] Multiple dwelling. Building containing more than two (2) dwelling units.

(120) [(118)] Non-potable water. Water not safe for drinking, personal or culinary use.

(121) [(119)] Nuisance. Public nuisance is known in common law or in equity jurisprudence; whatever is dangerous to human life or detrimental to health; whatever building, structure, or premise is not sufficiently ventilated, sewered, drained, cleaned or lighted, in reference to its intended or actual use; and whatever renders the air or human food or drink or water supply unwholesome.

(122) [(120)] Nurses' station. An area in the nursing unit separated from the corridor by counter or desk, designed to permit nurses to record and file each patient's history and progress, observation and control of corridor, preparation of medicines and maintain contact with patients, the hospital and the outside by local and public means of communication.

(123) [(121)] Offset. A combination of elbows or bends which bring one (1) section of the pipe out of line but into a line parallel with the other section.

(124) [(122)] Oil interceptor. (See interceptor.)

(125) [(123)] Person. A natural person, his heirs, executors, administrators or assigns; and includes a firm, partnership or corporation, its or their successors or assigns. Singular includes plural; male includes female.

(126) [(124)] Pitch. (See grade.)

(127) Plumber's apprentice. A plumber's apprentice is any person other than a journeyman or master plumber, who, as his principal occupation, is engaged in working as an employee of a master plumber under the immediate and personal supervision of either a master or journeyman plumber in learning and assisting in the installation of plumbing.

(128) [(125)] Plumbing. Plumbing means the art of installing in buildings the pipes for distributing the water supply, the fixtures for

using water and drainage pipes for removing waste water and sewage, together with fittings, appurtenances, and appliances of various kinds, all within or adjacent to the building. It shall include:

(a) The water service pipe which forms the connection between the property line and the building other than piping serving fire fighting equipment;

(b) Private water supply systems;

(c) House sewers which convey the waste water and sewage from the building to the property line or other points of disposal but not including sewers located between manholes and sewers extending five (5) feet from a main or manhole on private property; and

(d) Storm sewers and rain water piping located within a building to a point two (2) feet outside of the building and private sewage disposal systems other than those which have a treated effluent.

(129) [(126)] Plumbing appliance. Any one (1) of a special class of plumbing fixture which is intended to perform a special function. Its operation and/or control may be dependent upon one (1) or more energized components, such as motors, controls, heating elements, or pressure or temperature-sensing elements. Such fixtures may operate automatically through one (1) or more of the following actions: a time cycle, a temperature range, a pressure range, a measured volume or weight; or the fixture may be manually adjusted or controlled by the user or operator.

(130) [(127)] Plumbing appurtenance. A manufactured device, or a prefabricated assembly of component parts, and which is an adjunct to the basic piping system and plumbing fixtures. An appurtenance demands no additional water supply, nor does it add any discharge load to a fixture or the drainage system. It is presumed that it performs some useful function in the operation, maintenance, servicing, economy, or safety of the plumbing system.

(131) [(128)] Plumbing fixture. A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water therefrom, or it discharges used water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises, or which requires both a water supply connection and a discharge to the drainage system of the premises. Plumbing appliances as a special class of fixture are further defined.

(132) [(129)] Plumbing inspector. A duly authorized employee or agent of the Department of Housing, Buildings and Construction who is charged with the responsibility of inspecting plumbing installations and with the enforcement of the state plumbing laws and code.

(133) [(130)] Plumbing system. The plumbing system of a building includes: appliances and water heaters; the water supply distributing pipes; the fixtures and fixture traps; the soil, waste and vent pipes; the house drain and house sewer; the storm water drainage within a building with their devices, appurtenances and connections all within and adjacent to the building.

(134) [(131)] Pool. (See swimming pool.)

(135) [(132)] Potable water. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming in its bacteriological and chemical quality to the requirements of the Public Health Service Drinking Water Standards or the regulations of the Department of Housing, Buildings and Construction.

(136) [(133)] Private or private use. In the classification of plumbing fixtures, private applies to fixtures in residences and apartments and to fixtures in private bathrooms of hotels as well as similar installations in other buildings where the fixtures are intended for the use of a family or an individual.

(137) [(134)] Private sewer. A sewer, serving two (2) or more buildings, privately owned, and not directly controlled by public authority.

(138) [(135)] Public or public use. In the classification of plumbing fixtures, public applies to fixtures in general toilet rooms of schools, gymnasiums, hotels, railroad stations, public buildings, bars, public comfort stations, and other installations (whether pay or free) where a number of fixtures are installed so that their use is similarly unrestricted.

(139) [(136)] Public sewer. A common sewer directly controlled by public authority.

(140) [(137)] Public water main. A water supply pipe for public use controlled by public authority.

(141) [(138)] Receptor. A fixture or device which receives the discharge from indirect waste pipes.

(142) [(139)] Relief vent. An auxiliary vent which permits additional circulation of air in or between drainage and vent systems.

(143) [(140)] Return offset. A double offset installed so as to return the pipe to its original alignment.

(144) [(141)] Revent pipe. (See individual vent.)

(145) [(142)] Rim. An unobstructed open edge of a fixture.

(146) [(143)] Riser. A water supply pipe which extends vertically one (1) full story or more to convey water to branches or to a group of fixtures.

(147) [(144)] Roof drain. A drain installed to receive water collecting on the surface of a roof and to discharge it into a leader or a conductor.

(148) [(145)] Roughing-in. The installation of all parts of the plumbing system which can be completed prior to the installation of fixtures. This includes drainage, water supply, and vent piping, and the necessary fixture supports.

(149) [(146)] Safe waste. (See indirect waste.)

(150) [(147)] Sand interceptor. (See interceptor.)

(151) [(148)] Sand trap. (See interceptor.)

(152) [(149)] Sanitary sewer. A sewer which carries sewage and excludes storm, surface, and ground water.

(153) [(150)] Scrub sink. A device usually located in the operating suite to enable operating personnel to scrub their hands prior to operating procedures. The hot and cold water supply is activated by a knee-action mixing valve or by wrist or pedal control.

(154) [(151)] Seepage well or pit. A covered pit with open-jointed lining into which septic tank effluent is received that will seep or leach into the surrounding porous soil.

(155) [(152)] Separator. (See interceptor.)

(156) [(153)] Setic tank. A watertight receptacle which receives the discharge of a

building sanitary drainage system or part thereof, and is designed and constructed so as to digest organic matter through a period of detention and allow the liquids to discharge into the soil outside of the tank through a system of open joint or perforated piping, or a seepage pit.

(157) [(154)] Sewage. Any liquid waste containing animal or vegetable matter in suspension or solution, and may include liquids containing chemicals in solution.

(158) [(155)] Sewage ejectors. A device for lifting sewage by entraining it in a high velocity jet of steam air or water.

(159) [(156)] Side vent. A vent connecting to the drain pipe through a fitting at an angle not greater than forty-five (45) degrees to the vertical.

(160) [(157)] Size of pipe and tubing. (See diameter.)

(161) [(158)] Slope. (See grade.)

(162) [(159)] Soil pipe. A soil pipe is any pipe which conveys the discharge of water closets or similar fixtures, with or without the discharges from other fixtures, to the house drain.

(163) [(160)] Soil vent. (See stack vent.)

(164) [(161)] Special wastes. Wastes which require special treatment before entry into the normal plumbing system.

(165) [(162)] Special waste pipe. Pipes which convey special wastes.

(166) [(163)] Stack. A general term for any vertical line of soil, waste or vent piping.

(167) [(164)] Stack group. A group of fixtures located adjacent to the stack so that by means of proper fittings, vents may be reduced to a minimum.

(168) [(165)] Stack vent. The extension of a soil or waste stack above the highest horizontal drain connected to the stack.

(169) [(166)] Stack venting. A method of venting a fixture or fixtures through the soil or waste stack.

(170) [(167)] Sterilizer, boiling type. A boiling type "sterilizer" is a fixture (nonpressure type), used for boiling instruments, utensils, and/or other equipment (used for disinfection). Some devices are portable, others are connected to the plumbing system.

(171) [(168)] Sterilizer, instrument. A device for the sterilization of various instruments.

(172) [(169)] Sterilizer, pressure instrument washer-sterilizer. A pressure instrument washer-sterilizer is a fixture (pressure vessel) designed to both wash and sterilize instruments during the operating cycle of the fixture.

(173) [(170)] Sterilizer, pressure (autoclave). A fixture (pressure vessel) designed to use steam under pressure for sterilizing. Also called an autoclave.

(174) [(171)] Sterilizer, utensil. A device for the sterilization of utensils as used in hospital services.

(175) [(172)] Sterilizer vent. A separate pipe or stack, indirectly connected to the building drainage system at the lower terminal, which receives the vapors from nonpressure sterilizers, or the exhaust vapors from the pressure sterilizers, and conducts the vapors directly to the outer air. Sometimes called vapor, steam, atmospheric, or exhaust vent.

(176) [(173)] Sterilizer, water. A water sterilizer is a device for sterilizing water and storing sterile water.

(177) [(174)] Still. A device used in distilling liquids.

(178) [(175)] Storm drain. (See building storm drain.)

(179) [(176)] Storm sewer. A sewer used for conveying rain water, surface water, condensate, cooling water, or similar liquid wastes.

(180) [(177)] Subsoil drain. A drain which collects subsurface water and conveys it to a place of disposal.

(181) [(178)] Sump. A tank or pit, which receives sewage or liquid waste, located below the normal grade of the gravity system and which must be emptied by mechanical means.

(182) [(179)] Sump pump. A mechanical device other than an ejector or bucket for removing sewage or liquid waste from a sump.

(183) [(180)] Supports. Devices for supporting and securing pipe, fixtures, and equipment.

(184) [(181)] Swimming pool. Any structure, basin, chamber, or tank containing any artificial body of water for swimming, diving, wading or recreational bathing.

(185) [(182)] Trap. A fitting or device which provides a liquid seal to prevent the emission of sewer gases without materially affecting the flow of sewage of waste water through it.

(186) [(183)] Trap seal. The vertical distance between the crown weir and the top of the dip of the trap.

(187) [(184)] Utility room. A workroom in the patient nursing area, designed and equipped to facilitate preparation, cleaning and incidental sterilizing of the various supplies, instruments, utensils, etc., involved in nursing treatment and care, exclusive of medications handled in nurses' stations and bedpan cleaning and sterilizing.

(188) [(185)] Vacuum. Any pressure less than exerted by the atmosphere.

(189) [(186)] Vacuum breaker. (See backflow preventer.)

(190) [(187)] Vacuum breaker, non-pressure type (atmospheric). A vacuum breaker which is not designed to be subjected to static line pressure.

(191) [(188)] Vacuum breaker, pressure type. A vacuum breaker designed to operate under conditions of static line pressure.

(192) [(189)] Vent pipe. A vent pipe is any pipe provided to ventilate a house drainage system and to prevent tray siphonage and back pressure.

(193) [(190)] Vent system. A pipe or pipes installed to provide a flow of air to or from a drainage system or to provide a circulation of air within such system to protect trap seals from siphonage and back pressure.

(194) [(191)] Vertical pipe. Any pipe or fitting which makes an angle of forty-five (45) degrees or less with the vertical.

(195) [(192)] Wall hung water closet. A wall mounted water closet installed in such a way that no part of the water closet touches the floor.

(196) [(193)] Waste pipe and special waste. A waste pipe is any pipe which receives the discharge of any fixture (except water closets or similar fixtures) and discharges to the house drain, soil or waste stacks. When such pipe does not connect directly with a house drain, waste or soil stack, it is termed a special waste.

(197) [(194)] Water distributing pipe. A pipe within the building or on the premises which conveys water from the water-service pipe or meter to the point of usage.

(198) [(195)] Water lifts. (See sewage ejector.)

(199) [(196)] Water outlet. A discharge opening through which water is supplied to a fixture, into the atmosphere (except into an open tank which is part of the water supply), to a boiler or heating system, to any devices or equipment requiring water to operate but which are not part of the plumbing system.

(200) [(197)] Water riser pipe. (See riser.)

(201) [(198)] Water service pipe. The pipe from the water main or other source of potable water supply to the water distributing system of the building served.

(202) [(199)] Water supply stub. A vertical pipe less than one (1) story in height supplying one (1) or more fixtures.

(203) [(200)] Water supply system. The water service pipe, the water-distributing pipes, and the necessary connecting pipes, fittings, control valves, and all appurtenances in or adjacent to the building or premises.

(204) [(201)] Well, bored. A well constructed by boring a hole in the ground with an auger and installing a casing.

(205) [(202)] Well, drilled. A well constructed by making a hole in the ground with a drilling machine of any type and installing casing and screen.

(206) [(203)] Well, driven. A well constructed by driving a pipe in the ground. The drive pipe is usually fitted with a well point and screen.

(207) [(204)] Well, dug. A well constructed by excavating a large diameter shaft and installing a casing.

(208) [(205)] Wet vent. A vent which receives the discharge of wastes other than from water closets.

(209) [(206)] Yoke vent. A pipe connecting upward from a soil or waste stack to a vent stack for the purpose of preventing pressure changes in the stack.

CHARLES A. COTTON, Commissioner
ROBERT M. DAVIS, Secretary
APPROVED BY AGENCY: March 13, 1986
FILED WITH LRC: March 13, 1986 at 2 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on April 25, 1986 at 10 a.m. in the Office of the Department of Housing, Buildings and Construction, U.S. 127 South, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Judith G. Walden, Office of General Counsel, Department of Housing, Buildings and Construction, The 127 Building, U.S. 127 South, Frankfort, Kentucky 40601. If no written requests to appear at the public hearing are received by April 20, 1986, the hearing may be cancelled.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Carl VanCleve
(1) Type and number of entities affected:
(a) Direct and indirect costs or savings to those affected:
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): N/A
(b) Reporting and paperwork requirements: N/A
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: Minimal cost due to time required to complete regulatory impact analysis.
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: See item 2(a)1 above.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:
(a) Necessity of proposed regulation if in conflict: None
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A
(6) Any additional information or comments:

Tiering:
Was tiering applied? No. Not applicable.

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

815 KAR 20:070. Plumbing fixtures.

RELATES TO: KRS Chapter 318
PURSUANT TO: KRS 318.130
NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation relates to the kind, type and quality of plumbing fixtures that are to be used in the construction of plumbing systems.

Section 1. Materials. All receptacles used as water closets, urinals, or otherwise for the disposal of human excreta, shall be of vitrified earthenware, hard natural stone, or cast-iron with a light color porcelain enameled on the inside, except as indicated in Section 4 of this regulation.

Section 2. Installation. All plumbing fixtures shall be installed free and open in a manner to afford access for cleaning. Where practical, all pipes from fixtures shall be run to the wall and no trap or pipe shall extend nearer to the floor than twelve (12) inches except laundry trays or similar fixtures.

Section 3. Water Closet Bowls. Water closet bowls shall be made of one (1) piece and of such form as to hold a sufficient quantity of water when filled to the trap overflow to prevent fouling of its interior surfaces, and it shall be provided with an integral flushing rim so constructed as to flush the entire interior of the bowl.

Section 4. Plastic Water Closet Bowl and Tank. Plastic water closet bowl and tank shall be made with a polypropylene lining inside the one (1)

piece bowl and tank. The outer surface of the bowl shall be constructed of PVC material and the filler material between the two (2) surfaces shall be made of polyurethane foam. The bowl shall have a three (3) inch water seal and shall have a two and one-eighth (2 1/8) inch waste opening passage.

Section 5. Frost-Proof Closet. A frost-proof water closet may be installed only in a building that has at least a twelve (12) inch air break between it and any building used for habitation or occupancy. The room shall be tightly enclosed and accessible from the outside only. The soil pipe between the trap and hopper shall be of extra heavy cast-iron, four (4) inches in diameter and shall be light colored porcelain enamel on the inside. The building must have a non-absorbent floor. Each frost-proof water closet shall have a four (4) inch vent.

Section 6. (1) Floor drains and shower drains. A floor drain or a shower drain is considered a plumbing fixture and shall be provided with a strainer.

(2) Shower drain pan construction. Shower drain pans shall be constructed of sheet lead weighing not less than four (4) pounds per square foot, non-plasticized chlorinated polyethylene conforming to ASTM D-412-66, D-12-4-54 and D-568-61 not less than 0.040 inches, non-plasticized polyvinyl chloride (PVC) sheet material conforming to ASTM D-1004, D-2240, D-412 and D-1790 not less than 0.040 inches thick or other approved material. Shower pans shall be constructed without seams and shall extend to a minimum height of six (6) inches on all vertical walls. Shower pans shall not be required on a concrete floor below the outside grade level.

(3) Fiberglass bathtubs, showers, tub enclosures and shower stalls. Fiberglass bathtubs and tub enclosures shall conform to Commercial Standards CS 221-59. Acrylic-faced bathtubs shall conform to ASTM E-84B or E-162. Fiberglass shower stalls and shower receptors shall conform to Commercial Standards CS 222-59.

(4) Metamorphosed carbonate aggregate polyester resinous martrix-marbleoid bathtubs, lavatories and shower stalls. Metamorphosed carbonate aggregate polyester resinous martrix-marbleoid bathtubs, lavatories and shower stalls shall conform to ANSI Z-124-3.

Section 7. Floor Drains, Shower Drains or Urinal Drains in Inaccessible Places. Floor drains, shower drains or urinal drains shall have a cast-iron P trap when installed under concrete floors or in inaccessible places. They shall be either caulk or screw type.

Section 8. Fixture Strainers. All fixtures other than water closets and pedestal urinals shall be provided with a fixed strong, metallic or porcelain strainer. The total outlet area shall not be less than that of the interior area of the trap.

Section 9. Fixture Overflow. The overflow from a fixture shall be optional, but if used, shall be connected to the inlet side of a trap and be so arranged that it may be readily and effectively cleaned.

Section 10. Ventilation of Rooms Containing Fixtures. Refer to BOCA Basic Mechanical Code M-1009.3 and BOCA One and Two Family Dwelling Codes, R-204.

Section 11. Fixture Additions. Any fixture or fixtures added to a plumbing system shall be installed to comply with the other sections of this code, and the discharge from the additional fixture or fixtures shall enter the soil pipe below the lowest vented opening.

Section 12. Defective Fixtures. Any newly installed fixtures found defective or old fixtures found to be in any unsanitary condition, shall be repaired, replaced, or removed within thirty (30) days upon written notice from the department.

Section 13. (1) Water Heaters. A water heater is an appliance for supplying potable hot water for domestic or commercial purposes. It may be used for space heating if the water temperature does not exceed 150 degrees Fahrenheit. Water heaters shall be properly connected to the hot and cold water supply and shall be connected to an adequate size flue or chimney, but in no case shall this be connected to a flue serving a coal burning apparatus. The flue or chimney shall extend two (2) feet above the roof and be properly flashed and shall not terminate within six (6) feet of a door or window. No fuel fired water heater shall be placed in any bathroom, toilet room or a room used for sleeping. If a water heater is placed in a closed room or closet the door must be a louver door or provided with proper ventilation to provide combustion air and circulation. (See 815 KAR 20:120, Section 13.)

(2) Residential gas-fired direct vent and through the wall type water heaters shall be vented in accordance with the manufacturers recommendations, but in no instance shall the vent terminate at a distance less than six (6) feet from a door or window.

CHARLES A. COTTON, Commissioner
ROBERT M. DAVIS, Secretary
APPROVED BY AGENCY: March 13, 1986
FILED WITH LRC: March 13, 1986 at 2 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on April 25, 1986 at 10 a.m. in the Office of the Department of Housing, Buildings and Construction, U.S. 127 South, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Judith G. Walden, Office of General Counsel, Department of Housing, Buildings and Construction, The 127 Building, U.S. 127 South, Frankfort, Kentucky 40601. If no written requests to appear at the public hearing are received by April 20, 1986, the hearing may be cancelled.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Carl VanCleve
(1) Type and number of entities affected:
(a) Direct and indirect costs or savings to those affected:
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): N/A
(b) Reporting and paperwork requirements: N/A

(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: Minimal cost due to time required to complete regulatory impact analysis.
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: See item 2(a)1 above.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:
(a) Necessity of proposed regulation if in conflict: None
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A
(6) Any additional information or comments:

Tiering:
Was tiering applied? No. Not applicable.

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

815 KAR 20:120. Water supply and distribution.

RELATES TO: KRS Chapter 318
PURSUANT TO: KRS 318.130
NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation relates to the types of piping, pipe sizes for a potable water supply system and the methods to be used to protect and control it.

Section 1. Quality. (1) The bacteriological and chemical quality of the water supply shall comply with the regulations of the department and other governing authorities. Toxic materials shall be kept out of the potable water system.
(a) Piping conveying, and all surfaces in contact with potable water shall be constructed of nontoxic materials.
(b) Chemicals or other substances that could produce either toxic conditions, taste, odor, or discoloration in a potable water system shall not be introduced into, or used in, such systems.
(c) The interior surface of a potable water tank shall not be lined, painted, or repaired with any material which will affect either the taste, odor, color, or potability of the water supply when the tank is placed in, or returned to, service. All interior tank coatings shall be from the list approved by the authority having jurisdiction.
(2) Potable water only shall be accessible to plumbing fixtures that supply water for drinking, bathing, culinary use or the processing of medicinal, pharmaceutical or food products.
(3) The potable water supply system shall be designed, installed, and maintained in such manner as to prevent contamination from non-potable liquids, solids, or gases being introduced into the potable water supply through cross connections or any other piping connections to the system.
(4) Cross connections are prohibited except when and where, as approved by the authority having jurisdiction, suitable protective devices are installed.
(5) Cross connections between a private water supply and a public water supply shall not be made.
(6) When cross connection control devices are properly installed, they create a closed water system. A properly sized thermal expansion tank will be installed located in the cold water supply as near the water heater as possible.
(7) Backflow and back siphonage protection. Means of protection against backflow shall be as required in the following sections: 1, 7A through 7L in order of degree of protection provided. Backflow includes both back pressure and back siphonage.
(a) Air gap: Provides the best level of protection in all backflow situations. Minimum required air gap shall be determined as follows:
1. How measured: The minimum required air gap shall be measured vertically from the lowest end of a potable water outlet to the flood rim or line of the fixture or receptacle into which it discharges.
2. Size: The minimum required air gap shall be one and one-half (1 1/2) the effective opening of a potable water outlet, unless the outlet is a distance less than one and one-half (1 1/2) times the effective opening away from a wall or similar vertical surface, in which case the minimum required air gap shall be one and one-half (1 1/2) times the effective opening of the outlet. The minimum required air gap shall not be less than shown in the following table - Minimum Air Gaps for Plumbing Fixtures.

MINIMUM AIR GAPS FOR PLUMBING FIXTURES

Fixture	Minimum Air Gap When not affected by near wall	Minimum Air Gap When affected by near wall
Lavatories and other fixtures with effective opening not greater than 1/2 inch diameter	1	1 1/2
Sink, laundry trays, goose-neck bath faucets and other fixtures with effective openings not greater than 3/4 inch diameter	1 1/2	1 1/2
Over rim bath fillers and other fixtures with effective openings not greater than 1 inch diameter	1 1/2	1 1/2

Drinking water fountains - single orifice not greater than 7/16 (0.437) inch diameter or multiple orifices having total area of 0.150 square inches (area of circle 7/16 inch diameter)	1	1 1/2
Effective openings greater than 1 inch	1 1/2 x diameter of effective opening	1 1/2 x diameter of effective opening

NOTE 1. Side walls, ribs, or similar obstructions do not affect air gaps when spaced from inside edge of spout opening a distance greater than three (3) times the diameter of the effective opening for a single wall, or a distance greater than four (4) times the diameter of the effective opening for two (2) intersecting walls.

