

of Administrative Register kentucky

LEGISLATIVE RESEARCH COMMISSION
FRANKFORT, KENTUCKY

VOLUME 13, NUMBER 3
MONDAY, SEPTEMBER 1, 1986



IN THIS ISSUE

Administrative Regulation Review Subcommittee, September Agenda.....	479
Regulation Review Procedure.....	482
Emergency Regulations Now In Effect:	
Fish and Wildlife.....	482
Corrections.....	486
Justice - State Police.....	489
Transportation.....	490
Human Resources.....	493
As Amended:	
Kentucky Higher Education Assistance Authority.....	499
Amended After Hearing:	
Natural Resources and Environmental Protection - Water.....	505
Transportation.....	509
Insurance.....	509
Proposed Amendments:	
Board of Examiners for Speech Pathologists & Audiologists.....	515
Fish and Wildlife.....	518
Corrections.....	525
Transportation.....	533
Human Resources.....	539
Proposed Regulations Received Through August 15:	
Kentucky Information Systems Commission.....	557
Board of Elections.....	559
Board of Examiners for Speech Pathologists & Audiologists.....	560
Natural Resources and Environmental Protection - Air Pollution.....	564
Justice - State Police.....	601
Transportation.....	602
Libraries and Archives.....	604
Financial Institutions.....	607
August Minutes of the Administrative Regulation Review Subcommittee.....	607

CUMULATIVE SUPPLEMENT

Locator Index - Effective Dates.....	C2
KRS Index.....	C6
Subject Index.....	C9

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 September 3 and 4, 1986. See tentative agenda on pages 479 through 481 of this Administrative Register.

The **ADMINISTRATIVE REGISTER OF KENTUCKY** is the monthly advance sheets service for the 1987 Edition of **KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE**.

HOW TO CITE: Cite all material in the **ADMINISTRATIVE REGISTER OF KENTUCKY** by Volume number and Page number. Example: Volume 2, Kentucky Register, page 318 (short form: 2 Ky.R. 318).

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

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

ADMINISTRATIVE REGISTER OF KENTUCKY

(ISSN 0096-1493)

© 1986 Legislative Research Commission, All Rights Reserved

The Administrative Register of Kentucky is published monthly by the Legislative Research Commission, Frankfort, Kentucky 40601. Subscription rate, postpaid in the United States: \$48 per volume of 12 issues, beginning in July and ending with the June issue of the subsequent year.

Second class postage paid at Frankfort, Kentucky.

POSTMASTER: Send address changes to Administrative Register of Kentucky, Room 300, State Capitol, Frankfort, Kentucky 40601.

KENTUCKY LEGISLATIVE RESEARCH COMMISSION

Chairmen

Senator Joe Prather
Senate President Pro Tem

Representative Donald J. Blandford
Speaker of the House

Senate Members

John A. "Eck" Rose
Assistant President Pro Tem

Joe Wright
Majority Floor Leader

Joe Lane Travis
Minority Floor Leader

David K. Karem
Majority Caucus Chairman

Clyde Middleton
Minority Caucus Chairman

Helen Garrett
Majority Whip

Jon W. Ackerson
Minority Whip

House Members

Pete Worthington
Speaker Pro Tem

Gregory D. Stumbo
Majority Floor Leader

Richard A. Turner
Minority Floor Leader

William "Bill" Donnermeyer
Majority Caucus Chairman

Pearl Ray LeFevers
Minority Caucus Chairman

Kenny Rapier
Majority Whip

Willard (Woody) Allen
Minority Whip

Vic Hellard, Jr. Director

Samuel L. Hensley, Assistant Director for Education and Information

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Members

Representative William Brinkley, Chairman
Senator Harold Haering
Senator William L. Quinlan
Senator Pat McCuiston
Representative James E. Bruce
Representative Edward L. Holloway
Representative Joseph U. Meyer

Staff

Susan C. Wunderlich, Regulations Compiler
June Q. Mabry
Carla Arnold
Donna Valencia
Shirley Hart
O. Joseph Hood
Gregory Karambellas

NOTE: The following agenda for the September meeting of the Administrative Regulations Review Subcommittee is subject to change. Please call (502) 564-8100, ext. 411, if you have questions.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

TENTATIVE AGENDA

September 3, 1986

(Rm. 110, Capitol Annex @ 2 p.m.)