NOTE 2. Vertical walls, ribs, or similar obstructions extending from the water surface to or above the horizontal plane of the spout opening require a greater air gap when spaced closer to the nearest inside edge of spout opening than specified in NOTE 1 above. The effect of three (3) or more such vertical walls or ribs has not been determined. In such cases, the air gap shall be measured from the top of the wall.

(b) Reduced pressure principle back pressure backflow preventer: Reduced pressure principle back pressure backflow preventers provide the best mechanical protection against backflow available, and may be considered equivalent to an air gap in most situations.

(c) Double check valve assembly: Applicable to low level of hazard back pressure backflow conditions only. These devices are manufactured assemblies consisting of two (2) independently acting check valves and including shutoff valves at each end, and petcocks and test gauges for testing the watertightness of each check valve.

(d) Pressure type vacuum breaker: Applicable to back siphonage conditions only.

(e) Atmospheric type vacuum breaker: Applicable to back siphonage conditions only. When applicable, all atmospheric type vacuum breakers must be installed after the last cut-off valve on the water line. These devices may operate under normal atmospheric pressure when the critical level (CL) is installed at the required height in accordance with the following table:

CRITICAL LEVEL (CL) SETTINGS
FOR ATMOSPHERIC TYPE VACUUM BREAKERS

Fixture or Equipment	Method of Installation
Aspirators, ejectors, and and showers	CL at least 6 in. above flood level of receptacle
Bidets	CL at least 6 in. above flood level of receptacle
Cup beverage vending machines	CL at least 12 in. above flood level of machine
Dental units	On models without built-in vacuum breakers: CL at least 6 in. above flood level rim of bowl.
Dishwashing machines	CL at least 6 in. above flood level of machine
Flushometers (closet & urinal)	CL at least 6 in. above top of fixture supplied
Garbage can cleaning machines	CL at least 6 in. above flood level of machine
Hose bibs (sinks or receptacles)	CL at least 6 in. above flood level of receptacle served
Hose outlets	CL at least 6 in. above highest point on hose line
Laundry machines	CL at least 6 in. above flood level of machine
Lawn sprinklers	CL at least 12 in. above highest sprinkler or discharge outlet
Steam tables	CL at least 12 in. above flood level
Tanks & vats	CL at least 6 in. above flood level rim or line

NOTE 1. Critical level (CL) is defined as the level to which the vacuum breaker may be submerged before backflow will occur. Where CL marking is not shown on the vacuum breaker, the bottom of the device shall be taken as the CL.

(f) Barometric loop: Applicable only to back siphonage conditions. The use of a barometric loop is not acceptable as the primary back siphonage preventer.

(g) Location of backflow and back siphonage preventers: Backflow and back siphonage preventers shall be in an accessible location, preferable in the same room as the fixture or connection they protect. Devices may be installed in utility or service spaces. Devices and air gaps shall not be subject to flooding or freezing.

(h) Inspection of devices: Periodic inspections shall be made of all backflow and back siphonage preventers to determine whether they are in proper working condition. Reduced pressure principle back pressure backflow preventers shall be tested on at least an annual basis. Records should be kept on all such inspections.

(i) Approval of devices: Before any device for the prevention of backflow or back siphonage is installed, it shall have first been certified by a recognized testing laboratory acceptable to the plumbing official. Devices installed in a building potable water supply distribution system for protection against backflow shall be maintained in good working condition by the person or persons responsible for the maintenance of the system.

(j) Protection of potable water system: All potable water openings, outlets, and

connections, except those serving residential units, shall be protected against backflow in accordance with one (1) of the following sections, 1(7A) through 1(7L).

(k) Degree of hazard: The protection required at any given outlet or connection shall be determined based on the degree of hazard posed by that outlet or connection as follows:

1. Severe hazard. Potential for contamination by toxic substances or disease-causing organisms.

2. Moderate hazard. Potential for contamination by nontoxic but objectionable substances.

3. Minor hazard. Potential for contamination by generally nontoxic, non-objectionable substances, but which may cause the consumer to question the quality of water.

(l) Minimum acceptable protection: All openings and outlets shall be protected by an air gap between the opening and floor level rim whenever possible. The acceptable protection for various types of outlets or connections shall be as shown in the following table:

(See Table on following page)

CROSS CONNECTIONS, DEGREE OF HAZARD AND ACCEPTABLE PROTECTION FOR VARIOUS PLUMBING OUTLETS AND CONNECTIONS

Type of Connection	Degree of Hazard			Acceptable Protection				
					Backflow		Backsiphonage	
	Severe	Moderate	Minor	Air Gap	Reduced Pressure Device	Double Check Valve Assembly	Pressure Type Vacuum Breaker	Atmospheric Type Vacuum Breaker
I. Connections subject to back pressure from:								
A. Pumps, tanks, and lines handling:								
1. Toxic substance	X			X	X			
2. Nontoxic subst.		X		X	X	X		
B. Boilers								
1. With chemical additives	X			X	X			
2. Without chemical additives		X		X	X	X		
C. Gravity due to obvious site conditions subject to:								
1. Contamination by toxic substances	X			X	X			
2. Contamination by nontoxic subst.		X		X	X	X		
II. Water outlets and connections not subject to back pressure:								
A. Connection to sewer or sewage pump	X			X				
B. Outlet to receptacles containing toxic substances	X			X	X		X	X
C. Outlet to receptacles containing nontoxic substances		X		X	X	X	X	X
D. Outlet into domestic water tanks			X	Each case treated separately				
E. Flush valve toilets	X			X	X		X	X
F. Flush valve urinals		X		X	X		X	X
G. Outlets with hose attachments subject to contamination from:								
1. Toxic substances	X			X	X		X	X
2. Nontoxic subst.		X		X	X	X	X	X
H. Outlets to recirculating cooling tower:								
1. With chemical additives	X			X	X			
2. Without chemical additives		X		X	X	X		

APPLICATION CHART

TYPE AND PRESSURE	DESCRIPTION	INSTALLED AT	EXAMPLES OF INSTALLATIONS	APPLICABLE STANDARDS
Reduced Pressure Principle Backflow Preventer For high hazard cross connections.	Two independent check valves with intermediate relief valve. Supplied with shutoff valves and ball type test cocks.	All cross connections subject to backpressure or backsiphonage where there is a high potential health hazard from contamination. Continuous pressure.	Main Supply Lines Commercial Boilers Cooling Towers Hospital Equipment Processing Tanks Laboratory Equipment Waste Digesters Car Wash Sewerage Treatment	A.S.S.E. No. 1013 A.W.W.A. C506 FCCCHR of U.S.C. CSA B.64.4 Sizes 3/4 " - 10"

TYPE AND PRESSURE	DESCRIPTION	INSTALLED AT	EXAMPLES OF INSTALLATIONS		APPLICABLE STANDARDS
(A) Double Check Valve Assembly For low hazard cross connections.	Two independent check valves. Supplied with shut-off valves and ball type test cocks.	All cross connections subject to back pressure where there is a low potential health hazard or nuisance. Continuous pressure.	Main Supply Lines Food Cookers Tanks and Vats Lawn Sprinklers Fire Sprinkler Lines Commercial Pools	NONTOXIC	A.S.S.E. No. 1015 A.W.W.A. C506 FCCCHR of U.S.C. CSA B.64.5 Sizes 3/4" - 10"
(B) Dual Check Valve Backflow Preventer For low hazard applications.	Two independent check valves. Checks are removable for testing.	Cross connections where there is a low potential health hazard and moderate flow requirements.	Post ground hydrants.		A.S.S.E. No. 1024 Sizes 3/4" & 1"
(A) Backflow Preventer with Intermediate Atmospheric Vent For moderate hazard cross connections in small pipe sizes.	Two independent check valves with intermediate vacuum breaker and relief valve.	Cross connections subject to backpressure or backsiphonage where there is a moderate health hazard. Continuous pressure.	Boilers (Small) Cooling Towers (Small) Dairy Equipment Residential		A.S.S.E. No. 1012 CSA B.64.3 Sizes 1/2" & 3/4"
		Pump outlet to prevent backflow to carbon dioxide gas and carbonated water into the water supply system to beverage machines.	Post-Mix Carbonated Beverage Machine		Special Approvals
(B) Laboratory Faucet and Double Check Valve with Intermediate Vacuum Breaker In small pipe sizes for moderate to low hazard.	Two independent check valves with intermediate vacuum breaker and relief vent.	Cross connection subject to backpressure or backsiphonage where there is a moderate to low health hazard.	Laboratory Faucets and Pipe Lines Barber Shop and Beauty Parlor Sinks		A.S.S.E. No. 1035 (N-LF9)
(A) Atmospheric Vacuum Breakers For moderate to high hazard cross connections.	Single float and disc with large atmospheric port.	Cross connections not subject to backpressure or continuous pressure. Install at least 6" above fixture rim. Protection against back-siphonage only.	Process Tanks Dishwashers Soap Dispensers Washing Machines Lawn Sprinklers		A.S.S.E. No. 1001 ANSI.A112.1.1 CSA B.64.1.1 FCCCHR of U.S.C. Sizes 1/4" - 3"
(B) Anti-Siphon Pressure Breakers For moderate to high hazard cross connections.	Spring loaded single float and disc with independent 1st check. Supplied with shut-off valves and ball type test cocks.	This valve is designed for installation in a continuous pressure potable water supply system 12" above the overflow level of the system being supplied. Protection against back-siphonage only.	Laboratory Equipment Cooling Towers Comm. Laundry Machines Swimming Pools Commercial Plating Tanks Lg. Total & Urinal Facilities Degreasers, Photo Tanks Livestock Water Systems Lawn Sprinklers		A.S.S.E. No. 1020 CSA B.64.1.2 FCCCHR of U.S.C. Sizes 1/2" - 2"
(C) Hose Connection Vacuum Breakers For residential and industrial hose supply outlets.	Single check with atmospheric vacuum breaker vent.	Install directly on hose bibs, service sinks and wall hydrants. Not for continuous pressure.	Hose Bibs Service Sinks Hydrants		A.S.S.E. No. 1011 CSA B.64.2 Size 3/4" Hose

Section 2. Water Required. (1) Every building equipped with plumbing fixtures and used for habitation or occupancy shall be equipped with a supply of potable water.

(2) In buildings used as residences or buildings in which people assemble or are employed, both hot and cold water shall be supplied.

Section 3. Water Service. (1) The water service piping to any building shall be not less than three-fourths (3/4) inch nominal pipe size but shall be of sufficient size to permit a continuous and ample flow of water to all fixtures on all floors at all times.

(2) The underground water service pipe from the main or water supply system to the water distribution system shall not be less than five (5) feet apart horizontally from the house sewer and shall be separated by undisturbed or compacted earth except they can be placed in the same trench provided:

(a) The bottom of the water service pipe at all points shall be at least eighteen (18) inches above the top of the sewer at its highest point.

(b) The water service pipe shall be placed on a solid shelf excavated at one (1) side of the common trench.

(c) The number of joints in the water service pipe shall be kept to a minimum.

Section 4. Distribution. (1) The water supply shall be distributed through a piping system entirely independent of any other piping system.

(2) Piping which has been used for any other purpose than conveying potable water shall not be used for conveying potable water.

(3) Non-potable water may be used for flushing water closets and urinals, provided such water shall be piped in an independent system.

(a) When a dual water distribution system is used, the non-potable water supply shall be durably and adequately identified by color markings and metal tags, or other appropriate method as may be approved by the governing authority. Each outlet on the non-potable water distribution system which might be used for drinking or domestic purposes shall be permanently posted: DANGER - UNSAFE WATER. Each branch, fitting or valve shall be identified by the word - "NON-POTABLE WATER" either by signs or brass tags that are permanently affixed to the pipe, fittings, valves, etc. These identification markings shall not be concealed. Their maintenance shall be the responsibility of the owner.

(4) Any backflow device or cross-connection control device shall be approved by the department.

(5) Combination stop and waste valves, cocks, or hydrants shall not be installed in the underground water distribution system without the installation of an approved backflow preventor.

(6) No private water supply shall be interconnected with any public water supply.

(7) Water used for cooling of equipment or in other processes shall not be returned to the potable water system. Such water shall be discharged into a drainage system through an air gap, or may be used for non-potable purposes on written approval of the plumbing official.

Section 5. Water Supply to Fixtures. Plumbing fixtures shall be provided with a sufficient supply of water for flushing to keep them in a sanitary condition. Every water closet or pedestal urinal shall be flushed by means of an approved tank or flush valve. The tank or valves shall furnish at least a sufficient amount of water to thoroughly cleanse the surface area of water closets, urinals or similar fixtures. When a water closet, urinal, or similar fixture is supplied directly from the water supply system through a flushometer or other valve, such valves shall be set above the fixture in a manner so as to prevent any possibility of polluting the potable water supply by back siphonage. All such fixtures shall have a vacuum breaker. Plumbing fixtures, devices or appurtenances shall be installed in a manner that will prevent any possibility of a cross connection between the potable water supply system, drainage system or other water system.

Section 6. Connections to Boilers. Potable water connections to boiler feed water systems in which boiler conditioning chemicals are introduced shall be made through an air gap, or provided with a reduced pressure principle backflow preventer located in the potable water line before the point where such chemicals are introduced. Boilers shall be equipped with a check valve in the cold water supply to the boiler.

Section 7. [6.] Water Supply to Drinking Fountains. The orifice of a drinking fountain shall be provided with a protective cowl to prevent any contamination of the potable water supply system.

Section 8. [7.] Sizing of Water Supply Piping. (1) The minimum size water service from the property line to the water heater shall be three-fourths (3/4) inch. The hot and cold water piping shall extend three-fourths (3/4) inch in size to the first fixture branch. No two and one-half (2 1/2) inch fixture branches are supplied from any one-half (1/2) inch pipe. (EXCEPTION: A combination of two (2) of the following fixtures may be connected utilizing the one-half (1/2) inch branch: a flush tank water closet, a lavatory and/or drinking fountain.)

(2) The following schedule shall be used for sizing the water supply piping to fixtures. The branch pipe to any fixture shall terminate not more than thirty (30) inches from the point of connection to the fixture and in every instance shall be brought to the floor or wall adjacent to the fixture. No concealed water branch pipe shall be less than one-half (1/2) inch nominal pipe size.

Fixture Branches	Nominal Pipe Size (Inches)
Bath tubs	1/2
Combination sink and tray	1/2
Cuspidor	1/2
Drinking fountain	1/2
Dishwasher (domestic)	1/2
Kitchen sink (res.)	1/2
Kitchen sink (com.	1/2 or 3/4 as required
Lavatory	1/2

Laundry tray	1/2
Sinks (service, slop)	1/2
Sinks flushing rim	3/4
Urinal (flush tank)	1/2
Urinal (direct flush type)	1/2 or 3/4 as required
Water closet (tank type)	1/2
Water closet (flush valve type	1
Hot water boilers	3/4
Hose bibs	1/2
Wall hydrant	1/2
Domestic clothes washer	1/2
Shower (single head)	3/4

(3) Water hammer. In all building supply systems in which devices or appurtenances are installed utilizing quick acting valves that cause noises due to water hammer, protective devices such as air chambers or approved mechanical shock absorbers shall be installed as close as possible to the quick acting valve causing the water hammer.

(a) Where mechanical shock absorbers are installed, they shall be in an accessible place.

(b) Where mechanical devices are used, the manufactures specifications shall be followed as to location and method of installation.

(4) Inadequate Water Pressure. Whenever water pressure from the source of supply is insufficient, fifteen (15) lb. or less to provide adequate flow at the fixture outlets, a booster pump and pressure tank or other approved means shall be installed in the building water supply system.

(5) Variable Street Pressures. When the source of water supply has a fluctuation, the water distribution system shall be designed for the minimum pressure.

Section 9. [8.] Water Supply Pipes and Fittings, Materials. Water supply piping for a potable water system shall be of galvanized wrought iron, galvanized steel, brass, Types K, L, and M copper, cast iron, Types R-K, R-L, and R-M brass tubing, standard high frequency welded tubing conforming to ASTM B-586-73, fusion welded copper tubing conforming to ASTM B-447-72 and ASTM B-251, DWV welded brass tubing conforming to B-587-73, seamless stainless steel tubing, Grade H conforming to CS A-268-68, reinforced thermosetting resin pipe conforming to ASTM D-2996 (red thread for cold water use and silver and green thread for hot and cold). Polyethylene plastic pipe conforming to ASTM D-2239-69, PVC plastic pipe conforming to ASTM 1785, and CPVC plastic pipe conforming to CS D-2846-70, PVC SDR 21 and SDR 26 conforming to ASTM D-2241, polybutylene pipe conforming to ASTM D-3309 with brass, copper or celcon fittings, Quicktite connection using a celcon asetal copolymer, polybutylene cone and stainless steel ring, plastic pipe and fittings shall bear the NSF seal of approval. (EXCEPTION: Polybutylene pipe utilizing insert fittings of brass, copper or celcon shall use only copper clamping rings. Its use between the diverter spout of a tub and the shower nozzle is prohibited.) Polybutylene hot and cold water connectors to lavatories, sinks and water closets shall conform to ASTM 3309, and polybutylene plastic pipe conforming to ASTM 2662 for cold water applications only. Fittings shall be brass, copper or approved plastic or galvanized cast iron or galvanized malleable iron. Piping or fittings that have been used for other purposes shall not be used for the water distribution system. All joints in the water supply system shall be made of screw, solder, or plastic joints. Cast iron water pipe joints may be caulked, screwed, or machine drawn. When Type M copper pipe, Type R-M brass tubing, standard high frequency welded tubing or stainless steel tubing is placed within a concrete floor or when it passes through a concrete floor it shall be wrapped with an approved material that will permit expansion or contraction. In no instance shall Polythylene, PVC or CPVC be used below ground under any house or building.

Section 10. [9.] Temperature and Pressure Control Devices for Shower Installations. Temperature and pressure control devices shall be installed on all shower installations that will maintain an even temperature and pressure and will provide non-scald protection. Such devices shall be installed on all installations other than in homes or apartment complexes.

Section 11. [10.] Water Supply Control. (1) A main shut-off valve shall be provided near the curb, in or near the meter box or property line on the water service pipe. In addition, a main supply control valve shall be placed inside a foundation wall. The main supply control valve shall be accessible and provided with a drip or drain valve. A pit or similar type installation is prohibited for a potable water supply shut-off valve.

(2) Pressure on gravity tanks shall have their supply lines valved at or near their source.

(3) Each family unit in a two-family or multi-family dwelling shall have each family unit controlled by an arrangement of shut-off valves which will permit each unit to be shut-off without interfering with the cold water supply to any other family unit or portion of the building.

(4) In all buildings other than dwellings, shut-off valves shall be installed which permit the water supply to each piece of equipment to be isolated without interference with the supply to other equipment.

(5) Each fixture or group of bath fixtures shall be valved and each lawn sprinkler opening shall be valved. In residential construction all fixtures except bathtub and showers shall be valved individually or in lieu each group of fixtures shall be valved.

(6) A group of fixtures or fixture group shall mean two (2) or more fixtures adjacent to or near each other in the same room or back to back on a common wall.

(7) The cold water branch to each hot water storage tank or water heater shall be provided with a shut-off valve located near the equipment and only serving this equipment.

Section 12. [11.] Water Supply Protection. All concealed water pipes, storage tanks, cisterns, and all exposed pipes or tanks subject to freezing temperatures shall be protected against freezing. Water services shall be installed at least thirty (30) inches in depth.

Section 13. [12.] Temperature and Pressure Relief Devices for Water Heaters. Temperature and pressure relief devices shall be installed

on all water heaters on the hot water side not more than three (3) inches from the top of the heater. Temperature and pressure relief devices shall be of a type approved by the department. When a water heater is installed in a location that has a floor drain, the discharge from the relief device shall be piped to within two (2) inches of the floor; when a water heater is installed in a location that does not have a floor drain, the discharge from the relief device shall be piped to the outside of the building with an ell turned down and piped to within four (4) inches of the surface of the ground. Relief devices shall be installed on a pneumatic water system.

Section 14. [13.] Protection of a Private Water Supply or Source. Private water supplies or sources shall be protected from pollution in a manner approved by the department. Such approval shall be obtained before an installation is made.

Section 15. [14.] Domestic Solar Water Heaters. Domestic solar water heaters may have a "single wall heat exchanger" provided the solar panel and the water heater exchanger use a nontoxic liquid such as propylene glycol or equal, and that the heat exchanger is pretested by the manufacturer to 450 PSI and that the water heater has a warning label advising that a nontoxic heat exchanger fluid must be used at all times and that a pressure relief valve is installed at the highest point in the solar panel.

Section 16. [15.] Domestic Water Heater Preheating Device. A domestic water heater preheating device may be used and connected with the high pressure line from the compressor of a domestic home air conditioner or heat pump water heater. Double wall heat-exchangers with two (2) separate thicknesses separating the heat exchange fluid (other than potable water) from the potable water supply shall be provided. The water inlet to the heat exchange vessel shall be provided with a check valve, and adjacent to, and at the outlet side of the check valve, an approved pressure relief valve set to relieve at five (5) PSI above the maximum water pressure at the point of installation shall be provided if the heat exchange units contain more than twenty (20) pounds of refrigerants. [These heat exchangers that transfer heat to potable water shall be double wall.] This device must be equipped with a temperature limit control that would actuate a pump that would circulate hot water from the water heater through the preheater device. Condensate drain water shall be piped in accordance to the plumbing code and in no instance shall it be permitted to drain into crawl space, or into a sewer or vent stack, or be installed in areas subject to freezing. If a drain is not available or if a drain is located above the vent, a condensate pump must be utilized.

Section 17. Tanks and Vats, Below Rim Supply. Tanks and vats with potable water supply below the rim shall be subject to the following requirements:

(1) Where a potable water outlet terminates below the rim of a tank or vat and the tank or vat has an overflow of diameter not less than given in the following table, sizes of overflow pipes for water supply tanks, the overflow pipe shall be provided with an air gap as close to the tank as possible.

SIZES FOR OVERFLOW PIPES FOR WATER SUPPLY TANKS

Maximum capacity of water supply line to tank	Diameter of overflow pipe (inches ID)	Maximum capacity of water supply line to tank	Diameter of overflow pipe (inches ID)
0- 50 gpm	2	400- 700 gpm	5
50-150 gpm	2 1/2	700-1000 gpm	6
150-200 gpm	3	Over 1000 gpm	8

(2) The potable water outlet to the tank or vat shall terminate a distance not less than one and one-half (1 1/2) times the height to which water can rise in the tank above the top of the overflow. This level shall be established at the maximum flow rate of the supply to the tank or vat, and with all outlets, except the air gap overflow outlet closed.

(3) The distance from the outlet to the high water level shall be measured from the critical point of the potable water supply outlet.

Section 18. [16.] Water Distribution for Fan Coil Units. When a domestic water heater is used for heating purposes through a fan coil medium, its temperature must not exceed 150 degrees Fahrenheit. It must utilize not less than three-fourth (3/4) inch Type M copper in its piping and its run shall not exceed 140 feet between the water heater and the heating unit. (Relates to 815 KAR 20:070.)

Section 19. Fire Protection Systems. Fire protection systems using water from the potable water distribution system inside of buildings present special cross-connection prevention problems that require the use of protective devices. The devices used to connect such situations must be of the double check valve assembly as outlined in part 2 or 3 of the application chart.

Section 20. [17.] Water Distribution and Connections to Mobile Homes. (1) An adequate and safe water supply shall be provided to each mobile home conforming to the regulations of the department.

(2) All materials, including pipes and fittings used for connections shall conform with the other sections of this code.

(3) An individual water connection shall be provided at an appropriate location for each mobile home space. The connection shall consist of a riser terminating at least four (4) inches above the ground with two and three-fourths (2 3/4) inch valve outlets with screw connection, one (1) for the mobile home water system and the other for lawn watering and fire control. The ground surface around the riser pipe shall be graded so as to divert surface drainage. The riser pipe shall be encased in an eight (8) inch vitrified clay pipe or equal with the intrevening space filled with an insulating material to protect it from freezing. An insulated cover shall be provided which will encase both valve outlets but not prevent connection to the mobile home during freezing

weather. A shut-off valve may be placed below the frost depth on the water service line, but in no instance shall this valve be a stop-and-waste cock.

CHARLES A. COTTON, Commissioner
ROBERT M. DAVIS, Secretary
APPROVED BY AGENCY: March 13, 1986
FILED WITH LRC: March 13, 1986 at 2 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on April 25, 1986 at 10 a.m. in the Office of the Department of Housing, Buildings and Construction, U.S. 127 South, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Judith G. Walden, Office of General Counsel, Department of Housing, Buildings and Construction, The 127 Building, U.S. 127 South, Frankfort, Kentucky 40601. If no written requests to appear at the public hearing are received by April 20, 1986, the hearing may be cancelled.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Carl VanCleve
(1) Type and number of entities affected: All new or replace bathtubs and shower faucets.
(a) Direct and indirect costs or savings to those affected:
1. First year: Approximately $10 per faucet installed.
2. Continuing costs or savings: Same as above but influenced by cost of product due to inflation.
3. Additional factors increasing or decreasing costs (note any effects upon competition): None, requirements are equal for all concerned.
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: Minimal due to time required to complete regulation impact analysis.
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: None
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:
(a) Necessity of proposed regulation if in conflict: None
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: None
(6) Any additional information or comments:

Tiering:
Was tiering applied? No. Not required.

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

815 KAR 20:130. House sewers and storm water piping; methods of installation.

RELATES TO: KRS Chapter 318
PURSUANT TO: KAR 13.082, 318.130
NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation relates to outlining the materials that may be used in the construction of house sewers, storm water piping as well as the methods of installation.

Section 1. Independent System. The drainage and plumbing system of each new building and of new work installed in an existing building shall be separate from, and independent of, that of any other building except as provided below, and every building shall have an independent connection with either a public or private sewer or sewer system.

Section 2. Exception. Where a building stands in the rear of another building or on an interior lot, and a sewer connection cannot be made available to the rear building through an adjoining alley, court, yard or driveway, the sewer from the front building may be extended to the rear building and it will be considered as one (1) sewer. This exception does not apply to corner lots where a sewer connection is available from the street or alley nor to a new or existing building which abuts a street or alley.

Section 3. Connection with Private Sewage Disposal System. When a sewer is not available, the house drain from a building shall connect with an approved private sewage disposal system.

Section 4. Excavations. All excavations made for the installations of a house sewer shall be open trench work. All such trenches shall be kept open until the piping has been inspected and/or tested and approved.

Section 5. Depth of Sewer at the Property Line. (1) Where possible the sewer at the property line shall be at a sufficient depth to properly serve any plumbing connection that may be installed in the basement of any building unless restricted by another's authority.
(2) House sewers shall be laid on a grade of not less than one-eighth (1/8) inch nor more than one-fourth (1/4) inch per foot. All sewers must have at least an eighteen (18) inch cover. Sewer piping under a superimposed load condition shall have at least three (3) feet cover unless constructed of cast iron piping. Unless there is a three (3) foot cover provided, other piping shall be encased in a minimum of six (6) inches of concrete on all sides and the top. Sewers shall be backfilled by hand and tamped six (6) inches above the piping, or in lieu thereof may be filled with six (6) inches grillage above the piping. All joints in cast iron, vitrified clay pipe and cement asbestos pipe shall be made in a manner to conform to other sections of this code.
(3) For purposes of this section, "super-imposed load" means to lay over, put on, stack over or subject to vehicular traffic.

Section 6. New House Sewer Connections. House sewers installed where a private sewerage system has been discarded may connect to the house drain, provided in the opinion of the department the existing plumbing system meets this code or

a previous one.

Section 7. Materials for House Sewers. House sewers or combined sewers, beginning two (2) feet outside the foundation wall of a building shall be made of either extra heavy cast iron pipe, service weight cast iron, vitrified clay, concrete, cement asbestos, PVC or ABS plastic pipe schedules 40 and 80, truss pipe and extra heavy SDR 35 pipe and Type PS-46, Poly(Vinyl Chloride) (PVC) in sizes four (4) inches thru fifteen (15) inches conforming to ASTM F 789-82.

Section 8. Material for Storm Sewers Inside Buildings. Material for storm sewers inside of buildings to a point two (2) feet outside a building in sizes eight (8) inches and smaller shall be cast iron pipe or Schedule 40 ABS or PVC DWV pipe. Storm sewers in sizes of ten (10) inches and larger may be either cast iron, vitrified clay or concrete conforming to appropriate commercial standards with approved joints.

Section 9. Change of Direction. Change in direction of a sewer shall be made with long curves, one-eighth (1/8) bends or Y's.

Section 10. Size of House Sewers and Horizontal Branches. The minimum size of a house sewer shall not be less than four (4) inches nor less than that of the house drain. House sewers receiving branches shall be sized in the same manner as house drains. (See 815 KAR 20:090.)

Section 11. Size of Storm Systems. The required sizes of storm sewers shall be determined on the basis of the total drained areas in horizontal projection in accordance with the following table. No storm sewer shall be laid parallel to or within two (2) feet of any bearing wall. The storm sewer shall be laid at a sufficient depth to protect it from freezing.

Diameter of pipe inches	Maximum drained roof area square feet*		Diameter of pipe inches	Maximum drained roof area square feet*	
	Slope, 1/8 in. fall 1 ft.	Slope, 1/4 in. fall 1 ft.		Slope, 1/8 in. fall 1 ft.	Slope, 1/4 in. fall 1 ft.
3	865	1,230	8	11,115	15,745
4	1,860	2,610	10	19,530	27,575
5	3,325	4,715	12	31,200	44,115
6	5,315	7,515	13	42,600	60,000

*The calculations in this table are based on a rate of rainfall of four (4) inches per hour.

Section 12. Combined Storm and Sanitary Sewer System. Whenever a combined sewer system is used, the required size of the house drain or house sewer shall be determined by multiplying the total number of fixture units carried by the drain or sewer by the conversion factor corresponding to the drained area and the total fixture units, adding the product to the drained area and applying the sum of the preceding table for storm water sewers. No combined house drain or house sewer shall be less than five (5) inches in diameter, and no combined house drain or house sewer shall be smaller in size than that required for the same number of fixture units or for the same roof area in separate systems.

(See table on following page)

CONVERSION FACTORS FOR COMBINED STORM AND SANITARY SYSTEM

Number of fixture units on sanitary system

Drained roof area in square feet	Up to 6	7 to 18	19 to 36	37 to 60	61 to 96	97 to 144	145 to 216	217 to 324
Up to 120	180	105	60	45	30	22	18	15
121 to 240	160	98	57	43	29	21	17.6	14.7
241 to 480	120	75	50	39	27	20	16.9	14.3
481 to 720	75	62	42	35	24	18	15.4	13.2
721 to 1,080	54	42	33	29	20	15	13.6	12.1
1,081 to 1,620	30	18	16	15	12	11.5	11.1	10.4
1,621 to 2,430	15	12	11	10.5	9.1	8.8	8.6	8.3
2,431 to 3,645	7.5	7.2	7.0	6.9	6.6	6.5	6.4	6.3
3,646 to 5,460	2.0	2.4	3.0	3.3	4.1	4.2	4.3	4.4
5,461 to 8,190	0	2.0	2.1	2.2	2.3	2.4	2.5	2.6
8,191 to 12,285	0	0	2.0	2.1	2.1	2.2	2.3	2.3
12,286 to 18,420	0	0	0	2.1	2.1	2.1	2.2	2.2
18,421 to 27,630	0	0	0	0	2.0	2.1	2.2	2.2
27,631 to 40,945	0	0	0	0	0	2.0	2.1	2.2
40,946 to 61,520	0	0	0	0	0	0	2.0	2.1
Over 61,520	0	0	0	0	0	0	0	2.0

Number of fixture units on sanitary system

Drained roof area in square feet	325 to 486	487 to 732	733 to 1,098	1,099 to 1,644	1,645 to 2,466	2,467 to 3,702	3,703 to 5,556	Over 5,556
Up to 120	12	10.2	9.2	8.4	8.2	8.0	7.9	7.8
121 to 240	11.8	9.9	9.1	8.3	8.1	8.0	7.9	7.8
241 to 480	11.5	9.7	8.8	8.2	8.0	7.9	7.8	7.7
481 to 720	10.8	9.2	8.6	8.1	7.9	7.9	7.8	7.7
721 to 1,080	10.1	8.7	8.3	8.0	7.8	7.8	7.7	7.6
1,081 to 1,620	9.8	8.4	8.1	7.9	7.7	7.7	7.6	7.5
1,621 to 2,430	8.0	7.9	7.8	7.7	7.6	7.5	7.4	7.4
2,431 to 3,645	6.2	6.3	6.4	6.4	6.8	7.0	7.1	7.2
3,646 to 5,460	4.5	4.7	5.0	5.1	6.1	6.4	6.9	6.9
5,461 to 8,190	2.8	3.2	3.7	4.6	5.0	5.6	6.2	6.4
8,191 to 12,285	2.4	2.5	2.6	2.7	3.5	4.5	5.2	5.6
12,286 to 18,420	2.3	2.3	2.4	2.4	2.6	3.2	4.2	4.7
18,421 to 27,630	2.2	2.3	2.3	2.3	2.4	2.5	2.8	3.1
27,631 to 40,945	2.2	2.2	2.2	2.2	2.2	2.2	2.3	2.4
40,946 to 61,520	2.1	2.1	2.1	2.1	2.1	2.1	2.1	2.1
Over 61,520	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0

Section 13. House Sewer in Undisturbed or Made Ground. House sewers laid in undisturbed ground must be laid on at least four (4) inches of pea gravel, sand or other approved grillage. House sewers laid in made or filled ground shall be embedded to the lower quadrant with at least a four (4) inch concrete pad below the invert, or other support that may be approved by the department. Supports in filled or made ground shall be on ten (10) feet centers to a solid footing, either undisturbed earth or rock. House sewers constructed of flexible thermoplastic sewer piping must be installed with at least six (6) inches of gravel on the bottom, top and sides of the piping.

Section 14. Storm Sewers in Undisturbed or Made Ground. Storm sewers laid in undisturbed ground will not require grillage. Storm sewers laid in made or filled grounds shall be embedded to the lower quadrant with at least a four (4) inch concrete pad below the invert or other support that may be approved by the department. Supports in filled or made ground shall be on ten (10) feet centers to a solid footing, either undisturbed earth or rock.

Section 15. Drainage Below Sewer Level. In buildings, in which the whole or part of the house drain and plumbing system thereof lies below the level of the main sewer, sewage and waste shall be lifted by an approved artificial means and discharged into the house sewer.

Section 16. Drainage Below Sewer Level (Residential). In homes where the house sewer level is above the basement floor, waste water shall be lifted by means of an approved sump pump. The sump pit shall be constructed of either poured or precast concrete, approved fiberglass or polyethylene material with a tight fitting cover. The sump pit shall be provided with a two (2) inch vent which may also act as a waste and vent for a laundry tray. The pump discharge piping shall discharge into a two (2) inch waste pipe extended inside the building to a height at least twelve (12) inches above the outside grade. The sump well shall be provided with a tight-fitting concrete cover. On the outside of the building this waste piping shall

connect into a four (4) inch by two (2) inch sanitary tee which shall connect into a four (4) inch P trap and then into the sanitary sewer. The four (4) inch by two (2) inch sanitary tee shall be extended at least two (2) inches above the finished grade and shall be provided with a ventilated cap.

Section 17. Sumps and Receiving Tanks. All subsoil drains shall discharge into an air tight sump or receiving tank so located as to receive the sewage by gravity. The sewage shall be lifted and discharged into the house sewer by a pump, ejector or any equally efficient method. Such sumps shall automatically discharge.

Section 18. Ejectors, Vented. All ejectors shall be vented with a three (3) inch vent. Fixtures or appliances connected thereto shall be vented in accordance with other sections of this code.

Section 19. Ejector Power: Motors, Compressors, Etc. All motors, air compressors and air tanks shall be located where they are open for inspection and repair at all times. The air tanks shall be proportioned so as to furnish sufficient air at suitable pressure to the ejector to completely empty the sump or storage tank with the compressor not operating. The end pressure in the tank shall be not less than two (2) pounds for each foot of height through which sewage is raised.

Section 20. Ejectors for Sub-Soil Drainage. When sub-soil catch basins are installed below the sewer level, automatic ejectors, or an approved type, may be used. Such ejectors or any device raising sub-soil water shall discharge into a properly trapped fixture or into a storm-water drain.

Section 21. Drainage of Yards, Areas and Roofs. All roofs, paved areas, courts, and courtyards shall be drained into a storm water system or a combined sewerage system, but not into sewers intended for sewage only. When drains are connected to a combined sewerage system, they shall be trapped. If roof leaders, conductors, or gutter openings are located more than ten (10) feet from a window, scuttle, or air shaft, a trap shall not be required. Traps shall be set below the frost line or on the inside of the building. Where there is a storm or combined sewer available, it may discharge into a drainage area unless otherwise prohibited by the proper authorities. When such drains are not connected to a combined sewer a trap is not required.

Section 22. Size of Rain Water Leader. No inside leader shall be less size than the following:

Area of Roof (In Square Feet)	Leader, Diameter (Inches)
Up to 90	1 1/2
91 to 270	2
271 to 810	3
811 to 1,800	3 1/2
1,801 to 3,600	4
3,601 to 5,500	5
5,501 to 9,600	6

Section 23. Inside Conductors or Roof Leaders. When conductors and roof leaders are placed within the walls of any building, or in an interior court or ventilating pipe shaft, they shall be constructed of cast iron pipe, galvanized wrought iron, galvanized steel, copper, schedule 40 ABS/PVC DMV pipe or reinforced thermosetting resin pipe conforming to ASTM D-2996 (red and silver thread). The vertical distance of PVC or ABS conductors shall not exceed thirty (30) feet from the base through the terminus through the roof.

Section 24. Outside Conductors. When outside sheet metal conductors or downspouts are connected to a house drain, they shall be connected by means of a cast iron pipe extending vertically at least one (1) foot above the grade line. Along public driveways, without side walks, they shall be placed in niches in the walls, protected by wheel guards, or enter the building through the wall at a forty-five (45) degree slope at least twelve (12) inches above the grade.

Section 25. Defective Conductor Pipes. When an existing sheet metal conductor pipe within the walls of any building becomes defective, such a conductor shall be replaced by one which conforms to this code.

Section 26. Vent Connections with Conductors Prohibited. A conductor pipe shall not be used as a soil, waste or vent pipe, nor shall any soil, waste, or vent pipe be used as a conductor.

Section 27. Overflow Pipes. Overflow pipes from cisterns, supply tanks, expansion tanks, or drip pans shall connect only indirectly with any house sewer, house drain, soil or waste pipe.

Section 28. Subsoil Drains, Below Sewer Level. Subsoil drains shall discharge into a sump or receiving tank. It shall be automatically lifted and discharged into the storm drainage system or upon the ground outside the building that it serves.

CHARLES A. COTTON, Commissioner
ROBERT M. DAVIS, Secretary
APPROVED BY AGENCY: March 13, 1986
FILED WITH LRC: March 13, 1986 at 2 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on April 25, 1986 at 10 a.m. in the Office of the Department of Housing, Buildings and Construction, U.S. 127 South, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Judith G. Walden, Office of General Counsel, Department of Housing, Buildings and Construction, The 127 Building, U.S. 127 South, Frankfort, Kentucky 40601. If no written requests to appear at the public hearing are received by April 20, 1986, the hearing may be cancelled.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Carl VanCleve
(1) Type and number of entities affected:
(a) Direct and indirect costs or savings to those affected:
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing

costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body: None
(a) Direct and indirect costs or savings:
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:
(a) Necessity of proposed regulation if in conflict: N/A
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: To clarify certain phrasing.

Tiering:
Was tiering applied? No. Not required.

CABINET FOR HUMAN RESOURCES
Department for Mental Health and Mental Retardation Services
(Proposed Amendment)

902 KAR 12:080. Policies and procedures for mental health/mental retardation facilities.

RELATES TO: KRS Chapter 210
PURSUANT TO: KRS 210.010
NECESSITY AND FUNCTION: KRS 210.010 directs the Secretary of the Cabinet for Human Resources to prescribe regulations for the institutions under the control of the cabinet. The function of this regulation is to adopt policies and procedures for such institutions.

Section 1. Oakwood Policy Manual. The policies set forth in the February 15, 1986, edition of the "Oakwood Policy Manual" consisting of three (3) volumes relating to the operation of Oakwood ICF-MR Facility are hereby adopted by reference.

Section 2. Hazelwood Policy Manual. The policies and procedures set forth in the October 15, 1985, edition of the "Hazelwood Policy Manual" consisting of two (2) volumes relating to the operation of Hazelwood ICF-MR Facility are hereby adopted by reference.

Section 3. Central State Hospital ICF-MR Policy Manual. The policies and procedures set forth in the September 1, 1985, edition of the "Central State Hospital ICF-MR Policy Manual" consisting of two (2) volumes relating to the operation of Central State Hospital ICF-MR Facility are hereby adopted by reference.

Section 4. Eastern State Hospital Policy Manual. The policies and procedures set forth in the February 15, 1986, edition of the "Eastern State Hospital Policy Manual" consisting of twenty-one (21) volumes relating to the operation of Eastern State Hospital Facility are hereby adopted by reference.

Section 5. Central State Hospital Policy Manual. The policies and procedures set forth in the January 15, 1986, edition of the "Central State Hospital Policy Manual" consisting of nineteen (19) volumes relating to the operation of Central State Hospital Facility are hereby adopted by reference.

Section 6. Western State Hospital Policy Manual. The policies and procedures set forth in the March [January] 15, 1986, edition of the "Western State Hospital Policy Manual" consisting of thirty-two (32) volumes relating to the operation of Western State Hospital Facility are hereby adopted by reference.

Section 7. Glasgow ICF Policy Manual. The policies and procedures set forth in the September 1, 1985, edition of the "Glasgow ICF Policy Manual" consisting of twelve (12) volumes relating to the operation of Glasgow ICF Facility are hereby adopted by reference.

Section 8. Western State Hospital ICF Policy Manual. The policies and procedures set forth in the March 15, 1986 [September 1, 1985], edition of the "Western State Hospital ICF Policy Manual" consisting of nine (9) volumes relating to the operation of Western State Hospital ICF Facility are hereby adopted by reference.

Section 9. Volta Policy Manual. The policies and procedures set forth in the September 1, 1985, edition of the "Volta Policy Manual" consisting of one (1) volume relating to the operation of Volta Facility are hereby adopted by reference.

Section 10. Kentucky Correctional Psychiatric Center Policy Manual. The policies and procedures set forth in the March [February] 15, 1986, edition of the "Kentucky Correctional Psychiatric Center Policy Manual" consisting of thirteen (13) volumes relating to the operation of Kentucky Correctional Psychiatric Center Facility are hereby adopted by reference.

Section 11. Location of Manuals Referenced in This Regulation. A copy of each manual referenced in this regulation is on file in the Office of the Commissioner for Health Services, 275 East Main Street, Frankfort, Kentucky, and is open to public inspection.

Section 12. Summary of Amendments.

Section 6 is revised as follows:

WESTERN STATE HOSPITAL POLICY MANUAL

F-2 - NURSING PROCEDURE MANUAL

Cover Page - Manual reviewed and revised - cover page changed to reflect same.

Table of Contents:
Unit I - Delete Blood Glucose Testing by Gluometer Procedure #12 now New Procedure
Unit II - Procedure #10 New Procedure
Table of Contents changed to reflect additions of new procedures

Table of Contents revised to reflect the following:
Unit IV
Procedure #18 - Blood Transfusion - deleted (decision of Pharmacy and Therapeutics Committee to no longer administer blood transfusions in this hospital). Replaced with Gastrostomy Feeding.

Table of Contents changed to reflect the following:
Unit IV - Procedures #27 and #28 - New Procedure

Unit I, Procedure #12	Delete Blood Glucose Testing by Glucometer Blood Glucose Testing Using Dextrostix - New Procedure
Unit II, Procedure #10	Intraderal Injections - New Procedure
Unit IV, Procedure #2	Tub Bath procedure revised to address water temperature according to hospital Safety Manual.
Unit VI, Procedure #1	Oxygen (O_2) Therapy revised to include oxygen concentrators and designation of staff responsible for procedure.
Unit VI, Procedure #18	Blood Transfusions Deleted. Replace with Gastrostomy Feeding - New Procedure
Unit VI, Procedure #26	Continuous Feeding with Internal Feeding Pump. Revised procedure to designate level of staff responsible for procedure.
Unit VI, Procedure #27	Hickman Cath-Exit Dressing Change. New Procedure.
Unit VI, Procedure #28	Hickman Catheter Flush with Heparin. New Procedure.

F-3 - NURSING SERVICES POLICIES AND PROCEDURES

Revised cover sheet to indicate current review.

Table of Contents

Section I, #12	Blood Transfusion Reaction Report has been omitted.
Section I, Policies #13	& 14 Changed to 12 and 13 for sequence.
Section IV, Policy #9	Title changed to Emergency Drug Boxes.
Section 1, Policy #1	Ward Shift Nursing Report Policy changed to assign certain members of staff responsibility for caring for patients during report.
Section I, Policy #7	In-Hospital Incident Report of Accidents, Injuries or Unusual Occurrences to Patients. Revised - omitted copies being sent to Director of Nursing. Under No. 4 of procedures, eliminates unnecessary copying of reports as original is reviewed by Director and initialed and dated.
Section I, Policy #9	Reporting of Errors in Medications and Treatments. Revised - allows Nursing Supervisor to be notified of error. Covers if error made by Registered Nurse.
Section I, Policy #12	Blood Transfusion Reaction Report. Omitted - No longer giving blood transfusions in this facility.
Section I, Policy #12	Reporting of Adverse Drug Reaction. Policy changed from 13 to 12 for sequence.
Section I, Policy #13	Ward Daily Seclusion, Restrain, and Time Out Report. Policy No. changed from 14 to 13 for sequence.
Section II, Policy #4	Checking Physician's Orders by Nursing Care Plan and Physician's Order Sheet. Reviewed. The word administering was substituted for dispensing in #1 under Procedure. Nurses do not dispense medication. Word change really did not alter current policy, just improved the wording.
Section II, Policy #6	Patients' Use of Telephone. Omitted the phone on the first floor under policy. No longer have phone in this area.
Section II, Policy #8	Emergency Codes. Revised Code D Procedure to more clearly identify persons to respond and to be more specific about role of respondents.
Section II, Policy #11	Admission of Patients. Addition under procedure #9, now requires that any dangerous articles patient may have be identified and documented.
Section II, Policy #12	Changing Admission Status on Face Sheets. Revised to comply with type of record now being generated by the computer.
Section II, Policy #16	Patients Returning From Home Visit. Addition of #6 under Procedure to assure that patients returning to the hospital do not have any articles which could be used to harm themselves or others.
Section II, Policy #17	Procedure for PPD Skin Test. Revised to do two-step skin testing on initial skin test of those 45 and over. Complies with current guidelines for long-term care facilities.
Section II, Policy #24	Patient Charges for Central Supply Items. Omitted location of Pharmacy pick-up boxes as this changes often and can be covered by memo.
Section II, Policy #27	Medicine Cart Key. Revision changed person able to carry key to licensed staff only to comply with change to only licensed staff administering meds.