GENERAL GOVERNMENT CABINET

Board of Hairdressers and Cosmetologists

201 KAR 12:110. School license.

Board of Nursing

201 KAR 20:057. Scope and standards of practice of advanced registered nurse practitioners.

COMMERCE CABINET

Department of Agriculture

Amusement Rides

302 KAR 16:010 & E. Procedure for obtaining a permit for operating amusement rides or attractions.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET

Department for Environmental Protection

Division of Water Quality

401 KAR 5:055. Scope and applicability of the KPDES program.

401 KAR 5:065. KPDES permit conditions.

401 KAR 5:090. Control of water pollution from oil and gas facilities. (Amended After Hearing)

Division of Air Pollution

General Administrative Procedures

401 KAR 50:015. Documents incorporated by reference.

New Source Standards

401 KAR 59:010. New process operations.

401 KAR 59:082. New kraft pulp plants. (Repeals 401 KAR 59:081)

401 KAR 59:196. New metal furniture coating operations.

401 KAR 59:211. New flexible vinyl and urethane coating and printing operations.

401 KAR 59:242. New petroleum dry cleaning plants.

401 KAR 59:290. New wool fiberglass insulation manufacturing plants.

Existing Source Standards

401 KAR 61:020. Existing process operations.

401 KAR 61:140. Existing by-product coke manufacturing plants.

CORRECTIONS CABINET

Office of the Secretary

501 KAR 6:030 and E. Kentucky State Reformatory.

501 KAR 6:040 and E. Kentucky State Penitentiary.

501 KAR 6:060. Northpoint Training Center.

501 KAR 6:070. Kentucky Correctional Institution for Women.

501 KAR 6:080. Corrections Cabinet manuals.

TRANSPORTATION CABINET

Administration

600 KAR 1:080. Repeal of transportation related administrative regulations.

(Repeals 603 KAR 3:040 and 605 KAR 1:110) (Amended After Hearing)

Department of Vehicle Regulation

Motor Vehicle Tax

601 KAR 9:074 & E. Kentucky highway use license, records and taxes.

Driver's License

601 KAR 12:050. Driver licensing fee schedule, and licensees under age 21.

Office of Aeronautics

Airport Zoning

602 KAR 50:060. Construction within jurisdictional airspace.

602 KAR 50:090. Application procedure.

EDUCATION AND HUMANITIES CABINET

Department of Education

Office of Local Services

General Administration

702 KAR 1:005. Textbook program plan.

702 KAR 1:010 & E. Facilities surveys and plans.

702 KAR 1:025. Extended employment.

Building and Grounds

702 KAR 4:080. Temporary or supplemental units.

Pupil Transportation

702 KAR 5:080. Bus drivers' qualifications; responsibilities.

Office of Instruction

Instructional Services

704 KAR 3:005. Educational improvement act.

Teacher Education

704 KAR 15:080 & E. Paraprofessional employees and volunteer personnel.

Office of Education for Exceptional Children
Exceptional and Handicapped Programs

707 KAR 1:051. Exceptional children's programs.

Office of Programs

Adult Education

709 KAR 1:030. High school equivalency certificate.

PUBLIC PROTECTION AND REGULATION CABINET

Department of Insurance

General Provisions

806 KAR 1:010. Liability self-insurance groups.

Group and Blanket Health Insurance

806 KAR 18:030. Group health insurance coordination of benefits. (Amended After Hearing)

Casualty Insurance Contracts

806 KAR 20:010. Declination, cancellation and nonrenewal of property and casualty insurance.

Department of Financial Institutions

Administration

808 KAR 1:100. Information to be furnished and maintained by banks.

Mortgage Loan Companies and Mortgage Loan Brokers

808 KAR 12:010. Corporate surety bond amounts.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

TENTATIVE AGENDA

September 4, 1986

(Rm. 110, Capitol Annex @ 10 a.m.)