Section III,
Policy #2 Maintenance and Arrangement of Patient's Ward Chart. Complete revision of arrangement of chart and clean-out schedule to improve system.

Section IV,
Policy #1 Specifications of Persons Administering Medications. Change under #2 Procedure to have Nursing Service Supervisor assign staff to give meds as this person knows where staff are available.

Section IV,
Policy #2 Times for Administering Medication and Treatments. Change in wording only under Procedure No. 1. Changed to read medication sheet, not medication card.

Section IV,
Policy #6 Allergies. Change in wording only. The word metal is removed from A. Policy section since this type chart is no longer used.

Section IV,
Policy #7 Transferring Physician's Orders for Medications and Treatment. Revised under Procedure No. 7 to allow only Registered Nurses access to Mini Drug Room.

Section IV,
Policy #9 Emergency Drug Boxes. Revised. Title now Drug Boxes as these boxes only contain emergency drugs. Location of boxes changed to Emergency Carts.

Section VI,
Policy #3 Ward Supplies Requisitions. Change in #4 under Procedure. Supplies are now delivered to wards and do not require pickup.

Section VI,
Policy #14 Referrals to Extended Care, Psychiatric Rehabilitation Service and Learning and Habilitation Services. Change in title of person receiving referral under Policy and #3 under Procedure. Referral now goes to Treatment Team Coordinator.

F-4 - DENTAL CLINIC POLICIES AND PROCEDURES

Cover Page - Reviewed and revised with signature change to present dentist on staff.

Table of Contents - Revised. Separated Dental Service and Dental Records. Deleted Appendix. Table of Contents changed to reflect these changes and renumbering of other sections.

II. Dental Services revised to a section separate from dental records. Also revised to reflect current dental services offered, which provide more services to the hospitals longer term/chronically ill patients.
III. New number for Dental Records.
IV. Types of Dental Treatment - New Number.
A. Revised - Dental Emergencies to contact Physician instead of Dentist when a dental emergency occurs.
IV. C. Specialty Service Outside of Facility. Revised to reflect current method of obtaining service.
V. Dental Consultations - New Number.
VI. Dental Appointments - New Number.
VII. Daily Oral Care - New Number.
VIII. Infection Control - New Number.
IX. Supplies and Equipment - New Number.

F-9 - NURSING SERVICE EMPLOYEE HANDBOOK

Cover sheet revised to indicate current review date.

Changes in titles in Contents to correspond with changes in Policies #3 and 31.

Philosophy changed to reflect current organizational structure of state government. Now Department for Mental Health.

Standards changed to reflect current organization of state government. Now Department of Mental Health.
Organizational Chart. Had to change title of physical therapy aide as these type persons can only work with physical therapist. Changed to Restorative Nursing Aide.

Nursing Service Orientation for New Employees. Had to change to reflect current state organization. Now Department for Mental Health.

Policy #3 Policy changed to allow all staff to exchange days, not just Aide staff.
Policy #3 Form changed to have Nursing Service Supervisor approve exchanged days as they have responsibility for staffing.
Policy #4 Holidays (Group Schedule). Changed typographical error in policy. Omitted statement about employees being expected to work on a specific day as we no longer schedule staff to be off on a specific day for working a holiday.
Policy #8 Omitted that no routine assignments of annual leave would be scheduled in December.
Policy #9 Nursing policy revised to reflect current departmental policy.
Policy #23 Nursing Service Policy revised to current facility policy.
Policy #33 Nursing Service Policy revised to current facility and departmental policy.
Policy #42 Nursing policy revised to current facility policy.

Nursing Service Job Description - Job title change to indicate employee does nursing care and is not an aide to the physical therapist.

F-11 - X-RAY CLINIC POLICY AND PROCEDURE MANUAL

Cover Page - Policy and Procedure Manual reviewed and revised - cover page changed to reflect same.

Job Description - Job relationship revised to better define and differentiate clinical and administrative supervision. Delete #18 under significant duties (employees are now photographed by personnel department for ID badges).

Policy #4 Procedure revised to reflect current clinic hours.

Policy #6:
B. Procedure #10 Revised to meet current method of safety maintenance.

F-12 - DIET MANUAL

Replace entire manual with the following changes:

Page #1 Introduction. The statement, "Maintaining ideal body weight," changed to read, "Maintaining reasonable body weight," due to changes in the Dietary Guidelines for Americans.

Page #4 Patient Meal Hours. Changed patient meal hours to comply with present procedure.

Page #10 Clear Liquid Diet. Changed to include Citrotein to provide a more adequate diet.

Page #11 Clear Liquid Diet. Changed to reflect the addition of Citrotein.

Page #12 Full Liquid. Delete statement, "It includes foods and liquids at room temperature," to provide a more accurate description of diet.

Page #18 Soft Diets. Add statement, "An extra portion of vegetable or starch will be given to increase the amount of B vitamins in the diet."

Page #21-22 Liberal Bland Diet. ADA position paper added on the use of bland diets in the treatment of Chronic Duodenal Ulcer Disease. Liberal bland diet revised to offer more variety in foods to the patients.

Page #92 1983 Metropolitan Height and Weight Tables, Ages 25-59. Changed to provide a more complete list.

Page #98 Caffeine Content of Selected Foods & Beverages. Changed to provide a more complete list.

Page #99-103 Some Common Food & Drug Interactions Changed to provide a more complete list.

Page #112 Bibliography. New sources.

F-18 - BARBER AND BEAUTICIAN SERVICES POLICIES AND PROCEDURES.

Manual reviewed and revised cover page changed to reflect same.

Beauty Shop Schedule - Schedules changed to facilitate more service time for patients within facility and WSH/ICF, and to schedule time for patient education program.

Barber Shop Schedule - Typographical error corrected and update schedule to current ward numbers.

Beauty Shop - Patient Education - Revised - Program changed to 2 x weekly x 2 weeks from 1 x weekly x 4 weeks. Documentation in record changes from responsibility of RT to Nursing Clinical Supervision changed to nursing.

Cosmetologist - Re-typed, deleted from job knowledge - knowledge of supervisory skills (#10) re-numbered remaining qualifications. Add to Responsibilities #21 - Maintain current cosmetologist license.

Job Description - Barber - V. Responsibilities revised No. 12 to include assigned inservice.

F-19 - ELECTROCARDIOGRAM, ELECTROENCEPHALOGRAM, AND PHYSICAL THERAPY POLICIES AND PROCEDURES

EEG, EKG Policies and Procedures reviewed. Cover page changed to reflect review.

Revised and name changed to Physical, Restorative, and Maintenance Therapy Policy and Procedures. Cover Page. Change to reflect review and revision.

Nursing Service Job Description Job Title - Physical Therapy Aide. Revised to Restorative Nursing Aide. Employee not directly supervised by Physical Therapist but by Nursing Service with general guidance of a physical therapist. Job title reflects a nursing title. Title also changed under job summary.

Policies and Procedures for Infection and Disease Control
A. Policy - Name of lab changed.
B. Procedures:
2 Name of lab changed
3 Job title changed
4 Name of lab changed
5 Name of lab changed

Physical, Restorative, and Maintenance Therapy Policy and Procedure Revised
2 Physical Therapy Lab changed to Restorative and Maintenance Lab
3 Physical therapy changed to restorative and maintenance therapy
7 Note changed in lab & job title

Referral and Documentation Forms revised to allow for more space for documentation of evaluations and procedures.

Physical Therapy Manual to Physical, Restorative, and Maintenance Therapy Manual - Revised

F-26 - PHARMACEUTICAL SERVICE

Western State Hospital Pharmacy Services Handbook Reviewed, Revised, and Approved Signature Page Pharmacy Services Handbook was revised

Philosophy and Purpose of the Pharmacy Department Philosophy and Purpose of the Pharmacy Department was revised.

Organization - Western State Hospital Pharmaceutical and Central Supply Organizational Chart.
This chart is revised. The pharmacy now has a third full-time pharmacist.

Section I.
Policy #1 Routine Pharmacy hours. Pharmacy hours are being changed to increase pharmacy hours in order to facilitate getting new patients' drugs to the wards.

Section I.
Policy #3 Emergency and On-Call Policy. Another pharmacist is being added to the work schedule.

Section I,
Policy #4 Staff Composition and Supervision. Policy No. 4 is a revision dated January 13, 1986. The pharmacy staff has increased by another full-time pharmacist.

Section I,
Policy #9 Accrual of C-Time for Pharmacy Employees. Policy No. 9 is a revision dated January 13, 1986. The coverage for Saturday work is being changed. A technician shall no longer work on Saturdays. Only a pharmacist shall work on Saturdays. This change will allow all the technicians to work through the normal workweek without having to take off for Saturday work.

Section II,
Policy #9 Physician Order Pick-Up. The hours that physicians' orders are to be brought to the pharmacy are being increased due to the change in pharmacy hours (see Section I, Policy No. 1).

Section II,
Policy #13 Pharmacy Rounds. The pharmacy round times during the week are being revised and the Saturday round is being deleted due to the changing pharmacy hours (see Section I, Policy No. 1).

Section II,
Policy #19 The Mini Drug Room. Policy No. 19 is being revised dated May 1985. The pharmacy will monitor the controlled substances cabinet in the MDR when doses are replaced and nursing will monitor the total number of doses at each shift change to better control the withdrawal of abuse substances from the MDR.

Section II,
Policy #19 The Mini Drug Room. The list for the main cabinet in the MDR has been revised to include the drugs most needed during our off hours. The list for the controlled substances cabinet has been reduced to include the drugs most used or the drugs in the least strengths.

Section II,
Policy #31 Disinfecting of Pharmacy Countertops. Policy No. 31 is being deleted.

Section III,
Policy #16 Culturing the Laminar Hood Area. Policy No. 16 is being deleted.

Section IV,
Policy #4 Maintenance of the Emergency Box. Policy No. 4 is a revision. The location of the Emergency Boxes are being changed to make the medication more available during an emergency.

Section V,
Policy #1 Policies for Physicians Drug Orders. Change to bring up-to-date our list of current authorized prescribers for Western State Hospital.

Section VII,
Policy #5 Pharmacy Inventory Control. New Drug Usage Talley Sheets were updated and revised due to pharmacy being placed on the computer. New drug code numbers were developed and placed in use.

Section XI,
Policy #4 Dating of Autoclaved Items. Policy No. 4 is being deleted.

Section XI Policies for Sterile Supplies and Equipment. List of Items Autoclaved is being revised. The pharmacy is no longer responsible for sterilizing reusable autoclavable items. All sterile central supply items are now purchased pre-packed for disposable use.

Section XI,
Policy #5 Control of Expired or Outdated Stock. Policy is revised. The pharmacy no longer stocks reusable sterilized items.

Section XI,
Policy #13 Culturing the Sterilizing Area and Autoclave Policies for sterile supplies equipment is being revised and retitled. The autoclave and sterilizing area no longer need to be periodically cultured according to the CDC regulations.

Section XII,
Policy #3 Patient Abuse. Policy No. 3, a new policy, discusses patient abuse and how our hospital and state law defines and deals with it or the withholding of any such information.

Section XII,
Policy #4 Inclement Weather. Policy No. 4, a new policy, states that all employees of the Department for Mental Health and Mental Retardation Services facilities are expected to report to work during all inclement weather.

Section XII,
Policy #5 Time and Attendance. Policy No. 5, a new policy, clarifies and supercedes any past policies on time and attendance as well as defines certain terms dealing with absences and tardiness.

Section 8 is revised as follows:

WESTERN STATE HOSPITAL INTERMEDIATE CARE FACILITY POLICY MANUAL

H-4 - EMPLOYEE POLICIES AND PROCEDURES

Section II,
Policy #7 Policy No. 7 revised to further clarify the use of sick time and the requirements in seeking approval for sick time.

Section II,
Policy #49 New Policy. To have a policy available to all licensed staff stating the requirement of having a valid license in order to eliminate any problems arising when licensed staff cannot furnish a current license.

Section 10 is revised as follows:

KENTUCKY CORRECTIONAL PSYCHIATRIC CENTER POLICY MANUAL

J-1/A-2 Policies and Procedures. Under Procedures "E" changed to read "Facility Director" on line three.

J-1/A-3 Staff and Patient Fingerprinting. Under procedures - "D". The word "patient" was deleted on first line. On third line, the word "staff" was added.

J-1/A-8 Replacement of Damaged Personal Property. Under Procedures "C" all clothing item prices have been increased.

J-1/A-40 Excess Copies/Copying of Medical Records. Under Procedures "A" the last sentence was added.

J-1/A-41 Sign In/Sign Out Log. Under Policy: The word "personally" was added to line one.

J-1/A-44 Use of Back Door in Nurses Station. Under Procedures "C" Clinical Director was added on line one.

J-1/A-45 Time and Attendance. Under Procedures "B" "The employee's certification may be accepted" was added.

J-1/A-47 Hospital Review Committee. New Policy.

J-1/A-48 Media Contact. New Policy.

J-1/A-49 No Smoking Areas. New Policy.

J-1/B-4 Abuse of Patients by Employees. Under Procedures - Spells out the duties of the Director under "F".

J-1/B-35 "Disposable Razors," General Hospital. This policy was implemented to allow the patients of KCPC to use the disposable razors rather than the safety razors which were passed from patient to patient. This will ensure sanitary conditions for patients when shaving and will also delineate the guidelines for ensuring the safety and security of the razors.

J-1/B-36 Patient Visiting. New Policy.

J-1/B-37 Extended and Special Visits. New Policy.

J-1/B-38 Transportation of Patients to Funerals or Bedside Visits. New Policy.

J-2/A-13a "Memo Book," Nursing Department. This policy was implemented to ensure a systematic storage of information and regular review by the Nursing staff.

J-4/29a "Sanitation and Storage of Sharps," Infection Control. This policy was implemented to prevent cross-contamination and infections among patients.

J-5/A-44 "Shift Assignment/Transfer," Security Department. This policy and procedure was revised to allow the Correctional Officers to submit a request for shift transfer at any time, to be kept on file. It also changes the structure of the Shift Transfer Committee, and criteria for a shift transfer to ensure a more fair and impartial method.

J-12/17 "Marriage of Patients," Parapsychiatric Service Department. This policy was implemented to establish the guidelines to be followed at our facility. This is a new policy and procedure.

[Section 1 is revised as follows:

OAKWOOD POLICY MANUAL

Volume I, A-1

DST-0-2	#1E	States action to be initiated if abuse incidents observed in the community.
DST-0-2	#23A	Deletes policy regarding team meetings.
DST-0-3	#16B	Specifies Division of Institutional Care Referral Coordinator responsibility in placement referrals.
DST-0-3	#18B	Deletes age specifications in regard to providing a free appropriate education.
DST-0-4	#1B	Makes committee at large responsible for reviewing behavior programs prior to implementation.
DST-0-7	#6C	Brings facility policy and procedure into compliance with personnel regulations.
DST-0-7	#16B	Brings facility policy and procedure into compliance with personnel regulations.
DST-0-7	#29A	Deletes policy. Affirmative Action Plan posted separately.
DST-0-7	#30B	Brings facility policy into compliance with federal regulations governing ICF/MR.

Volume II, A-2

DST-1-3	#13D	More clearly identifies responsibilities for resident personal funds.
DST-1-3A	#1B	Relieves front desk of responsibility for seeing that responsibility forms are completed.
DST-1-3B	#2A	Clarifies Canteen organization.
DST-1-3B	#6A #9B #11A	Changes references to Canteen Committee to Board of Directors. (Former Committee is now the Board.)

Volume III, A-3

DST-2-2	#9D	States procedures for more clearly flagging allergies.
DST-4-2	#20D	Relieves Unit Team of responsibility for initiating intrafacility transfers. IDT Review team responsible.

Section 4 is revised as follows:

EASTERN STATE HOSPITAL POLICY MANUAL
Section 4

E1, I, p.22

The procedure for a two-step skin test for employees over age 45 has been changed to comply with state law.

E1, II, p.12 and 12A

The major changes in this policy involve the disciplines responsible for notifications when patients leave on AWOL:

1. Nursing will now notify all law enforcement officials immediately;
2. Social Work will notify the family designated to be notified in cases of emergency and, when applicable, the Comprehensive Care Center, legal committee, and committing judge; and
3. Nursing will notify all persons advised of the AWOL when and if the patient returns.

Section 10 is revised as follows:

KENTUCKY CORRECTIONAL PSYCHIATRIC CENTER POLICY MANUAL

STAFF RELATED POLICIES

J-2/A-4 Duties of 8-4 Nursing Shift Supervisor
Revised: Letter N - new duty added; letter C - deleted part due to change; letter D deleted part due to change of responsibilities.

J-2/A-5 Duties of the 4-12 Nursing Shift Supervisor
Revised: Letter U added, new duty.

J-2/A-6 Duties of the 12-8 Nursing Shift Supervisor
Revised: Letter X added, new duty.

J-2/A-14 Nursing Service Report
Revised: #2 to Letter B changed for clarification.

J-2/A-15 Nursing Staff Meetings (Monthly)
Revised: Letter B deleted statement as we no longer have Pre-trial Coordinator.

J-2/A-16 Nursing Supply and Storage Are and After-Hours Acquistion of Supplies
Revised: Letter B deleted; letter C changed to B and redefined for clarification.

J-2/A-23 Stripping Charts
Revised: Note deleted as there is no longer a Behavior Unit on 3D.

PATIENT RELATED POLICIES

J-2/B-2 Admission
Revised: Letter B, information deleted due to change of policy; letter D word change for clarification, and last sentence deleted due to change of policy; letter E new information added; letter H new information added for clarification; letter K new information added for medical clarification.

J-2/B-3 Admission Chart Packet
Revised: Letter B added new form; #5, changing all other number; letter C new; #7 added. Also another NOTE added.

J-2/B-9 Chart Form Sequence
Revised: Letter A added to #1 (new), changing all the numbers; NOTE added new statement for clarification.

J-2/B-10 Charting on Inpatients
Revised: Letter L, word clarification; letter W, word clarification; #GG, new information added for clarification.

J-2/B-12 Cultures
Revised: Letter F, word change for clarification; Letter G, #4, new information added.

J-2/B-13 Dental Consultations
Revised: Letter B, new information added (new dentist, procedure change); letter D, new information added for clarification; letter E deleted due to no longer using the form; letter F deleted part of sentence, no longer use forms; letter H, new information added for clarification; letter I, word added to information; letter L deleted due to change of procedure; letter M, information changed due to new procedure.

J-2/B-18 Discharge
Revised: Letter B, word change for clarification; letter C, deleted due to information, change of policy; letter F, new information added, changing all the other numbers.

J-2/B-19 Discontinuance of Physicians Orders on Patients Admitted/Transferred to Other Hospitals for Treatment
Revised: Letter B, word changes for clarification.

J-2/B-20 Ear Irrigation
Revised: Letter N, #3, word changed for clarification.

J-2/B-21 EEG
Revised: Letter C, word changes and new information added for clarification; letter F, new information added; letter G, new information added for clarification.

J-2/B-24 Enema
Revised: Charting, letter D, word changes for clarification; letter E, new information added.

J-2/B-25 Enema (Retention)
Revised: Letter E, new information added.

J-2/B-26 Fecal Impaction Removal
Revised: New word to the policy name; letter F, new information added.

J-2/B-27 First Aid
Revised: Letter F, under What to do; #3, new information added.

J-2/B-35 In-Hospital Incident Reports
Revised: Letter B, #2, grammar changed; letter C, word changed for clarification.

J-2/B-36 Intake and Output
Revised: Statement added to new information; Letter J, #2 changed; #3 changed, #4 changed, and #5 and #6 the same.

J-2/B-39 Lab Procedures and EKG Procedures
Revised: Letter A, new information added.

J-2/B-40 Medical Emergency Plan - Transfer to Humana Hospital University of East End Medical Center
Revised: The name of the policy and the policy statement were revised as new information was added. Letter D changed in wording due to policy change; letter E, added new statement; letter F, new information added; letter G, new information added; letter H, word changed; letter I, word change; letter J, #1, number changed.

J-2/B-42 General Rules for Preparing and Administering Medication
Revised: Letter A added as was not in old procedure, thus changing all the other numbers; letter J, new information added for clarification, under Charting; letter B, wording change for grammar.

J-2/B-43 Oral Medication
Revised: Letter A, new information added; letter G, #3, new information added; #5, word change for clarification.

J-2/B-59 Drugs Brought to KCPC by Admitted Patients
Revised: Letter J, wording changes for clarification.

J-2/B-60 Nursing Assessment and History
Revised: letters C, D, E, new information added to the policy.

J-2/B-61 Nursing Care/Treatment Plans
Revised: Numbers changed to the alphabet, A thru Q. Letter A, new information added; letter C, new information added; letter D, one word deleted; letter G, new information added; letter M, new information and word changed for clarification; letter Q, new information added.

J-2/B-62 Off-Grounds Clinic Consultations
Revised: Letter C, new information added; letter D, word change; letter F, new information added; letter G, word change for clarification.

J-2/B-64 Oxygen (O_2) Therapy
Revised: NOTE, new information added for clarification of Oxygen.

J-2/B-66 Physician Log Sheet - Daily Restraint and Seclusion.
Revised: new letter G, added information.

J-2/B-75 Special Diets
Revised: Letter A deleted one statement; letter B, new information added; letter D, word changed; letter O, new information added for clarification.

J-2/B-76 Sputum Collection
Revised: Letter J, one statement deleted, and new statement added; Procedure for Luki Tube deleted from the policy. Under Charting, letter C, wording change for clarification.

J-2/B-83 TPR
Revised: Letter A, IVAC thermometer added; NOTE added under letter P, #11; deleted IVAC policy and procedure from Index (J-2/B-38).

J-2/B-86 Transcribing Physicians' Orders
Revised: Policy statement; letter D, new information added; letter G, statement deleted from policy and new information added due to protocol; letter I and J, both are new information added for clarification.

J-2/B-87 Transfer (Inter-facility, KCPC)
Revised: Letter A, #1, deleted due to policy change; #2 changed to #1, and new information added, also word changing for grammar; #2, new information added. NOTE, new, added for information; letter B, #1, word change; #2, word change; #3, word change; #4, word change (all for clarification), #5 deleted as N/A now.

J-2/B-88 Collection of Urine Specimen
Revised: Letter A, #4, as new wording added; NOTE, new information added, under note #2, word change, under example #7, wording changed for clarification.

J-2/B-91 Vital Signs
Revised, Letters A, B, C, E, word changing for clarification; letter D, new information added.

J-2/B-92 Weight
Revised; Letter A, #1, new information added; letter A, #6, new information added for clarification.

J-2/B-93 X-Ray Procedures
Revised: Letter A, #1, new information added; letter A, #2, new information added; letter A, #3, information added; letter A, #4, new added; letter A, #7, new information added. Under NOTE, x-ray procedure of special diet has all been changed due to new information on procedure methods.

NEW POLICIES

J-2/B-19a Drug Abuse Testing

J-2/B-71 Seclusion and/or Restraints Deleted from Nursing Department Policy and Procedure manual as this is now a General Hospital Policy and Procedure.]

DENNIS D. BOYD, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: March 7, 1986
FILED WITH LRC: March 14, 1986 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for April 21, 1986 at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by April 16, 1986 of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 E. Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Verna Fairchild
(1) Type and number of entities affected: This regulation with the attached reference material is the on-going policy and procedure manual of the state facilities for the treatment of patients with mental illness and mental retardation. These facilities function with 2,880 staff members serving 1,850 residents.
(a) Direct and indirect costs or savings to those affected:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body: This regulation usually does not affect the fiscal operation of these state facilities significantly. It affects the care and treatment of patients, compliance with JCAH standards, and Kentucky licensure regulations. The work environment of the staff is frequently the subject of this regulation also, along with the orderly management of the various programs.
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: Present procedure not previously adopted by regulation.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: None

Tiering:
Was tiering applied? Yes

CABINET FOR HUMAN RESOURCES
Department for Employment Services
Division of Unemployment Insurance
(Proposed Amendment)

903 KAR 5:260. Unemployment insurance procedures.

RELATES TO: KRS 341.005 through 341.990
PURSUANT TO: KRS 13A.100, 194.050(1), 341.115
NECESSITY AND FUNCTION: Title III of the Social Security Act authorizes the states to implement an unemployment insurance program. The Cabinet for Human Resources is authorized by KRS 194.050 to adopt such rules and regulations as are necessary to implement programs mandated by federal law or to qualify for receipt of federal funds and as are necessary to cooperate with federal agencies for the proper administration of the cabinet and its programs. The function of this regulation is to implement the procedures required to administer the unemployment insurance program in accordance with applicable state and federal laws and regulations.

Section 1. In order to facilitate the administration of the unemployment insurance program as authorized by Title III of the Social Security Act and KRS Chapter 341, the following operating manuals are adopted by reference:
(1) Unemployment Insurance Local Office Manual as issued February, 1984 and last revised <u>February 28, 1986</u> [January 15, 1986]. This manual includes procedures: for requiring proper identification of persons filing claims for benefits; for taking and processing initial, additional, reactivated and continued claims for benefits; for assigning claimants to the appropriate group for the eligibility review program; for conducting the eligibity review program; for stopping and releasing payment of benefits; for entering claim history and benefit payment information into the data base; for taking and processing interstate claims, combined wage claims, claims by former federal employees and ex-servicemembers, and claims for extended benefits and federal supplemental compensation benefits; for conducting investigations and issuing determinations regarding a claimant's separation, ability to work, availability for work, active search for work, benefit entitlement, and deductions from benefits; for processing employers' protests to claims; for taking requests for reconsideration of monetary eligibility; for establishing benefit overpayments and initiating recovery or recoupment by processing partial payment agreements or issuing liens; for initiating action on lost or returned checks; for detecting and initiating recovery of fraudulent overpayments; for filing appeals to eligibility determinations; for reporting workload time spent; for compiling claims and nonmonetary determination statistics; and for ranking of local offices based on performance criteria.
(2) Unemployment Insurance Benefit Branch Procedures Manual issued May, 1982 and last revised October 15, 1985. This manual includes procedures for administering the payment of unemployment insurance benefits; for maintaining

accounts for all benefit income and expenditures; for detecting, establishing and initiating recovery of benefit overpayments; for assigning benefit charges to employer accounts; for conducting a quality review of nonmonetary determinations affecting the payment of benefits; for processing unemployment claims for former federal employees, ex-servicemembers, combined wage claimants, interstate claims, claims for Disaster Unemployment Assistance, claims under the Trade Readjustment Act and claims under the Work Incentive Program; for reconsidering monetary rate determinations; for processing payment for lost or returned benefit checks; and for investigating potential fraud and recommendation of recovery action or criminal prosecution.

(3) Unemployment Insurance Tax Collection and Accounting Branch Manual issued November, 1982 and last revised August 1, 1985. This manual includes procedures: for setting up, transferring and cancelling employer contribution and reimbursement accounts; for collecting quarterly taxes from contributory employers and for billing reimbursing employers for benefits paid; for auditing quarterly wages and tax reports by making adjustments, assessing additional payment and penalties and crediting tax overpayments; for adjusting wages if required when a reconsideration of monetary benefit eligibility is filed; and for collecting delinquent taxes by filing tax liens, recommending suits and temporary restraining orders, garnishing wages, filing claims in bankruptcy or against monies due to delinquent employers from state agencies.

(4) Unemployment Insurance Administrative Support Branch Manual issued December, 1983 and last revised November 9, 1984. This manual includes procedures: for maintaining files of benefit claims, employer records, appeals, and unemployment insurance commission orders; for maintaining mail security operations for all checks received by the division; for gathering statistics and conducting statistical studies; for verifying workload items for the budget process; for publishing statistical reports for the division and for general publication; for maintaining and distributing federal and state-released procedures; for maintaining all procedures manuals; for conducting the unemployment insurance quality appraisal; for training division personnel; for retaining and disposing of records; for providing data processing liaison services; for preparing state and federal budgets; for operating the Cost Model Management System; for maintaining the Cost Information System; for controlling forms control; and for monitoring purchases, expenditures and repairs.

(5) Unemployment Insurance Field Audit Manual issued February, 1984 and last revised January 11, 1985. This manual includes procedures for handling matters which cannot be handled directly or expediently by the central office tax branch, such as procedures: for locating employers; for conducting investigations of employers, and their payrolls and employment records; for determining an employer's status under the law; for assessing contributions and collecting delinquent contributions; for serving legal papers; for conducting property investigations; for auditing employer records; and for furnishing technical assistance to employers.

(6) Unemployment Insurance Director's Office Manual issued November 18, 1983, and last revised December 12, 1984. This manual includes procedures for operating the Fraud Investigations and Internal Security Unit such as procedures for: administering the unit; detecting fraud; prosecuting fraud cases; closing out fraud cases; preventing fraud; maintaining internal security; and conducting other investigations.

(7) Kentucky Unemployment Insurance Commission Administrative Branch Manual issued September 1, 1985. This manual includes procedures for the daily operations of the branch. Such procedures include staff duties and responsibilities, the review of cases, the conduct of hearings, the preparation of decisions and the proper handling of records and reports.

Section 2. All documents incorporated by reference herein are on file for public inspection in the Office of the Commissioner for Employment Services, 275 East Main Street, Frankfort, Kentucky 40621 and in local unemployment insurance offices located throughout the state.

Section 3. Summary of Amendment. Unemployment Insurance Local Office Manual. (1) Chapter 1000 [11000], Introduction [Unemployment Compensation for Federal Employees], strike entire Chapter, and substitute in lieu thereof new chapter dated 1-31-86, which adds the subheading "Internal Security" emphasizing the legal requirement for confidentiality regarding claims for unemployment insurance benefits. [1-15-86, which revises the chapter's format to the standardized Department for Employment Services Manual format and which ensures the federal agency receives immediate notification of reason of separation, all base period federal employers receive a Notice of Potential Benefit Charges and that all fraud investigations and pursuit of overpayment recovery in fraud cases are conducted by the Fraud Investigations and Internal Security Unit.]

(2) Chapter 2000 [14000], Initial Claims [Charts and Form Letters], strike pages (2060-2060) - (2060-2060(2)) dated 8-30-85, and pages (2060-2070) - (2070-2070) dated 8-30-85 [page 14000-14015 dated 11-15-85, 1985-1986 BYE Chart and Official Benefit Calendar 1984-1985-1986], and substitute in lieu thereof pages (2060-2060) - (2060-2060(2)) dated 2-7-86, and pages (2060-2070) - (2070-2070) dated 2-7-86 which adds a procedure to the claimstaking process to shorten the time required for staff to determine if an out-of-state employer is chargeable. Strike pages (2020-2020(2)) - (2020-2040) dated 8-30-85, and insert in lieu thereof pages (2020-2020(2)) - (2020-2040) dated 1-31-86, which will permit the U.I. supervisor to authorize acceptance of mail-in claims under unusual circumstances beyond the claimant's control. [page 14000-14015 dated 1-3-86, 1986-1987 BYE Chart, Official Benefit Calendar 1985-1986-1987, TRA Benefits Chart, DUA Claims Calendar and WIN Compensable Period Calendar which updates the BYE Chart and Official Benefit Calendar and adds the TRA Benefits Chart, DUA Claim Calendar and WIN Compensable Period Calendar.]

(3) Chapter 3000, Continued Claims, strike pages (3025-3040) - (3040-3050) dated 10-30-85,

and substitute in lieu thereof pages (3025-3040) - (3050-3050) dated 1-31-86, which will permit the U.I. supervisor to authorize acceptance of mail-in claims under unusual circumstances beyond the claimant's control.

(4) Chapter 4000, Video Operations, strike pages 4120-4120(5) - 4120-4120(6) dated 10-18-85, and substitute in lieu thereof pages 4120-4120(5) - 4120-4120(6) dated 1-31-86, which reflects a new message on program 4B Overpayments and Restitution Page indicating when a partial payment agreement is voluntary.

(5) Chapter 6000, Claims Investigation, strike pages (6193-6200) - (6200-6202) dated 9-16-85, and substitute in lieu thereof pages (6193-6200) - (6200-6202) dated 2-12-86, which amends the section Establishing Overpayments to insure a claimant is not overbilled due to an unrecovered overpayment established on a prior adjusted determination.

(6) Chapter 10000, Unemployment Compensation for Ex-Servicepersons, strike entire chapter 10000 and insert in lieu thereof new chapter 10000 dated 1-15-86, which provides the latest instructions for preparation of a request for military information and revises the chapter's format to the standardized Department for Employment Services Manual format.

(7) Chapter 14000, Charts, Form Letters, Reference Materials, strike contents by chapter dated 10-30-85, and substitute in lieu thereof contents by chapter dated 2-28-86. Strike contents dated 11-15-85 and substitute in lieu thereof contents dated 2-28-86. Strike page 14000-14015 dated 1-3-86, and insert in lieu thereof page 14000-14010 dated 2-28-86, page 14015-14015 dated 2-28-86 and pages (14020-14020) - (14020-14020(2)) dated 2-28-86, which adds a new section, Forms Retention and Disposal.

JAMES P. DANIELS, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: March 8, 1986
FILED WITH LRC: March 14, 1986 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for April 21, 1986, at 9 a.m. in the Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by April 16, 1986, of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Office of General Counsel, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: James Daniels
(1) Type and number of entities affected: Thousands of U.I. claimants.
(a) Direct and indirect costs or savings to those affected:
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): None
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: None
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict: N/A
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A
(6) Any additional information or comments: None

Tiering:
Was tiering applied? No. All claimants treated equally.

CABINET FOR HUMAN RESOURCES
Department for Social Services
Division of Field Services
(Proposed Amendment)

905 KAR 1:180. DSS policy and procedures manual.

RELATES TO: KRS 194.030(8), 194.060, 199.011 to 199.375, 199.420 to 199.990, 200.080 to 200.120, 205.201 to 205.204, 205.455 to 205.465, Chapters 208 and 209
PURSUANT TO: KRS 194.050, 199.420, 200.080, 209.030
NECESSITY AND FUNCTION: P.L. 97-35, "Block Grants for Social Services - Title XX," authorizes grants to states for social services. KRS 194.050 authorizes the Cabinet for Human Resources to adopt such rules and regulations as are necessary to implement programs mandated by federal law, or to qualify for receipt of federal funds and as are necessary to cooperate with federal agencies for the proper administration of the cabinet and its programs. The function of this manual is to implement a statewide social services program.

Section 1. DSS Policies and Procedures Manual. For the purpose of implementing and enforcing those sections of the Kentucky Revised Statutes relating to social service programs for children and adults that apply to the Department for Social Services, the Secretary of the Cabinet for Human Resources hereby adopts, by reference, the Department for Social Services' Policy and Procedural Manual as revised through March, 1986 [December 2, 1985], as the current policies and procedures of that department. The manual contains policies and procedures relating to management procedures, adult services, support services, family and children's services, and youth services. The Department for Social Services' Policy and Procedures Manual may be reviewed in any departmental field office located in each of the 120 counties or at the Office of the Commissioner, Department for Social Services, 275 East Main Street, Frankfort, Kentucky, during regular working hours.

Section 2. Summary of Amendment. In Chapter V, Youth Services, insert the following as Section A: Table of Contents; Section A., General Policies and Procedures; Section A.1., Admissions; Section A.2., Treatment Services; Section A.3., Health, Medical, Safety, and Dietary Services; Section A.4., Quality Assurance; Section A.5., Training; and Section A.6., Education Services. This section sets forth operating policies and procedures for youth services provided by the Department for Social Services, Division of Children's Residential Services.

[(1) Chapter I, Management Procedures, Section B, Intake, Assessment, and Registration, strike Index, pages 1-8, 11-14 and DSS-7, and substitute in lieu thereof Index, pages 1-8, 11-14 and DSS-7 dated August, 1985, which transmits revised client eligibility income scales for the operation of Department for Social Services' Programs, a revised Authorization for Release of Confidential Information form, and revised procedural instructions for the Client Registration form, DSS-1A.]

[(2) Chapter III, Support Services, Section A.6, Day Care, strike pages 13 and 14, and substitute in lieu thereof pages 13 and 14 dated August, 1985, which transmits the revised client eligibility income scales relating to day care for children.]

[(3) Chapter II, Adult Services, Section A, Adult Protection, strike page 24 and DSS-291A dated May, 1984, and substitute in lieu thereof page 24 and DSS-291A dated October, 1985, which transmits a revised form for notifying law enforcement agencies of reports of alleged abuse, neglect, or exploitation of an adult or spouse abuse; and the procedural instructions for completion of this form.]

Section 3. 905 KAR 7:010, Children's Residential Services Policy Manual, is hereby repealed.

ANNA GRACE DAY, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: March 6, 1986
FILED WITH LRC: March 14, 1986 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on April 21, 1986 at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. Those interested in attending this hearing shall notify in writing the following office by April 16, 1986: R. Hughes Walker, Office of General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Eugenia Jump
(1) Type and number of entities affected: All facilities operated by DSS.
(a) Direct and indirect costs or savings to those affected: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body: None
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: None

Tiering:
Was tiering applied? No. Revised policies and procedures apply to all DSS residential personnel.

CABINET FOR HUMAN RESOURCES
Department for Social Services
Division of Children's Residential Services
(Proposed Amendment)

905 KAR 7:080. Children's treatment services facility manual.

RELATES TO: KRS Chapters 202A and 208
PURSUANT TO: KRS 194.050
NECESSITY AND FUNCTION: P.L. 97-35, Subtitle C, "Block Grants for Social Services Title XX" authorizes grants to states for social services. KRS 194.050 authorizes the Cabinet for Human Resources to adopt such rules and regulations as are necessary to implement programs mandated by federal law, or to qualify for the receipt of federal funds and as are necessary to cooperate with federal agencies for the proper administration of the cabinet and its programs. The function of this regulation is to implement programs for the care and treatment of mentally ill and/or emotionally disturbed children by the Children's Treatment Service facility operated by the Department for Social Services.

Section 1. Children's Treatment Service Facility Manuals. The Cabinet for Human Resources hereby adopts, by reference, as operating policies and procedures of the Children's Treatment Service, Lakeland Road, Louisville, Kentucky, operated by the Department for Social Services, the following manuals: Policy Manual revised through August 19, 1985; Therapeutic Milieu Manual revised through May 20, 1985; Psychology Procedural Manual revised through October 1, 1984; Nursing Manual revised through December 31, 1984; Staff Development/Volunteer Procedures Manual revised through December 31, 1984; Emergency Services Manual revised through January 27, 1986 [December 31, 1984]; Safety Rules and Practices revised through December 31, 1984; Pharmacy Manual revised through July 1, 1985; Medical Procedures Manual revised through July 1, 1985; The Living Unit Manual revised through December 31, 1984; and Social Services Manual dated

February 10, 1983. These manuals set forth the policies and procedures used in the Children's Treatment Services program to provide care and treatment for juveniles residing in this facility. These manuals may be reviewed during regular working hours at the Office of the Commissioner, Department for Social Services, 275 East Main Street, Frankfort, Kentucky; and Children's Treatment Service, Lakeland Road, Louisville, Kentucky.

Section 2. Summary of Amendments. In the Emergency Services Manual strike pages E53-E55, Seclusion, dated August 19, 1985, and substitute in lieu thereof pages E53-E55(a) dated January 27, 1986, which revises the seclusion policy; in addition strike pages E56-E59, Procedure for Instituting Physical and Mechanical Restraint, dated August 19, 1985, and substitute in lieu thereof pages E56-E59, Procedure for Instituting Physical and Mechanical Restraint, dated January 27, 1986, which revises the procedures to be followed in the use of physical or mechanical restraints. [(1) In the CTS Policy Manual strike pages 95 through 95(h) and 96, Quality Assurance, Policy Number QA-01, revised 9-27-84, and substitute in lieu thereof pages 95, 96 through 96(j), Quality Assurance, Policy Number QA-01, revised 5-17-85 which makes revisions to the Quality Assurance program; strike pages 165 and 166, Seclusions, Policy No. TM-13, dated January 1985, and substitute in lieu thereof pages 165 and 166, Seclusion, Policy No. TM-13, dated August 19, 1985, which clarifies the seclusion policy; strike page 167, Physical and Mechanical Restraints, Policy Number TM-14, dated January, 1985, and substitute in lieu thereof Physical and Mechanical Restraints, Policy Number TM-14, dated August 19, 1985, which revises the policy for the use of restraints; and strike pages 12 through 25, Clinical Staff By-Laws dated January 28, 1985, and substitute in lieu thereof Clinical Staff By-Laws, dated August 1, 1985, which revises the by-laws for clinical staff.]

[(2) In the CTS Medical Procedures Manual strike pages B-75 and B-76, Seclusion, Policy Number TM-13 dated January, 1985, and substitute in lieu thereof pages B-75 and B-76, Seclusion, Policy Number TM-13, dated August 19, 1985 which clarifies the seclusion policy; and strike pages B-77 and B-78, Physical and Mechanical Restraint, Policy Number TM-14, dated January 1985 and substitute in lieu thereof pages B-77 and B-78, Physical and Mechanical Restraint, Policy Number TM-14 dated August 19, 1985, which revises the policy for the use of restraints.]

[(3) In the Living Unit Procedure Manual strike pages D-86-A and D-86-B, Seclusion, Policy Number TM-13, dated January 1985 and substitute in lieu thereof pages D-86-A and D-86-B, Seclusion, Policy Number TM-13, dated August 19, 1985 which clarifies the seclusion policy; strike pages D-86, D-88 and D-89, Seclusion (Procedures), dated January, 1985, and substitute in lieu thereof, pages D-86, D-88 and D-85, Seclusion (Procedures) dated August 19, 1985, which sets forth the procedures for seclusion; strike pages D-89-A and D-89-B, Physical and Mechanical Restraint, Policy Number TM-14 dated January, 1985, and substitute in lieu thereof pages D-89-A and D-89-B, Physical and Mechanical Restraint, Policy Number TM-14 dated August 19, 1985, which revises the policy for the use of restraints; and strike pages D-90 and D-91, Procedure for Instituting the use of Physical and Mechanical Restraints, dated January, 1985, and substitute in lieu thereof pages D-90 and D-91, Procedure for Instituting the use of Physical and Mechanical Restraints, dated August 19, 1985, which sets forth the procedures to be followed in the use of physical or mechanical restraints.]

[(4) In the Emergency Services Manual strike pages E-53, E-54 and E-55, Seclusion (Procedure) dated January, 1985, and substitute in lieu thereof pages E-53, E-54 and E-55, Seclusion (Procedure) dated August 19, 1985, which sets forth the procedures for seclusion; and strike pages E-56 and E-57, Procedures for Instituting the Use of Physical and Mechanical Restraints, dated January, 1985, and substitute in lieu thereof pages E-56 and E-57, Procedures for Instituting the use of Physical and Mechanical Restraints, dated August 19, 1985, which sets forth the procedures to be followed in the use of physical or mechanical restraints.]

[(5) In the Therapeutic Milieu Procedure Manual strike page A-40 (a-e), Mental Inquest Proceedings, Policy Number TM-04, dated May, 1985, and substitute in lieu pages A-40 (a-e), Mental Inquest Proceedings, Policy Number TM-04, dated August 1985, which sets forth the requirements for inititating a mental inquest and the procedures to be followed.]

ANNA GRACE DAY, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: March 6, 1986
FILED WITH LRC: March 14, 1986 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on April 21, 1986 at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. Those interested in attending this hearing shall notify in writing the following office by April 16, 1986: R. Hughes Walker, Office of General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Eugenia Jump
(1) Type and number of entities affected: One facility.
(a) Direct and indirect costs or savings to those affected: None.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body: None
(a) Direct and indirect costs or savings: None.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: None.
(3) Assessment of anticipated effect on state and local revenues: None.
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None.

(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:

Tiering:
Was tiering applied? No. Affects only one facility.

CABINET FOR HUMAN RESOURCES
Department for Social Services
Division of Children's Residential Services
(Proposed Amendment)

905 KAR 7:210. Central Kentucky Re-Ed Center policy and procedural manual.

RELATES TO: KRS Chapters 202A and 208
PURSUANT TO: KRS 194.050
NECESSITY AND FUNCTION: P.L. 97-35 , Subpart C, "Social Services Block Grant - Title XX" authorizes grants to states for the provision of social services. KRS 194.050 authorizes the Cabinet for Human Resources to adopt such rules and regulations as are necessary to implement programs mandated by federal law, or to qualify for receipt of federal funds and as are necessary to cooperate with federal agencies for the proper administration of the cabinet and its programs. The function of this regulation is to implement a program for the care and treatment of children who are delinquent, status offenders and mentally ill or emotionally disturbed.

Section 1. Residential Facility Manual. The Cabinet for Human Resources hereby adopts by reference as operating policies and procedures the Central Kentucky Re-Ed Center Policy and Procedural Manual revised through January, 1986 [November 20, 1985]. This manual sets forth the policies and procedures for the care and treatment of children in the Central Kentucky Re-Ed Program. This manual may be reviewed during regular working hours at the Office of the Commissioner, Department for Social Services, 275 East Main Street, Frankfort, Kentucky.

Section 2. In the treatment section of the manual, strike Policy T-20, Monthly Meetings, Team Planning Meetings and Consultation Staffing, pages T-20.1 through T-20.2 revised July, 1984, and substitute in lieu thereof Policy T-20, Monthly Meetings, Team Planning Meetings and Consultation Staffings, pages T-20.1 through T-20.3, revised January, 1986, which:

(1) Requires reviews to be held at two (2) month intervals when the treatment team determines a child is not ready for exit at the six (6) month review. These two (2) month reviews will be held until child exits from program, and will be used to address the areas of difficulty which are hindering the child's completion of the program.

(2) Requires both the parents and child to attend these two (2) month reviews; notification to parents will be by mail.

(3) Directs appropriate supervisory staff to attend these additional reviews, and states the case will be presented for consultant staffing prior to the eighth-month review.

[(1) In the treatment section of the manual, strike Policy T-42, Resident's Physical Aggression Toward Staff, pages T-42.1 and T-42.2 effective November 9, 1984, and substitute in lieu thereof Policy T-42, Resident's Physical Aggression Toward Staff, pages T-42.1 and T-42.2, revised November 20, 1985, which outlines the procedures staff are to follow when youth display physical aggression.]