JUSTICE CABINET

Special Law Enforcement Officer

500 KAR 2:010. Definitions.

500 KAR 2:020. Filing and processing SLEO commissions.

Special Local Peace Officer

500 KAR 3:010. Definitions.

500 KAR 3:020. Filing and processing SLPO commissions.

Department of State Police

Criminal History Record Information System

502 KAR 30:060. Dissemination of criminal history record information.

PUBLIC PROTECTION AND REGULATION CABINET

Registry of Election Finance

Practice and Procedures

801 KAR 2:010. Processing complaints; hearings.

CABINET FOR HUMAN RESOURCES

Administration

900 KAR 1:060 & E. Protection of human subjects.

Department for Health Services

Local Boards of Health

902 KAR 8:020. Policies and procedures for local health department operations.

Hospitalization of Mentally Ill and Mentally Retarded

902 KAR 12:080. Policies and procedures for mental health/mental retardation facilities.

Certificate of Need and Licensure

902 KAR 20:016 & E. Hospitals, operation and services.

902 KAR 20:026 & E. Operations and services; skilled nursing facilities.

902 KAR 20:036 & E. Operation and services; personal care homes.

902 KAR 20:048 & E. Operation and services; nursing homes.

902 KAR 20:051 & E. Operation and services; intermediate care.

902 KAR 20:220 & E. Dual licensure hospitals.

Department for Employment Services

Unemployment Insurance

903 KAR 5:260. Unemployment insurance procedures.

903 KAR 5:300. Required reports and due dates.

Department for Social Services

Child Welfare

905 KAR 1:180 & E. DSS policy and procedure manual. (Repeals 905 KAR 7:020; 7:040; 7:050; 7:070; 7:080 7:110; 7:120; 7:130 7:140; 7:150; 7:160; 7:170; 7:180; 7:190; 7:200; 7:210; 7:220)

Block Grants

905 KAR 3:030 & E. Matching requirements.

Department for Medicaid Services

Medicaid Services

907 KAR 1:011. Technical eligibility requirements.

907 KAR 1:031 & E. Payments for home health services.

907 KAR 1:036 & E. Amounts payable for skilled nursing and intermediate care facility services.

907 KAR 1:045 & E. Payments for mental health center services.

907 KAR 1:055 & E. Payments for primary care center services.

PERSONNEL BOARD

Personnel Rules

- 101 KAR 1:300 & E. Repeal of previous regulations. (Repeals 101 KAR 1:010; 1:020; 1:030; 1:060; 1:070; 1:080; 1:090; 1:100; 1:110; 1:120; 1:130; 1:140; 1:160; 1:170)
- 101 KAR 1:310 & E. Personnel Board meetings.
- 101 KAR 1:320 & E. Probationary period.
- 101 KAR 1:325 & E. Initial probationary periods in excess of six months.
- 101 KAR 1:330 & E. Employee actions.
- 101 KAR 1:340 & E. Disciplinary actions.
- 101 KAR 1:350 & E. Right of appeal.
- 101 KAR 1:360 & E. Appeal procedures.
- 101 KAR 1:370 & E. Employee grievances.
- 101 KAR 1:380 & E. Personnel board investigations.
- 101 KAR 1:390 & E. Restoration from military duty.

DEPARTMENT OF PERSONNEL

Classified

- 101 KAR 2:005 & E. Repeal of previous regulations. (Repeals 101 KAR 1:010; 1:020; 1:030; 1:040; 1:051; 1:060; 1:070; 1:080; 1:090; 1:100; 1:110; 1:120; 1:130; 1:140; 1:145; 1:150; 1:160; 1:170)
- 101 KAR 2:010 & E. Definitions.
- 101 KAR 2:020 & E. Classification plan.
- 101 KAR 2:030 & E. Compensation plan.
- 101 KAR 2:040 & E. Applications and examinations.
- 101 KAR 2:050 & E. Registers.
- 101 KAR 2:060 & E. Certification and selection of eligibles.
- 101 KAR 2:070 & E. Types and appointments and detail to special duty.
- 101 KAR 2:080 & E. Layoffs.
- 101 KAR 2:090 & E. Service regulations.
- 101 KAR 2:100 & E. Leave regulations.
- 101 KAR 2:110 & E. Employee evaluation plan.
- 101 KAR 2:120 & E. Incentive programs.
- 101 KAR 2:130 & E. Political activity.

Unclassified

- 101 KAR 3:005 & E. Repeal of previous regulations. (Repeals 101 KAR 1:200; 1:205; 1:210; 1:220; 1:230)
- 101 KAR 3:010 & E. Leave regulations for unclassified service.
- 101 KAR 3:030 & E. Appeals for employees in the unclassified service.
- 101 KAR 3:040 & E. Unclassified service; classification and compensation plans.
- 101 KAR 3:050 & E. Unclassified service; promotion, transfer and disciplinary actions.

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, the fiscal note required by KRS 13A.250, and the federal mandate comparison required by KRS 13A.245.

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

Migratory bird hunting season frameworks are established annually by the U.S. Fish and Wildlife Service. Under federal law, states which wish to establish migratory bird hunting seasons must do so within the federal frameworks. Development of the federal regulations involves consideration of harvest and population status data, coordination with state wildlife agencies, and public involvement. Consequently, federal migratory bird hunting regulations are promulgated less than six weeks

before the opening dates of the hunting season. An ordinary administrative regulation will not suffice because insufficient time to accomplish the required state procedures during the short period between promulgation of federal hunting regulations and the opening of the hunting season will preclude timely effectiveness of the administrative regulation. The emergency regulation will be replaced by an ordinary administrative regulation.