[(2) In the treatment section of the manual, strike Policy T-39, Exit Procedure, page T-39.1 revised October, 1983, and substitute in lieu thereof Policy T-39, Exit Procedure, pages T-39.1 through T-39.12, revised November 5, 1985, which outlines the procedures staff are to follow then a youth is discharged, and transmits DSS-822A, Exit Interview form.]

ANNA GRACE DAY, Commissioner
E. AUSTIN, JR., Secretary
APPROVED BY AGENCY: March 6, 1986
FILED WITH LRC: March 14, 1986 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on April 21, 1986 at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. Those interested in attending this hearing shall notify in writing the following office by April 16, 1986: R. Hughes Walker, Office of General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Margaret Hockensmith
(1) Type and number of entities affected: Only one treatment facility.
(a) Direct and indirect costs or savings to those affected: None.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body: None.
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: May require additional paperwork for staff due to more treatment reviews being held.
(3) Assessment of anticipated effect on state and local revenues: None.
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None.
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: None

Tiering:
Was tiering applied? No. Affects only one facility.

PROPOSED REGULATIONS RECEIVED THROUGH MARCH 15

PERSONNEL BOARD

101 KAR 1:160. Merit system.

RELATES TO: KRS 18A.140
PURSUANT TO: KRS Chapter 13A, 18A.030, 18A.040, 18A.075, 18A.110
NECESSITY AND FUNCTION: KRS 18A.140 prohibits certain political activities by classified employees. The following regulation defines permissible and impermissible political activities.

Section 1. Permitted Activities. Permitted political activities while off duty include the following:
(1) Registration and voting. Classified employees may register and vote in any election.
(2) Expression of opinions. All persons subject to the personnel rules have a right to privately express their opinions on all political subjects and candidates, but they may not take an active part in political management and in political campaigns.
(3) Contributions. It is lawful for classified employees to make voluntary cash contributions to political parties, candidates or organizations; provided, however, it shall be unlawful for classified employees to make contributions of goods, labor and services.
(4) Membership in political clubs. Classified employees may join a political club and attend its meetings but may not hold office or serve on committees of the club.
(5) Attendance at political rallies, conventions, etc. Employees covered by the classified service may attend political rallies and conventions and may participate in the selection of committeemen and committeewomen. Additionally, employees covered by the classified service may vote at the lowest level of the selection process for delegates to the party conventions.
(6) Political pictures and signs. It is lawful for classified employees to voluntarily display political pictures or signs on their property.
(7) Badges, buttons, and stickers. It is lawful for classified employees to wear political badges or buttons and voluntarily display political stickers on their private automobiles; provided, however, that no political buttons, badges or other such designations may be worn by any classified employee of the Commonwealth while the employee is on official duty or while such employee is conducting official business for the Commonwealth.
(8) Precinct election officers - polls. Classified employees may serve as precinct election officers at the polls.
(9) Constitutional amendments, referendums, etc. Classified employees may work actively for or against constitutional amendments, referendums, municipal ordinances.
(10) Transporting voters. Employees under the classified service while on their own time may drive friends or relatives to the polls as a civic gesture, but may not transport voters to the polls as an organized service to a political party, faction, or candidate.

Section 2. Prohibited Political Activities. Prohibited political activities, whether the employee is on or off duty, include but are not limited to the following:
(1) Political party involvement. Classified employees are prohibited from serving on or for any political committee, party, or other similar organization, or serving as a delegate or alternate to a caucus or party convention, but may vote in the selection of delegates to a party convention and in the selection of precinct committeemen and committeewomen.
(2) Political contributions. A classified employee is prohibited from soliciting or handling political contributions.
(3) Political party tickets. A classified employee is prohibited from soliciting the sale of or selling political party, faction, or candidate items or tickets, but a classified employee may voluntarily purchase such items or tickets.
(4) Political club involvement. A classified employee is prohibited from serving as an officer of a political club, as a member or officer of any of its committees, of addressing such a club on any partisan political matters, or of being active in organizing it.
(5) Political meetings and rallies. A classified employee is prohibited from serving in connection with preparation for, organizing or conducting a political meeting or rally or addressing such a meeting on any partisan political matter therein except to vote.
(6) Partisan activity at election polls. A classified employee is prohibited from engaging in partisan activity at the polls (at primary or regular elections) in the position of checker, challenger, or watcher, or in soliciting votes and assisting voters to mark ballots.
(7) Candidacy for office. A classified employee is prohibited from becoming a candidate for nomination or election to any office, federal, state, county, or municipal, which is to be filled in an election in which party candidates are involved or for which compensation is paid (other than a per diem for school district office); or from soliciting others to become candidates for nomination or election to such offices.
(8) Campaign literature distribution. A classified employee is prohibited from distributing campaign literature or material.
(9) Nominating petitions. A classified employee is prohibited from initiating or circulating partisan political nominating petitions.
(10) Solicitation of political support. A classified employee is prohibited from canvasing a district or soliciting political support for a party, faction, or candidate, either in person or in writing.

Section 3. Posting of Regulation. Each appointing authority shall post, in a form prescribed by the Department of Personnel, a copy or copies of KRS 18A.140 and this regulation in a central area accessible to all

classified employees of that cabinet, department or agency.

Section 4. Copy of Regulation to Employees. Each appointing authority shall furnish a copy of KRS 18A.140 and this regulation in a form prescribed by the Department of Personnel to each employee and require them to sign an acknowledgment of receipt which shall then be placed in the employee's personnel folder.

ARTHUR HATTERICK, JR., Executive Director
APPROVED BY AGENCY: March 6, 1986
FILED WITH LRC: March 7, 1986 at 11 a.m.
PUBLIC HEARING SCHEDULED: Public hearing on this regulation is scheduled for April 22, 1986, at 9:30 a.m., in Room 360 of the Capitol Annex Building. Those interested in attending please contact: Commonwealth of Kentucky, Personnel Board, Room 372, Capitol Annex Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Arthur Hatterick, Jr.
(1) Type and number of entities affected: All agencies with classified employees.
(a) Direct and indirect costs or savings to those affected:
1. First year: No appreciable change.
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings: No appreciable change.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: N/A
(4) Assessment of alternative methods; reasons why alternatives were rejected: It was determined that regulations needed to be promulgated to clarify for employees in the classified service political do's and don'ts.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None identified.
(a) Necessity of proposed regulation if in conflict: N/A
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: An effort was made to harmonize the regulation with possible First Amendment rights to the Constitution.
(6) Any additional information or comments: N/A

Tiering:
Was tiering applied? No. N/A

PERSONNEL BOARD

101 KAR 1:170. Employee grievances.

RELATES TO: KRS 18A.110(17)
PURSUANT TO: KRS Chapter 13A, 18A.030, 18A.040, 18A.075, 18A.110

NECESSITY AND FUNCTION: KRS 18A.075 requires the State Personnel Board to adopt comprehensive regulations consistent with KRS 18A.110. KRS 18A.110 authorizes the Commissioner of Personnel to prepare and submit such regulations to the board as they relate to the classified service including establishment of a plan for resolving employee grievances and complaints. This regulation is necessary to assure a uniform and effective procedure for hearing and acting upon such grievances.

Section 1. General Provisions. (1) Any eligible employee who believes that he has been subjected to unfair, discriminatory or abusive treatment by a cabinet or agency may request in writing that an investigation be carried out without delay. Upon request the employee shall be assured of a prompt, orderly and fair response.
(2) Employees using this procedure shall be entitled to file their complaints or grievances without interference, coercion, discrimination or reprisal.
(3) Appointing authorities shall inform all employees of the provisions of this regulation and any modifications.
(4) This grievance procedure does not eliminate or diminish any other form of administrative relief that is available to employees.
(5) The Commissioner of Personnel shall make available to the employees through the appointing authorities a uniform grievance form to be used for the filing of a grievance, which form shall contain a notification in bold print that the employee's right to file an appeal with the Personnel Board is not extended beyond the thirty (30) day statutory appeal period provided for in KRS 18A.095 or otherwise affected by the filing of a grievance.

Section 2. Definitions. (1) Employees eligible to file a grievance shall include all employees subject to KRS Chapter 18A in the classified service.
(2) A grievance is a complaint filed by an employee which concerns some aspect of his work situation over which his cabinet or agency has control and which has occurred within thirty (30) days prior to filing.
(3) Employee complaints concerning the following actions shall be exempt from this procedure: involuntary demotion, suspension, dismissal, lay-off, involuntary transfers to a different county, and disciplinary fines.

Section 3. Procedures. (1) A grievance shall be filed with the immediate supervisor within thirty (30) days consistent with Section 2(2) of this regulation.
(2) Grievances shall be filed during the employee's normally scheduled work hours.
(3) The employee shall set forth in writing the basis of his complaint, any factual allegations to be investigated, and the corrective action or settlement desired. If the employee wishes to submit additional information or documentation, he may attach it to the grievance.
(4) When a grievance is filed that alleges discrimination on the basis of race, color, religion, national origin, sex, handicap or age (forty (40) through seventy (70)), the recipient

must immediately notify the cabinet or agency EEO Coordinator to comply with the Affirmative Action Plan.

(5) Any time limits may be extended, if agreeable to all parties involved.

(6) Any interviews to evaluate or investigate the grievance that are needed with the grievant or his representative at the request of the appointing authority outside of normal work hours shall entitle the grievant or his representative to compensatory time, provided the grievant or his representative is still actively employed by the cabinet or agency.

(7) Any interviews to evaluate or investigate the grievance that are held at the request of the appointing authority with the grievant or with other employees shall not require the use of leave time.

(8) The grievant may have his representative present at each step of the grievance procedure except as otherwise provided by federal or state law.

Section 4. Grievance Levels. (1) The immediate supervisor shall, upon investigation, issue findings and a decision in writing to the employee within a period of ten (10) workdays of receipt of the grievance. If the first line supervisor is unable to resolve the complaint to the satisfaction of the employee, the employee may appeal the grievance within two (2) workdays to the next appropriate level.

(2) The second line supervisor shall, upon investigation, issue findings and a decision in writing to the employee within a period of five (5) workdays of receipt of the grievance. If the second line supervisor is unable to resolve the complaint to the satisfaction of the employee, the employee may appeal the grievance within two (2) workdays to the next appropriate level.

(3) The third line supervisor shall, upon investigation, issue findings and a decision in writing to the employee within a period of five (5) workdays of receipt of the grievance. If the third line is unable to resolve the complaint to the satisfaction of the employee, the employee may appeal the grievance within five (5) workdays to the fourth line.

(4) The fourth line supervisor shall, upon investigation, issue findings and a decision in writing to the employee within a period of ten (1) workdays of receipt of the grievance.

(5) If the fourth line supervisor is unable to resolve the complaint to the satisfaction of the employee, the employee may appeal the grievance within five (5) workdays to the agency head for a final determination. The agency head, upon investigation, shall issue findings and a decision in writing to the employee within a period of ten (10) workdays.

(6) Modification of the procedures set forth above may be made upon approval of the Commissioner of Personnel to accommodate organizational structure within a cabinet or agency.

(7) Decisions shall be provided in writing.

(8) Failure by the agency to respond in the prescribed time limits automatically advances the complaint to the next appeal level.

ARTHUR HATTERICK, JR., Executive Director
APPROVED BY AGENCY: March 6, 1986
FILED WITH LRC: March 7, 1986
at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation is scheduled for April 22, 1986, at 9:30 a.m. in Room 360 of the Capitol Annex Building. Those interested in attending please contact: Commonwealth of Kentucky, Personnel Board, Room 372, Capitol Annex Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Arthur Hatterick, Jr.

(1) Type and number of entities affected: All agencies with classified employees.

(a) Direct and indirect costs or savings to those affected:

1. First year: Should be minimal as most agencies currently have some form of grievance procedure at the present time.

2. Continuing costs or savings: Unable to project at this time.

3. Additional factors increasing or decreasing costs (note any effects upon competition): A successful employee grievance procedure program should in the long run decrease manhour expenditures concerning employee relations.

(b) Reporting and paperwork requirements: Those agencies changing from current in-house procedures to the new program will need to make some modifications. Those agencies which do not have a grievance procedure will be required to develop appropriate reporting and paperwork requirements to be in compliance.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Minimal first year.

2. Continuing costs or savings: A successful program may decrease the number of requests for appeal alleging improper handling by agencies of employees.

3. Additional factors increasing or decreasing costs: N/A

(b) Reporting and paperwork requirements: N/A

(3) Assessment of anticipated effect on state and local revenues: N/A

(4) Assessment of alternative methods; reasons why alternatives were rejected: No proposal for alternative methods were presented. A uniform procedure for all agencies was considered appropriate.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A

(a) Necessity of proposed regulation if in conflict: N/A

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(6) Any additional information or comments: N/A

Tiering:
Was tiering applied? No. Not applicable.

FINANCE AND ADMINISTRATION CABINET
Board of Registration for Professional Engineers and Land Surveyors

201 KAR 18:160. Waiver for mortgage inspections.

RELATES TO: KRS 322.020, 322.290
PURSUANT TO: KRS 322.290(2)(f)
NECESSITY AND FUNCTION: To allow certain

standards of practice as set forth in 201 KAR 18:150 to be waived in the preparation of mortgage inspections.

Section 1. While not recommending or approving, to properly waive a minimum standard a written agreement must be made between the surveyor and the client/employer (the client/employer always being the purchaser of the property being surveyed). This agreement must be signed by the surveyor and the client/employer, describe the work that is to be done and the minimum standards which the work will not meet, and clearly state that it is not a recordable document.

Section 2. If a map or plat is prepared, the map must include a block which identifies the location of the land, the name and address of the surveyor, the name and address of the client/employer, and states that an agreement has been made between the surveyor and client/employer, to exclude the work shown on the map or plat from certain state minimum standards. The minimum standards not met must be described in plain language understandable by the client/employer. The map or plat must clearly state that it is not a recordable document, and must include a certificate signed by the client/purchaser acknowledging the waiver of minimum standards.

Section 3. The procedures for obtaining an effective waiver are important because failure to meet the minimum standards in 201 KAR 18:150 may result in disciplinary action by the board. Of course, the standards as established by the board in 201 KAR 18:150 is the best rule for determining whether the requirements have been met. The surveyor has the responsibility, however, to exercise good, professional judgement. If in his opinion a mortgage inspection is not sufficient to protect the public (clinet/employer) then he shall so advise the client/employer.

LARRY S. PERKINS, Executive Director
APPROVED BY AGENCY: January 23, 1986
FILED WITH LRC: February 24, 1986 at 1 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on April 29, 1986, at 1:30 p.m. at Kentucky Engineering Center located at Route 3, Millville Road, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Larry S. Perkins, Executive Director, State Board of Registration for PE/LS, Route 3, 96-5, Millville Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Larry S. Perkins
(1) Type and number of entities affected:
(a) Direct and indirect costs or savings to those affected: N/A
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings: N/A
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: N/A
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:

Tiering:
Was tiering applied? No. The impact of the regulation will affect all land surveyors equally.

JUSTICE CABINET
Department of State Police

502 KAR 10:090. Procedure for denial, suspension, nonrenewal or revocation hearings.

RELATES TO: KRS 332.030
PURSUANT TO: KRS 15A.160, 332.100
NECESSITY AND FUNCTION: KRS 15A.160 and 332.100 provide that the Secretary of the Justice Cabinet in cooperation with the Commissioner, Department of State Police, may adopt such regulations necessary to carry out the provisions of KRS Chapter 332. This regulation outlines the administrative adjudication procedures of the cabinet in license denial, suspension, nonrenewal and revocation hearings.

Section 1. Scope and Definitions. (1) These regulations govern the procedure for the Justice Cabinet in all proceedings under this chapter in which the legal rights, duties or privileges of any person licensed by the cabinet is required by statutes or by these rules to be determined after an opportunity for a hearing. These rules shall be construed to secure a fair and impartial determination of every proceeding.
(2) For purposes of administrative adjudicatory procedure unless the context otherwise requires:
(a) "Party" means any person or agency named or admitted as a party to any proceedings conducted pursuant to these regulations and shall include only persons who have a real interest in the matter before the secretary.
(b) "Person" means any individual, sole proprietorship, partnership, corporation, association or public or private organization of any character.
(c) "Order" means the whole or any part of a final disposition of an adjudication.
(d) "Contested case" means an adjudicatory proceeding before the secretary in which the legal rights, duties, or privileges of any person are required by law to be determined after an opportunity for a hearing, without regard to whether the proceeding is instituted by the cabinet or by some other person.
(e) "Cabinet" means the Justice Cabinet.

(f) "Secretary" means the Secretary of the Justice Cabinet.
(g) "Department" means the Department of State Police.
(h) "Commissioner" means the Commissioner of the Department of State Police.

Section 2. Complaints and Investigations. (1) Complaints. A complaint may be made by any person against the holder of a license by the filing of written charges with the secretary. The written complaint shall contain the name and address of any person making charges as well as the name and address of the person or persons against whom charges are being made and a clear and concise statement of the facts giving rise to the complaint. Any complaint or charge filed with the secretary shall be forwarded to the licensee involved and the licensee shall be given thirty (30) days to resolve the problem or make a full satisfactory reply thereto. Any defamatory matter in a formal written complaint shall be exercised by the secretary prior to the complaint being forwarded to the licensee.
(2) Investigations. Upon the receipt of a complaint and following the expiration of the thirty (30) days provided for in subsection (1) of this section, the secretary may cause an investigation to be made by the Department of State Police or by any agent or representative appointed by the secretary. Upon the completion of any investigation, the person or persons making such investigation shall submit a full written report to the person designated by the secretary to prosecute the matter in an adjudicatory proceeding.

Section 3. Commencement of Adjudicatory Proceedings. Upon the request of the prosecutor or after the expiration of the thirty (30) day period referred to in Section 2(1) of this regulation where an investigation is not made, the secretary may begin formal adjudicatory proceedings in accordance with the following procedure:
(1) If it is determined that the facts alleged in the complaint and/or investigative report may constitute grounds for the suspension, probation or revocation of a license, a hearing shall be scheduled before the secretary, or his designated hearing officer, on those allegations. In any case in which an application for license or renewal of license has been denied, a hearing shall only be scheduled upon receipt by the secretary of a written request submitted by or on behalf of the person whose application for license was denied or not renewed. Any required hearing shall be held within three (3) months, or as soon thereafter as practicable, after the receipt by the secretary of a written request for a hearing. In any contested case, whether it be instituted by the cabinet or by some other person, all the parties to the proceeding shall be given reasonable notice and an opportunity to be heard.
(2) Notice. The notice provided for shall be issued in the name of the cabinet by the secretary or designated hearing officer and shall state:
(a) The time, date, place, and nature of the hearing;
(b) The legal authority and jurisdiction under which the hearing is to be held;
(c) The alleged statutory or regulatory violations; and
(d) A short and plain statement of the complaint or charges which are being preferred and the remedy which is being sought. The notice shall be personally served or mailed to the last known address of the party or parties not less than twenty (20) days before the date of the hearing.
(3) Appearance and service. In any contested case, the parties to the proceeding shall have the right to appear personally at the hearing, and by counsel, and shall have the right to cross-examine witnesses appearing against them and to produce witnesses on their own behalf. When a party has appeared by an attorney, or otherwise designated an attorney as his representative, all communications, notices, orders or other correspondence shall be served on such attorney; service on the attorney shall be considered as service on the party and the hearing officer shall be notified of any change in such attorney.
(4) The secretary or his designated hearing officer shall preside over the hearing proceedings; if the secretary presides, he may have assistance of counsel to rule on evidentiary matters.
(5) Authority to administer oaths. In hearings before the secretary or hearing officer, any oath or affirmation required may be administered by any person authorized to administer oaths by the laws of the Commonwealth of Kentucky.
(6) Presentation of evidence. The evidence against the licensee or other person concerning the pending complaint or charge shall be presented by the designated prosecutor. Additionally, any witness or other evidence may be questioned or introduced by the presiding officer.

Section 4. Conduct of Hearings; Witnesses; Burden of Proof; Evidence. (1) The presiding officer may hear testimony of any person present at the hearing who has information to offer bearing on the subject matter of such hearings. The presiding officer may ask any witness questions as may be required for a full and true disclosure of the facts. The presiding officer shall have only one (1) witness before him at any one (1) time and other witnesses may be excluded from the hearing room while any one (1) witness is being questioned.
(2) The hearing in a contested case involving a suspension, probation, or revocation of a license shall proceed in the following order, unless the presiding officer, for special reasons otherwise directs:
(a) The party filing the complaint or preferring the charges or the persons appointed or designated to present the evidence against the licensee shall briefly state the substance of the charges and the evidence by which he expects to sustain them.
(b) The party against whom a complaint has been filed or charges otherwise preferred may briefly state the substance of his defense and the evidence which he expects to offer in support of it.
(c) The party filing the complaint or otherwise preferring the charges or the designated prosecutor shall have the burden of proof in the whole action; therefore, he shall produce his evidence first; the party against whom a complaint has been filed or charges

preferred may then produce his evidence. The presiding officer, however, may regulate the order of proof in any proceeding to expedite the hearing and to enable the presiding officer to obtain a clear view of the whole evidence.

(d) The parties shall then be confined to rebuttal evidence, unless the presiding officer, in his discretion, permits them to offer additional evidence in chief.

(e) The parties may then submit the matter to the presiding officer for consideration, or present arguments on the issues involved. In the arguments, the party filing the complaint or otherwise preferring the charges or the designated prosecutor shall have the conclusion and the party against whom the complaint was filed or charges otherwise preferred shall have the opening.

(3) In a hearing requested in writing by a person whose application for a license has been denied or not renewed, the burden of proof and order of proceedings delineated in subsection (2) of this section shall be reversed.

(4) In any contested case, the presiding officer shall as far as practical adhere to the following rules of evidence:

(a) Any evidence which would be admissible under the statutes of the Commonwealth of Kentucky, and under the rules of evidence followed by circuit courts of the Commonwealth of Kentucky, shall be admitted in hearings before the presiding officer; however, the presiding officer may admit evidence that would be inadmissible in the courts if the evidence is of the type commonly relied upon by reasonable, prudent men in the conduct of their affairs.

(b) Every party shall have the right to present such oral or documentary evidence, exhibits and rebuttal evidence and conduct such cross-examination as may be required for a full and true disclosure of the facts. Documentary evidence may be introduced in the form of copies or receipts if the original is not readily available provided that upon request the parties or the presiding officer shall be given an opportunity to compare the copy with the original.

(c) When a hearing will be expedited and the interests of the parties will not be substantially prejudiced thereby, all or part of the evidence may be received in written form by affidavit or prepared statement. Prepared statements shall not be read or made a part of the record until the party against whom the statement is offered has been given a reasonable time for review and objection.

(d) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded and the presiding officer shall give effect to the rule of privilege recognized by the laws of the Commonwealth of Kentucky.

(e) The presiding officer may take notice of judicially cognizable facts.

(f) Objections to evidentiary offers may be made and shall be noted in the record.

(5) The parties to any hearing may agree to waive any one (1) or more of the procedural steps which would otherwise precede the reaching of a final decision by the secretary, but such waiver shall not be binding on the secretary.

Section 5. Deliberations; Records; Final Order. (1) Deliberations. During any hearing and after the case has been submitted to the secretary or hearing officer for decision, deliberations shall be governed by the following principles:

(a) Ex parte investigations. Neither the secretary nor any hearing officer or any other person who shall make findings of fact and conclusions of law in a contested case shall, once a hearing has commenced, consult with any person or party in connection with any issue of fact or law except upon notice and opportunity for all parties to participate provided, however, that the secretary or hearing officer may have the aid and advice of one (1) or more personal assistants including the assistance of counsel.

(b) Separation of functions. No officer, employee, or agent of the cabinet who is engaged in the performance of investigative or prosecuting functions in a contested case shall, in that or a factually related case, participate or advise in the decision except as a witness or counsel in the public hearing.

(c) Examination of evidence. The secretary or hearing officer shall personally consider the whole record or such portions thereof as may be cited by the parties before a decision is reached.

(d) The presiding officer at his discretion may recess a hearing for the taking of additional discovery and evidence as required.

(2) Record. The record shall include all pleadings, motions, exhibits, documentary and testimonial evidence received or considered, a statement of matters officially noticed and questions and offers of proof and rulings therein. Should any party desire a written transcript of the proceedings, it shall be necessary that they pay for said transcript.

(3) Recommended order. In the event the secretary designates a hearing officer as presiding officer of a hearing in a contested case, the hearing officer shall, as soon as practical after the conclusion of the hearing but in no event later than thirty (30) days thereafter, prepare findings of fact, conclusions of law, and a recommended order and cause copies of same to be served on all parties. The parties shall have ten (10) days following entry of the recommended order to file objections and comments thereto with the secretary. The secretary, after considering the record and hearing officer's report consisting of a synopsis of procedural matters, findings of fact, conclusions of law, and the recommended order and also any objections or comments filed by the parties, shall render a final order.

(4) Final order. The final decision in any case in which a hearing is required or requested shall be in writing and shall be made a part of the office record. It shall include a concise and explicit statement of the findings of fact and conclusions of law, separately stated, and shall be signed by the secretary. One (1) copy of the order shall forthwith be served on each party to the proceeding. Motions to correct clerical errors may be filed within ten (10) days after entry of the final order. Any modifying order subsequent thereto shall be served on all parties.

MORGAN T. ELKINS, Commissioner
NORMA C. MILLER, Secretary
APPROVED BY AGENCY: March 12, 1986
FILED WITH LRC: March 13, 1986 at 1 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on April 21, 1986, at 9 a.m. in the Conference Room, Kentucky State Police, 919 Versailles Road, Frankfort, Kentucky. Anyone interested in attending this hearing shall notify in writing at least five days before the hearing, the following individual: Captain Charles Hargis, Kentucky State Police, Driver Testing, 919 Versailles Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Captain Charles Hargis
(1) Type and number of entities affected: N/A
(a) Direct and indirect costs or savings to those affected:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body: N/A
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: N/A
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:

Tiering:
Was tiering applied? No. Not applicable.

JUSTICE CABINET
Department of State Police

502 KAR 45:010. Definitions.

RELATES TO: KRS 16.040, 16.050
PURSUANT TO: KRS 16.050, 16.080
NECESSITY AND FUNCTION: KRS 16.040 and 16.050 provide that the Commissioner of the Kentucky State Police and the State Police Personnel Board may adopt such regulations as necessary to assure appointment of qualified officers to the department. This regulation establishes the definitions to be utilized in the administrative regulations concerning the selection process.

Section 1. As employed in these regulations, unless the context requires otherwise, the following words and phrases have the following meanings:
(1) "Department" means the Department of State Police.
(2) "Commissioner" means the Commissioner of the Department of State Police.
(3) "Board" means the State Police Personnel Board.
(4) "Officer" means any member of the Department of State Police who possesses the powers of a peace officer.
(5) "Cadet trooper" means any officer employee of the Department of State Police from the time of appointment until successful completion of the course of training at the State Police Academy and the taking of the oath of office.
(6) "Register" means the official list of persons eligible for appointment to the position of cadet trooper placed in rank order according to approved guidelines.
(7) "Appointment" means selection of a person from the register to be employed as a cadet trooper.
(8) "Candidate" means an applicant for employment who has successfully completed all phases of the selection process and whose name is placed on the register from which appointments will be made.
(9) "Applicant" means a person who has filled out an application for employment as a cadet trooper with the agency.

MORGAN T. ELKINS, Commissioner
NORMA C. MILLER, Secretary
APPROVED BY AGENCY: February 24, 1986
FILED WITH LRC: March 14, 1986 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on April 21, 1986, at 9 a.m., in the Conference Room, Kentucky State Police, 919 Versailles Road, Frankfort, Kentucky. Anyone interested in attending this hearing shall notify in writing at least five (5) days before the hearing, the following individual: Sgt. Thomas P. Hazlette, Kentucky State Police, Personnel Branch, 919 Versailles Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sgt. Thomas P. Hazlette
(1) Type and number of entities affected: N/A
(a) Direct and indirect costs or savings to those affected:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:

Tiering:
Was tiering applied? No. N/A

JUSTICE CABINET
Department of State Police

502 KAR 45:020. Qualifications.

RELATES TO: KRS 16.040, 16.050
PURSUANT TO: KRS 16.050, 16.080
NECESSITY AND FUNCTION. KRS 16.040 and 16.050 provide that the Commissioner of the Department of State Police and the State Police Personnel Board may establish minimum physical requirements and conduct such tests and examinations as necessary to assure the fitness of applicants for employment as officers. This regulation establishes certain qualifications required of applicants.

Section 1. Each applicant shall possess a valid Kentucky motor vehicle operator's license against which no more than five (5) penalty points have been assessed by the Division of Driver's Licensing.

Section 2. Each applicant with prior military service in the armed forces of the United States shall have been honorably discharged. General discharges under honorable conditions shall not be acceptable.

Section 3. The commissioner shall review any prior experience in police administration or law enforcement of any applicant desiring to substitute such experience for the educational requirements and determine if the prior experience will be deemed sufficient to waive the requirement.

Section 4. Each applicant shall meet the following physical requirements:
(1) Each applicant shall be at least five (5) feet six (6) inches in height, with weight proportional to height according to tables promulgated by the commissioner.
(2) Each applicant shall have at least 20/50 vision in each eye without corrective lens, correctable to 20/20 in each eye with corrective lens, with no color-blindness and a normal field of vision.
(3) Each applicant must be in good health with no speech defect or marked deformity.

MORGAN T. ELKINS, Commissioner
NORMA C. MILLER, Secretary
APPROVED BY AGENCY: February 24, 1986
FILED WITH LRC: March 14, 1986 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on April 21, 1986, at 9 a.m., in the Conference Room, Kentucky State Police, 919 Versailles Road, Frankfort, Kentucky. Anyone interested in attending this hearing shall notify in writing at least five (5) days before the hearing, the following individual: Sgt. Thomas P. Hazlette, Kentucky State Police, Personnel Branch, 919 Versailles Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sgt. Thomas P. Hazlette
(1) Type and number of entities affected: N/A
(a) Direct and indirect costs or savings to those affected:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:

Tiering:
Was tiering applied? No. N/A

JUSTICE CABINET
Department of State Police

502 KAR 45:030. Disqualifications.

RELATES TO: KRS 16.040, 16.050
PURSUANT TO: KRS 16.050, 16.080
NECESSITY AND FUNCTION: KRS 16.040 and 16.050 direct the Commissioner of the Department of State Police and the State Police Personnel Board to assure the fitness of candidates for employment. This regulation outlines circumstances which will result in the disqualification of an applicant.

Section 1. The commissioner may refuse to examine an applicant or, after examination, disqualify such applicant or remove his name from the register, or refuse to certify a candidate on the register, or remove such persons already appointed if:
(1) It is found that he does not meet any one of the qualifications established by the position;
(2) He is so disabled as to be unfit for the performance of the duties of the position;
(3) He has made a false statement of material fact in his application;
(4) He has used or attempted to use political pressure to secure an advantage in any phase of the selection process;
(5) He has directly or indirectly obtained information regarding any examination to which, as an applicant, he was not entitled;
(6) He has failed to submit his application correctly or within the prescribed time limits;
(7) He has taken part in the compilation, administration, or correction of the selection process for which he is an applicant;
(8) He has previously been dismissed from a position in the state service or with any law enforcement agency for cause or has resigned while charges for dismissal for cause were pending;
(9) He has been convicted of a felony, a job

related misdemeanor, or any crime of moral turpitude for which a jail sentence may be imposed;
(10) He is addicted to the use of drugs, narcotics, or other intoxicants or is an habitual user of any of them;
(11) He has used or attempted to use coercion or bribery to secure an advantage in any phase of the selection process; or
(12) He has more than five (5) driver demerit points against his operator's license at the time of application or at any time subsequent thereto and prior to appointment.

Section 2. A disqualified applicant shall be promptly notified of such action by certified letter, return receipt, sent to the address given on the application.

MORGAN T. ELKINS, Commissioner
NORMA C. MILLER, Secretary
APPROVED BY AGENCY: February 24, 1986
FILED WITH LRC: March 14, 1986 at 11 a.m.
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REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sgt. Thomas P. Hazlette
(1) Type and number of entities affected: N/A
(a) Direct and indirect costs or savings to those affected:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:

Tiering:
Was tiering applied? No. N/A

JUSTICE CABINET
Department of State Police

502 KAR 45:040. Application.

RELATES TO: KRS 16.050
PURSUANT TO: KRS 16.050, 16.080
NECESSITY AND FUNCTION: KRS 16.040 and 16.050 provide that the Commissioner of the Kentucky State Police and the State Police Personnel Board may adopt such regulations as necessary to assure appointment of qualified officers to the department. This regulation outlines the application contents.

Section 1. Applications shall be made on forms prescribed by the commissioner and provided by the department. All applications shall be filed on or prior to the closing date specified in the notice. Applications shall be completed in the applicant's own handwriting. The truth of the information given in the application shall be certified by the applicant's oath and signature and the application shall be signed and sworn to before a person authorized to administer oaths by the laws of Kentucky.

Section 2. The following documents shall be submitted with the application:
(1) A certified copy of the applicant's certificate of birth;
(2) An official transcript of high school and college classes showing grades received, credits or units earned and degrees conferred;
(3) A copy of Separation from Service, Form DD 214, if applicable; and
(4) Such other documents as required by the commissioner.

MORGAN T. ELKINS, Commissioner
NORMA C. MILLER, Secretary
APPROVED BY AGENCY: February 24, 1986
FILED WITH LRC: March 14, 1986 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on April 21, 1986, at 9 a.m., in the Conference Room, Kentucky State Police, 919 Versailles Road, Frankfort, Kentucky. Anyone interested in attending this hearing shall notify in writing at least five (5) days before the hearing, the following individual: Sgt. Thomas P. Hazlette, Kentucky State Police, Personnel Branch, 919 Versailles Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sgt. Thomas P. Hazlette
(1) Type and number of entities affected: N/A
(a) Direct and indirect costs or savings to those affected:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state

and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:

Tiering:
Was tiering applied? No. N/A

JUSTICE CABINET
Department of State Police

502 KAR 45:050. Physical examination.

RELATES TO: KRS 16.040
PURSUANT TO: KRS 16.080
NECESSITY AND FUNCTION. KRS 16.040 provides that the Commissioner of the Department of State Police may establish minimum physical requirements and conduct such tests and examinations as necessary to assure the fitness of applicants for employment as officers. This regulation outlines the physical requirements and the physical examination requirement.

Section 1. (1) Each applicant shall be required to submit to a physical examination by a qualified, licensed physician retained by the department for that purpose as a part of the selection process.
(2) The department may, if deemed necessary by the commissioner, allow the appicant to be examined by a physician of the applicant's choice at his own expense. If a physician other than one retained by the department performs the examination, he shall be required to fill out and sign the department's physical examination forms.

Section 2. The following guidelines are to be used to determine if the applicant is in good health:
(1) Nose, throat, and speech. Chronic catarrh, sinus trouble, deviated septum, or chronically infected or enlarged tonsils shall be deemed cause for rejection. Deformities of the mouth or lips and speech impediments, including stammering and stuttering, shall be deemed cause for rejection.
(2) Teeth. All teeth shall be in good repair. Dentures or artificial replacements are acceptable.
(3) Ears. Hearing shall be normal in both ears; an average loss of thirty (30) decibels or more in either ear at the 500, 1000, 2000 or 3000 Hertz level as shown by audiometer test shall be deemed cause for rejection.
(4) Thyroid. Goiter or improperly functioning thyroid shall be deemed cause for rejection.
(5) Chest. Respiration shall be full, easy and regular; respiration shall be clear and distinct over both lungs.
(6) Heart. The action of the heart shall be uniform, free and steady, with regular rhythm; the heart shall be free from organic diseases. Blood pressure shall be within the limits of 135/80 and 110/74.
(7) Genitalia. Hydrocele or large varicorele, deformity of testicles, tumor formation, epidymites and venereal disease shall be deemed cause for rejection.
(8) Rectum. Hemorrhoids, fissure, fistula and pilonial cyst shall be deemed cause for rejection.
(9) Trunk and extremities. Poor posture, curvature of the spine, deformed chest, bow legs, knock knees, weak ankles, flat feet, deformed toes, shortening of long bones, enlarged or poorly functioning joints, amputated fingers or toes, varicose veins, paralysis or defective gait shall be deemed cause for rejection.
(10) Organic diseases. Family history of any hereditary disease, history of dizziness, epilepsy, confinement for mental illness in any institution, stomach ulcer, kidney disease, albuminuria or glycosuria, anemia, or skin disease shall be deemed cause for rejection.

MORGAN T. ELKINS, Commissioner
NORMA C. MILLER, Secretary
APPROVED BY AGENCY: February 24, 1986
FILED WITH LRC: March 14, 1986 at 11 a.m.
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REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sgt. Thomas P. Hazlette
(1) Type and number of entities affected: N/A
(a) Direct and indirect costs or savings to those affected:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:

Tiering:
Was tiering applied? No. N/A

JUSTICE CABINET
Department of State Police

502 KAR 45:060. Written examination.

RELATES TO: KRS 16.050
PURSUANT TO: KRS 16.050
NECESSITY AND FUNCTION: KRS 16.050 requires the State Police Personnel Board to establish open competitive examination of applicants for employment as officers. This regulation describes the written examination.

Section 1. Examinations shall be in written form and practical in nature. They shall be designed and constructed to reveal the capacity of the applicant for employment as a sworn officer of the department.

Section 2. Examinations shall be administered at such times and places as designated by the commissioner. The commissioner may direct that examinations be conducted regionally if he finds regional examinations to be convenient and practicable.

Section 3. Applicants may take the examination only one (1) time for each eligibility register established.

Section 4. Appicants who submit an incomplete or inaccurate application shall not be allowed to take the examination.

Section 5. Applicants who fail to meet the educational, citizenship and residency, operator's license, age, honorable discharge, or height and weight qualifications or who fail the physical examination shall not be allowed to take the written examination.

Section 6. Examinations shall be rated impartially and each examinee shall be notified as to whether he passed or failed to pass the examination. Examinees shall be advised of the score they attained on the examination upon individual request. A score of fifty (50) percent shall be the minimum passing score on the examination. All passing scores shall be accorded equal weight.

Section 7. All applicants shall be accorded uniform and equal treatment in all phases of the examination procedure.

MORGAN T. ELKINS, Commissioner
NORMA C. MILLER, Secretary
APPROVED BY AGENCY: February 24, 1986
FILED WITH LRC: March 14, 1986 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on April 21, 1986, at 9 a.m., in the Conference Room, Kentucky State Police, 919 Versailles Road, Frankfort, Kentucky. Anyone interested in attending this hearing shall notify in writing at least five (5) days before the hearing, the following individual: Sgt. Thomas P. Hazlette, Kentucky State Police, Personnel Branch, 919 Versailles Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sgt. Thomas P. Hazlette
(1) Type and number of entities affected: N/A
(a) Direct and indirect costs or savings to those affected:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:

Tiering:
Was tiering applied? No. N/A

JUSTICE CABINET
Department of State Police

502 KAR 45:070. Vision examination.

RELATES TO: KRS 16.040
PURSUANT TO: KRS 16.080
NECESSITY AND FUNCTION. KRS 16.040 provides that the Commissioner of the Department of State Police may establish minimum physical requirements and conduct such tests and examinations as necessary to assure the fitness of applicants for employment as officers. This regulation describes the vision examination.

Section 1. Each applicant who receives a passing score on the written examination shall be given a vision test. Each applicant shall have at least 20/50 vision in each eye without corrective lens, correctable to 20/20 in each eye with corrective lens, with no color-blindness and a normal field of vision.

Section 2. If an applicant fails to meet the vision qualifications, his application will be held inactive until the applicant submits a certification from a licensed optometrist or ophthalmologist that his vision does meet the required standard.

MORGAN T. ELKINS, Commissioner
NORMA C. MILLER, Secretary
APPROVED BY AGENCY: February 24, 1986
FILED WITH LRC: March 14, 1986 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on April 21, 1986, at 9 a.m., in the Conference Room, Kentucky State Police, 919 Versailles Road, Frankfort, Kentucky. Anyone interested in attending this hearing shall notify in writing at least five (5) days before the hearing, the

following individual: Sgt. Thomas P. Hazlette, Kentucky State Police, Personnel Branch, 919 Versailles Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sgt. Thomas P. Hazlette
(1) Type and number of entities affected: N/A
(a) Direct and indirect costs or savings to those affected:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:

Tiering:
Was tiering applied? No. N/A

JUSTICE CABINET
Department of State Police

502 KAR 45:080. Oral interview.

RELATES TO: KRS 16.050
PURSUANT TO: KRS 16.050
NECESSITY AND FUNCTION: KRS 16.050 requires the State Police Personnel Board to establish open competitive examination of applicants for employment as officers. This regulation describes the oral interview component of the examination.

Section 1. (1) Each applicant having the statutory qualifications and who passes the written and vision examinations shall be interviewed by an oral interview panel appointed by the commissioner.
(2) Each oral interview panel shall consist of three (3) members. Two (2) members shall be either active or retired officers of the department and the third member shall be a civilian. All members shall be familiar with the equal employment opportunity provision of Chapter 344 of the Kentucky Revised Statutes.
(3) The commissioner shall appoint one (1) or more panels as needed. Whenever practicable, all applicants who qualify for the oral interview shall be interviewed by the same panel.
(4) A member of the panel shall disclose each instance in which he knows an applicant personally and that applicant shall be interviewed by another panel or the member who knows the applicant shall be replaced by an alternate for that particular interview, whichever is more practical under the circumstances.

Section 2. (1) Each interview shall be structured in such a manner that all applicants are asked the same questions and rated in the same manner.
(2) Each applicant interviewed will be scored in each of five (5) categories by each panel member. The categories are: general appearance; motiviation; aptitude; self-appraisal; and, communication skills. For each category, each panel member shall score the applicant either minus one (-1), indicating a negative reaction by the panel member; plus one (+1), indicating a positive reaction, or zero (0), indicating a neutral reaction. All the scores for each category by each panel member are added together, giving an overall score that could range from minus fifteen (-15) to plus fifteen (+15). This score is used to determine the order in which applicants are considered by the board. The board may determine a minimum score below which an application shall not be approved. This determination shall be based upon the needs of the department, the positions available, and the number of applicants for such positions.
(3) The score sheets submitted by the members of the oral interview panel shall be retained in the applicant's file and shall be confidential. Applicants shall be notified of their overall score on the oral interview upon request and presentation of proper identification. Applicants shall not be allowed to see the score sheets submitted by the individual members of the oral interview panel.

MORGAN T. ELKINS, Commissioner
NORMA C. MILLER, Secretary
APPROVED BY AGENCY: February 24, 1986
FILED WITH LRC: March 14, 1986 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on April 21, 1986, at 9 a.m., in the Conference Room, Kentucky State Police, 919 Versailles Road, Frankfort, Kentucky. Anyone interested in attending this hearing shall notify in writing at least five (5) days before the hearing, the following individual: Sgt. Thomas P. Hazlette, Kentucky State Police, Personnel Branch, 919 Versailles Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sgt. Thomas P. Hazlette
(1) Type and number of entities affected: N/A
(a) Direct and indirect costs or savings to those affected:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:

Tiering:
Was tiering applied? No. N/A

JUSTICE CABINET
Department of State Police

502 KAR 45:090. Background investigations.

RELATES TO: KRS 16.040, 16.050
PURSUANT TO: KRS 16.050, 16.080
NECESSITY AND FUNCTION. KRS 16.040 and 16.050 direct the Commissioner of the Department of State Police and the State Police Personnel Board to assure the fitness of candidates for employment. This regulation describes the background investigation undertaken on candidates.

Section 1. All applicants who successfully complete the oral interview shall be investigated to ensure that each officer hired is of good moral character and in order to verify the truthfulness of information submitted in the application. Each applicant shall be advised that his background will be investigated. The applicant shall consent to such an investigation and shall sign a form specifically indicating his consent and authorizing the department of have access to any records on file concerning the applicant. Failure to consent to a background investigation shall eliminate an applicant from consideration for employment.

Section 2. Background investigations shall be conducted by officers selected by the commissioner. Special training shall be given those officers chosen. All investigations shall be conducted according to the investigative guide formulated by the commissioner and designed to ensure that all such investigations are conducted in an impartial and uniform manner. Applicants who have lived in another state shall be investigated by the appropriate law enforcement agency in that state, at the request of the commissioner. No applicant shall be considered for employment until the background investigation is completed. Reports of all background investigations shall remain confidential and shall be filed in headquarters.

Section 3. A background investigator shall not have the discretion to terminate an applicant except in the following instances:
(1) Intentional falsification of information on the application; or
(2) Discovery of a conviction of an offense classified under the laws of Kentucky as a felony if the offender was tried as an adult and if the offender has not been pardoned.

Section 4. The officer conducting the background investigation may make a recommendation to the board as to whether the applicant should be approved for employment or not. If the background investigator recommends that the applicant not be approved for employment, such recommendation shall be substantiated in the report of investigation by articulable fact. The board may give such weight to the recommendation as they in their discretion decide.

Section 5. All reports of background investigations shall be confidential. Information obtained as a result of a background investigation shall not be disseminated. Reports of background investigations shall be filed at Kentucky State Police Headquarters in a secure file to which only the commissioner shall have access. No such report shall be filed locally and no copy of such report shall be made.

Section 6. The background investigation report shall provide the basis for a determination by the board as to whether the applicant is of good moral character. After the report has been reviewed by the board, the report shall be filed as provided for in Section 5 of this regulation.

MORGAN T. ELKINS, Commissioner
NORMA C. MILLER, Secretary
APPROVED BY AGENCY: February 24, 1986
FILED WITH LRC: March 14, 1986 at 11 a.m.
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REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sgt. Thomas P. Hazlette
(1) Type and number of entities affected: N/A
(a) Direct and indirect costs or savings to those affected:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:

Tiering:
Was tiering applied? No. N/A

JUSTICE CABINET
Department of State Police

502 KAR 45:100. Psychological assessment.

RELATES TO: KRS 16.040, 16.050
PURSUANT TO: KRS 16.050, 16.080
NECESSITY AND FUNCTION. KRS 16.040 and 16.050 direct the Commissioner of the Department of State Police and the State Police Personnel Board to assure the fitness of candidates for employment. This regulation describes the psychological assessment required of candidates.

Section 1. All applicants who successfully complete the oral interview shall submit to a psychological assessment by a qualified, licensed psychologist retained by the departament for that purpose. The applicant shall consent to such assessment and must sign a form specifically indicating his consent. Failure to consent to a psychological assessment shall eliminate an applicant for consideration from employment.

Section 2. All reports of psychological assessment shall be confidential. No copies of such reports shall be made or disseminated.

Section 3. The psychological assessment shall provide a basis for determination by the board as to whether the applicant is psychologically fit to be employed by the department.

Section 4. After the report has been reviewed by the board, the report shall then be filed at Kentucky State Police Headquarters in a secure file to which only the commissioner or his authorized designee shall have access.

MORGAN T. ELKINS, Commissioner
NORMA C. MILLER, Secretary
APPROVED BY AGENCY: February 24, 1986
FILED WITH LRC: March 14, 1986 at 11 a.m.
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REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sgt. Thomas P. Hazlette
(1) Type and number of entities affected: N/A
(a) Direct and indirect costs or savings to those affected:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:

Tiering:
Was tiering applied? No. N/A

JUSTICE CABINET
Department of State Police

502 KAR 45:110. Register.

RELATES TO: KRS 16.050
PURSUANT TO: KRS 16.050
NECESSITY AND FUNCTION: KRS 16.050 requires the State Police Personnel Board to establish a list of persons eligible for employment as officers of the department. The lists are to be based on the results of the competitive exams. This regulation describes the register.

Section 1. The commissioner shall establish and maintain a register of the names of applicants eligible for appointment to the position of cadet trooper. The commissioner, in his discretion, shall determine, based upon the needs of the department, projected attrition, authorized strength levels, and numbers of applicants, the date of establishment of the register and the number of appointments to be made from the register.

Section 2. The register shall expire automatically at the end of one (1) year from the time of its establishment unless the time period is extended or shortened by action of the commissioner.

Section 3. (1) Applicants who have passed all phases of the examination process shall be presented to the board for action according to the score received on the oral interview.
(2) All applicants receiving the highest score on the oral interview shall be presented to the board in alphabetical order. The board may: approve an applicant for employment, in which case the applicant's name shall be placed upon the register in the manner described in this regulation; disapprove an applicant for employment, in which case the applicant may not be allowed to again apply until the register for which he initially applied has expired or if it will expire prior to the completion of action by the department and the board upon the subsequent

application; or the board may defer action on an application for a period not to exceed three (3) years, during which time the application shall remain active unless the applicant expressly withdraws the application.

(3) Applicants who are approved by the board for employment shall be placed on the register. All applicants who received the same scores on the oral interviews shall be ranked together with those applicants having the highest scores being ranked first. Candidates shall be ordered within their rank as determined by lot. Those candidates who are entitled to receive the statutory veterans' preference shall be placed first within their ranking.

Section 4. The commissioner may, on receipt of authoritative information, remove the name of a candidate from a register:

(1) For any of the reasons found in those regulations relating to disqualification of applicants;

(2) If the candidate cannot be located by postal authorities;

(3) If the candidate responds that he no longer desires consideration for a position;

(4) If the candidate declines an offer of appointment;

(5) If it is shown that the candidate is not qualified or is unsuitable for appointment;

(6) If the candidate accepts an appointment and fails to present himself for duty without giving a satisfactory reason for his failure to appear; or

(7) If the candidate indicates he is not available or does not wish to be considered for employment.

MORGAN T. ELKINS, Commissioner
NORMA C. MILLER, Secretary

APPROVED BY AGENCY: February 24, 1986

FILED WITH LRC: March 14, 1986 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on April 21, 1986, at 9 a.m., in the Conference Room, Kentucky State Police, 919 Versailles Road, Frankfort, Kentucky. Anyone interested in attending this hearing shall notify in writing at least five (5) days before the hearing, the following individual: Sgt. Thomas P. Hazlette, Kentucky State Police, Personnel Branch, 919 Versailles Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sgt. Thomas P. Hazlette

(1) Type and number of entities affected: N/A

(a) Direct and indirect costs or savings to those affected:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

Tiering:
Was tiering applied? No. N/A

JUSTICE CABINET
Department of State Police

502 KAR 45:120. Appointment.

RELATES TO: KRS 16.050
PURSUANT TO: KRS 16.050, 16.080

NECESSITY AND FUNCTION. KRS 16.050 authorizes the Commissioner of the Department of State Police to appoint such persons as officers as necessary for the efficient administration of the department. KRS 16.050 directs appointments to vacancies to be made from lists of eligibles. This regulation outlines the method of appointment.

Section 1. The commissioner, in his discretion, shall determine, based on the needs of the department, projected attrition, and authorized strength levels, the number of candidates to be appointed to the position of cadet trooper.

Section 2. The commissioner shall appoint candidates to the rank of cadet trooper from the register in the order they are listed. If there are insufficient candidates in the first rank, he will proceed to the second rank and continue until there are sufficient numbers of appointments to fill the vacancies.

Section 3. The commissioner shall notify appointees of the time and place to report for duty by certified mail. The commissioner may require that the appointee acknowledge the appointment and indicate acceptance on a form provided by the department.

MORGAN T. ELKINS, Commissioner
NORMA C. MILLER, Secretary

APPROVED BY AGENCY: February 24, 1986

FILED WITH LRC: March 14, 1986 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on April 21, 1986, at 9 a.m., in the Conference Room, Kentucky State Police, 919 Versailles Road, Frankfort, Kentucky. Anyone interested in attending this hearing shall notify in writing at least five (5) days before the hearing, the following individual: Sgt. Thomas P. Hazlette, Kentucky State Police, Personnel Branch, 919 Versailles Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sgt. Thomas P. Hazlette

(1) Type and number of entities affected: N/A

(a) Direct and indirect costs or savings to

those affected:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:

Tiering:
Was tiering applied? No. N/A

JUSTICE CABINET
Department of State Police

502 KAR 45:130. Appeals.

RELATES TO: KRS 16.050
PURSUANT TO: KRS 16.050
NECESSITY AND FUNCTION. KRS 16.050 directs that the State Police Personnel Board shall hear appeals from applicants in the selection procedure. This regulation outlines the procedures for such appeals.

Section 1. The board shall hear appeals from applicants who have been disqualified, disapproved, or whose names have been removed from the register.

Section 2. Whenever an applicant is disapproved or a candidate's name is removed from the register, the commissioner shall notify the applicant of the action and the reasons therefore, together with his right of appeal.

Section 3. An appeal is instituted by sending a letter to the commissioner which sets forth in detail the substance of the appeal. The board may grant a hearing or deny the appeal summarily. At any such hearing, the board shall not be bound by rules of order, evidence, or procedure except such as it may itself establish. The commissioner shall advise the applicant by registered mail of the board's decision. If a hearing is granted, the board shall set the date and the commissioner shall, by registered mail, give the applicant notice of the time, date and place of the hearing at least fourteen (14) days prior thereto.

Section 4. A candidate's name shall be restored to the register upon presentation of reasons satisfactory to the board or in accordance with the decision of the board upon appeal.

MORGAN T. ELKINS, Commissioner
NORMA C. MILLER, Secretary
APPROVED BY AGENCY: February 24, 1986
FILED WITH LRC: March 14, 1986 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on April 21, 1986, at 9 a.m., in the Conference Room, Kentucky State Police, 919 Versailles Road, Frankfort, Kentucky. Anyone interested in attending this hearing shall notify in writing at least five (5) days before the hearing, the following individual: Sgt. Thomas P. Hazlette, Kentucky State Police, Personnel Branch, 919 Versailles Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sgt. Thomas P. Hazlette
(1) Type and number of entities affected: N/A
(a) Direct and indirect costs or savings to those affected:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:

Tiering:
Was tiering applied? No. N/A

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Instruction

704 KAR 15:100. Test designation for teacher loan/scholarship program.

RELATES TO: KRS 156.613
PURSUANT TO: KRS 156.070, 156.613
NECESSITY AND FUNCTION: KRS 156.613 establishes a loan/scholarship program to attract academically talented students to become teachers in the public schools of the Commonwealth. KRS 156.613 restricts eligibility for this program to students ranking either in the top ten (10) percent of their high school graduating class, or scoring at or above the eighty (80) percentile on a test required for admission to the Commonwealth's public

institutions of higher education and designated by the State Board of Education. This regulation adopted by the State Board of Education serves to designate the requisite test as stipulated by the statute.

Section 1. The State Board of Education, for purposes of KRS 156.613(2), hereby designates the use of tests administered under the American College Testing (ACT) Program to determine the eligibility of applicants for loan/scholarships established by KRS 156.613 and administered by the Kentucky Higher Education Assistance Authority (KHEAA). The specific score to be used for determining eligibility by the KHEAA shall be the ACT composite score.

ALICE McDONALD, Superintendent
APPROVED BY AGENCY: March 5, 1986
FILED WITH LRC: March 12, 1986 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on April 21, 1986, at 10 a.m. Eastern Standard Time, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, to review the regulations adopted by the State Board of Education at its March meeting. Those persons wishing to attend and testify shall contact in writing: Laurel True, Secretary, State Board of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before April 16, 1986. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Dr. Akeel Zaheer
(1) Type and number of entities affected: Students in high school graduating class each year (approximately 5,000 students).
(a) Direct and indirect costs or savings to those affected:
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body: Programs will not be administered by SBE/KDE. KHEAA is the administering authority.
(a) Direct and indirect costs or savings:
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: None
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: The scholarship/loan program under KRS 156.613 will be administered by the Kentucky Higher Education Assistance Authority. The SBE is required by statute to designate the test to be used for determining eligibility of applicants.
Tiering:
Was tiering applied? No. Tiering not allowed by KRS 156.613.

LABOR CABINET
Department of Workplace Standards
Occupational Safety and Health

803 KAR 2:240. Time for filing discrimination complaint.

RELATES TO: KRS 338.121(3)(b)
PURSUANT TO: KRS Chapter 13A
NECESSITY AND FUNCTION: Pursuant to the authority of the Secretary of Labor for promulgating regulations necessary to accomplish the purposes of this chapter, the following regulation is adopted. The function of this regulation is to identify what should be considered a reasonable time for filing employee complaints alleging discriminatory practice in violation of KRS 338.121.

Section 1. Reasonable Time Defined. A reasonable time as used in KRS 338.121(3)(b) shall be defined to be no more than 120 days for the purpose of filing a complaint with the Commissioner of the Department of Workplace Standards.

JOHN CALHOUN WELLS, Secretary
APPROVED BY AGENCY: February 20, 1986
FILED WITH LRC: March 4, 1986 at 3 p.m.
PUBLIC HEARING SCHEDULED: A public hearing concerning this regulation has been scheduled for April 30, 1986 at 1:00 p.m. (EST), to be held at the Kentucky Labor Cabinet, U.S. 127 Building South, Bay 2 Conference Room, Frankfort, Kentucky. Those interested in attending must provide by April 25, 1986, written notice to Mr. Guy Schoolfield, Kentucky Labor Cabinet, Division of Education and Training, OSH Technical Assistance Branch, U.S. 127 South, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Steven A. Forbes
(1) Type and number of entities affected: This regulation will affect those employees seeking to file complaints with the OSH Program alleging discriminatory work practices resulting from activities protected under KRS 338.121.
(a) Direct and indirect costs or savings to those affected: No costs or savings will be incurred as a result of this regulation.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: No additional reports or records are required by this regulation.
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings: No costs or savings to the Kentucky OSH Program will occur as a result of this regulation.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: No

additional reports or records are required by this regulation.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: Not applicable
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: No regulations, rules, or policies conflict, overlap, or duplicate this regulation.
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: None

Tiering:
Was tiering applied? No. This regulation applies to all employees within the jurisdiction of the Kentucky Occupational Safety and Health Program.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Insurance

806 KAR 18:020. Preferred and exclusive provider arrangements.

RELATES TO: KRS 304.18-040, 304.32-080
PURSUANT TO: KRS Chapter 13A, 304.2-110, 304.32-250
NECESSITY AND FUNCTION: KRS 304.2-110 provides that the Commissioner of Insurance may make reasonable regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code. KRS 304.32-250 provides that the Commissioner of Insurance may promulgate reasonable regulations that he deems necessary for the proper administration of KRS Chapter 304.32. This regulation establishes guidelines for the use of preferred provider arrangements for group health insurers and nonprofit hospital, medical-surgical, dental, and health service corporations.

Section 1. Definitions. As used in this regulation:
(1) "Exclusive provider arrangement" means an arrangement in which an insurer contracts with health care providers for alternative rates of payment and requires insureds or subscribers to use the health care providers under contract with the insurer.
(2) "Insurer" means group health insurers and nonprofit hospital, medical-surgical, dental, and health service corporations delivering or issuing for delivery group contracts under KRS Chapter 304.
(3) "Preferred provider arrangement" means an arrangement under which an insurer contracts with health care providers for alternative rates of payment and allows insureds or subscribers to choose between contract health care providers and non-contract health care providers.

Section 2. Insurers shall not participate in a preferred provider arrangement which results in insureds or subscribers using non-contract health care providers being reimbursed at levels less than seventy-five (75) percent of the reimbursement to insureds or subscribers using contract health care providers for similar services.

Section 3. Insurers shall not participate in exclusive provider arrangements.

GIL McCARTY, Commissioner
ROBERT M. DAVIS, Secretary
APPROVED BY AGENCY: March 7, 1986
FILED WITH LRC: March 14, 1986 at 10 a.m.
PUBLIC HEARING SCHEDULED: Persons with an interest in the subject matter of the proposed regulation may submit written comments to Gil McCarty, Commissioner, Kentucky Department of Insurance, P.O. Box 517, Frankfort, Kentucky 40602. A public hearing concerning the proposed regulation will be held on April 21, 1986, at 9 a.m. (ET) in the offices of the Kentucky Department of Insurance, 229 West Main Street, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Patrick Watts, Counsel
(1) Type and number of entities affected: The regulation applies to approximately 380 commercial insurers actively engaged in health insurance business in Kentucky and Blue Cross and Blue Shield of Kentucky, Inc.
(a) Direct and indirect costs or savings to those affected: The proposed regulation prohibits insurer participation in preferred provider arrangements which result in insureds using non-contract health care providers being reimbursed at levels less than 75% of the reimbursement to insureds using contract health care providers for similar services. Thus, the regulation allows the cost containment benefits of preferred provider arrangements to continue while preserving the freedom of choice of insureds.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body: There will be no fiscal impact. The proposed regulation will be used by the Department's Life and Health Division to review form filings.
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: The Department uses the guidelines set forth in the proposed regulation when reviewing form filings. Without the proposed regulation, insurers will not be aware of these guidelines until they make a filing.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: The proposed regulation is necessary to enforce the statutes prohibiting group health insurers from requiring insureds to use particular health care providers in light of recent developments in health care financing. Over the past several years, group health insurers have participated in so-called preferred provider arrangements under which insurers have contracts with providers for certain levels of payment for certain services. Insureds who use the preferred providers (sometimes called the contract providers) receive higher levels of benefits than those who use other health care providers. In this manner, insureds are encouraged to obtain health care services from the health care providers with the lowest charges. However, the different levels of reimbursement available to insureds can be too great an influence on insureds, causing a preferred provider arrangement to require the insured to use contract health care providers. Insurers which participate in preferred provider arrangements which cause this to occur are in violation of KRS 304.18-040 and 304.32-080. The experience of the Department of Insurance has shown that prohibiting reimbursement to persons who use non-contract health care providers from shrinking below 75% of the amounts paid to persons using contract health care providers for similar services preserves freedom of choice while recognizing the cost containment benefits of preferred provider arrangements.

Tiering:
Was tiering applied? Tiering has been applied in the recognition of the distinction between preferred provider arrangements, where there are merely different levels of reimbursement for using contract as opposed to non-contract health care providers and exclusive provider arrangements where insureds must use certain health care providers in order to receive reimbursement. Insurer participation in the former is permissible if it is within the guidelines of the proposed regulation while insurer participation in the latter is prohibited. However, the proposed regulation applies equally to all insurers.

REPRINT

COMPILER'S NOTE: Appendix B to 401 KAR 51:052 is reprinted below due to a typographical error in the last line; the milligram as printed on this page is correct. The regulation, as printed on page 1273 of the Administrative Register and with the correction below, became effective on February 4, 1986.

APPENDIX B TO 401 KAR 51:052
Significant Levels of Air Quality Impact

Pollutant	Annual Average	Averaging Time 24-Hour	8-Hour	3-Hour	1-Hour
Sulfur Dioxide	1.0 ug/m^3	5 ug/m^3	--	25 ug/m^3	--
Total Suspended Particulates	1.0 ug/m^3	5 ug/m^3	--	--	--
Nitrogen Dioxide	1.0 ug/m^3	--	--	--	--
Carbon Monoxide	--	--	0.5mg/m^3	--	2mg/m^3

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of the March 3-4, 1986 Meeting

The February meeting of the Administrative Regulation Review Subcommittee was held on Monday, March 3, 1986 at 1:00 p.m. in Room 105 and on Tuesday, March 4, 1986 at 9:00 a.m. in Room 103. Representative Bill Brinkley, Chairman, called the meeting to order, and the secretary called the roll. Without objection the minutes of the February 3-4, 1986 meeting were approved.

Present were:

Members: Representative Bill Brinkley, Chairman; Senators Harold Haering and Pat McCuiston; Representatives James Bruce and Joe Meyer.

Guests: Londa L. Wolanin, Higher Education Assistance Authority; Mary Greenwell, Anne Keating, Department of Personnel; Mary Romelfanger, Bill Shouse, Bernadette Sutherland, Board of Nursing; Nancy Brinly, Board of Physical Therapy; Pete Pfeiffer, Department of Fish and Wildlife Resources; Thomas M. Troth, Department of Agriculture; Linda G. Cooper, Corrections Cabinet; Dorothy Archer, Gary Bale, Audrey T. Carr, Vivian Link, H. M. Snodgrass, Department of Education; Raymond E. Wallace, Registry of Election Finance; Rick Jones, Ella Robinson, Department of Financial Institutions; Judith G. Walden, Department of Housing, Buildings & Construction; Martin Anderson, Frances E. Campeau, Barbara Coleman, Dudley J. Conner, E. P. Conyers, Don Dixon, Lynne Flynn, Vic Gausepohl, Donald R. Hughes, Sr., Julie Keightley, Mark L. Mays, E. Edsel Moore, Donald O. Nodler, Ann M. Obergfell, M. Jeana Phelps, John Webb, Cabinet for Human Resources; Teresa Champion, Kentucky Association of Health Care Facilities.

LRC Staff: Susan Wunderlich, Joe Hood, June Mabry, Donna Valencia, and Carla Arnold.

The Administrative Regulation Review Subcommittee met on March 3-4, 1986, and submits the following report:

The Subcommittee determined that the following regulations, amended as agreed by the subcommittee and promulgating body, complied with KRS Chapter 13A:

Department of Personnel: Personnel Rules

101 KAR 1:145 (Employee evaluation plan; classified.)

101 KAR 1:205 (Employee evaluation plan; unclassified.) These regulations were amended to include the words "or the person with direct supervisory responsibility over the employee."

Education and Humanities Cabinet: Department of Education: Office of Instruction: Educational Innovation Incentive Committee

701 KAR 7:010 (Educational innovation incentive grants.) The Department agreed to amend this regulation to meet the objections raised in the staff review by deleting the words "an intention" and inserting in lieu thereof the words "whether they intend"; and by inserting in Section 3(11) the words "but subject to the minimum percentage of available funds restrictions for loans and individual schools set forth in KRS 158.805(5)".

The Subcommittee objected to the following regulations:

Cabinet for Human Resources: Department for Social Insurance: Medical Assistance

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

904 KAR 1:011. Technical eligibility requirements.

Public Assistance

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

(Contrary to the provisions of KRS 13A.290(4), a representative of the Cabinet for Human Resources was not present. KRS Chapter 13A does not permit the Subcommittee to defer consideration of an administrative regulation. The Subcommittee attached the following statement to these administrative regulations: the administrative body has failed to comply with KRS 13A.290(4) and these administrative regulations are referred to the House and Senate Committees on Health and Welfare for investigation of this matter.

The Subcommittee determined that the following regulations complied with KRS Chapter 13A:

Kentucky Higher Education Assistance Authority: Kentucky Loan Program

11 KAR 3:050 (Student eligibility.)

Incentive Loan Program

11 KAR 7:010 (Incentive loan program; mathematics and science.)

Department of Personnel: Personnel Rules

101 KAR 1:120 (Separations and disciplinary actions.)

General Government Cabinet: Board of Nursing

201 KAR 20:115 (Limited licensure.)

Board of Physical Therapy

201 KAR 22:070 (Requirements for foreign-trained physical therapists.)

Tourism Cabinet: Department of Fish and Wildlife Resources: Fish

301 KAR 1:055 (Angling; limits and seasons.)

301 KAR 1:057 (Trotlines; sport fishing.)

301 KAR 1:122 (Importation, possession; live fish.)

301 KAR 1:150 (Waters open to commercial fishing.)

301 KAR 1:170 (Grass carp acquisition and stocking permit.)

301 KAR 1:180 (Fisheries management permit for private waters.)

Commerce Cabinet: Department of Agriculture: Livestock Sanitation

302 KAR 20:180 (Restrictions equine viral arteritis.)

Corrections Cabinet: Office of the Secretary
501 KAR 6:020 (Corrections policies and procedures.)

Education and Humanities Cabinet: Department of Education: Office of Instruction: Teacher Certification
704 KAR 20:045 (Testing prerequisites for teacher certification; certificate application; beginning teacher internship program.)
Office of Vocational Education: Administration
705 KAR 1:010 (Three year program plan.)
Office of Education for Exceptional Children: Exceptional and Handicapped Programs
707 KAR 1:051 (Exceptional children's programs.)

Public Protection and Regulation Cabinet: Registry of Election Finance: Reports and Forms
801 KAR 1:110 (Financial disclosure report.) This regulation was technically amended to incorporate the form required by reference.
Department of Financial Institutions: Thrift Institutions: Credit Unions
808 KAR 3:050 (Conduct.)
Department of Housing, Buildings And Construction: Local Fire Departments
815 KAR 45:030 (Fire protection instructor's qualifications and certification.)

Cabinet for Human Resources: Department for Health Services: Local Boards of Health
902 KAR 8:020 (Policies and procedures for local health department operations.)
Sanitation
902 KAR 10:081 (Construction standards for components of onsite sewage disposal systems.)
Hospitalization of Mentally Ill and Mentally Retarded
902 KAR 12:080 (Policies and procedures for mental health/mental retardation facilities.)
Hazardous Substances
902 KAR 47:060 (Safety of toys and children's products.)
902 KAR 47:070 (Standards for flammable fabrics and flammable fabric products.)
Radiology
902 KAR 100:012 (Fee schedule.)
902 KAR 100:105 (X-rays; general.)
902 KAR 100:110 (Registration of x-ray.)
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902 KAR 100:150 (Microscopic analytic x-ray.)
902 KAR 100:155 (Particle accelerator.)
902 KAR 100:160 (Plan review.)
902 KAR 100:170 (Proceedings.)
Radiation Operators Certification
902 KAR 105:010 (Definitions.)
902 KAR 105:020 (General requirements.)
902 KAR 105:030 (Teaching institution's curricula.)
902 KAR 105:040 (Medical, osteopathic or chiropractic supervision.)
902 KAR 105:060 (Podiatrist supervision.)

Department for Employment Services: Unemployment Services
903 KAR 5:260 (Unemployment insurance procedures.)

The Subcommittee had no objections to emergency regulations which had been filed.

Other Business:
At its February meeting, the Subcommittee requested the Real Estate Commission to file an amendment deleting Section 6(3) of 201 KAR 11:190, relating to the denial of a de novo hearing on appeals of the final orders of the commission, as this section was subject of litigation. The Real Estate Commission agreed to this request and will amend the regulation accordingly.

The Subcommittee adjourned at 9:45 a.m. until April 16, 1986.

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