MARTHA LAYNE COLLINS, Governor
DON R. McCORMICK, Commissioner

TOURISM CABINET
Department of Fish and Wildlife Resources

301 KAR 2:044E. Taking of migratory wildlife.

RELATES TO: KRS 150.010, 150.015, 150.025, 150.170, 150.300, 150.305, 150.320, 150.330, 150.340, 150.360, 150.603

PURSUANT TO: KRS 13A.350, 150.025

EFFECTIVE: August 14, 1986

NECESSITY AND FUNCTION: In accordance with KRS 150.015, this regulation is necessary for the continued protection and conservation of the migratory birds listed herein, and to insure a permanent and continued supply of the wildlife resource for the purpose of furnishing sport and recreation for present and future residents of the state. The function of this regulation is to provide for the prudent taking of migratory wildlife within reasonable limits based upon an adequate supply. This amendment is necessary to implement the requirement for waterfowl hunters to possess a Kentucky waterfowl stamp and to change season dates where appropriate.

Section 1. Seasons. (1) Doves: September 1 through October 31; November 29 [30] through December 7 [8].

(2) Woodcock: October 1 through December 4.

(3) Common snipe: October 1 through December 4.

(4) Experimental September duck: September 10 [11] through September 14 [15].

Section 2. Limits.

Species	Bag Limits	Possession Limits
Doves	12	24
Woodcock	5	10
Common snipe	8	16
Experimental September duck, wood duck, teal and other ducks	*4	*8

*Daily bag limit is four (4) ducks, no more than two (2) of which may be wood ducks, and no more than one (1) of which may be a species other than teal or wood duck. [, and] The possession limit is double the daily bag limit.

Section 3. Bag and Possession Limits. (1) After two (2) or more days of shooting, possession limits apply to transporting, but do not permit a double bag limit in the field.

(2) The above species (except doves) dressed in the field, or being prepared for transportation, must have one (1) fully feathered wing or head attached to the bird for identification purposes.

Section 4. Shooting Hours. (1) Doves: From eleven (11) o'clock a.m. until sunset during the period September 1 through October 31; from sunrise to sunset during the period November 29 [30] through December 7 [8].

(2) Common snipe and woodcock: from one-half (1/2) hour before sunrise to sunset.

(3) Experimental September duck: from one-half (1/2) hour before sunrise to sunset.

[Section 5. Free Permit for Experimental September Duck Season. Persons hunting during the experimental September duck season should obtain a free permit from any conservation officer or other authorized agents before

hunting. The free permit contains a request for harvest information to be furnished on a self-address, stamped post card.]

Section 5. [6.] Falconry Hunting. The wildlife species listed in this regulation may be pursued and taken by a licensed falconer with any legal hunting raptor during the regular hunting dates listed for each species. All bag and possession limits apply to falconry hunting.

Section 6. [7.] Exceptions to Statewide Migratory Bird Seasons on Specified Wildlife Management Areas. Unless excepted below, all sections of this regulation apply to the following areas:

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

(a) Doves: September 1 through October 14 only. Areas so designated by signs are closed. No firearms permitted on this area except during shooting hours.

(b) Woodcock and snipe: Seasons closed.

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

(a) Doves: September 1 through October 16 only.

(b) Woodcock and snipe: Hunting permitted on tracts 2, 3, 6, and 7 only.

(3) Central Kentucky Wildlife Management Area, located in Madison County:

(a) Doves: September 1 through October 16 only.

(b) Woodcock and snipe: Seasons closed.

(4) Land Between the Lakes Wildlife Management Area, located in Lyon and Trigg Counties:

(a) Doves: September 1 through September 30 and December 1 [November 30] through December 7 [8] only.

(b) Woodcock and snipe: December 1 [November 30] through December 4 only.

(5) Fort Campbell Wildlife Management Area, located in Christian and Trigg Counties:

(a) Doves: September 1 through September 26 [27], September 27 [28] through October 31 as announced by Fort Campbell Hunting and Fishing Unit, and November 29 [30] through December 7 [8] only. Hunting permitted during these periods in designated areas only.

(b) Shooting hours for doves: from twelve (12) o'clock noon until sunset during the period September 1 through October 31; sunrise to sunset during the period November 29 [30] through December 7 [8].

(c) Woodcock and snipe: November 26 [27] through December 4.

(6) Closed Areas: The hunting of doves, woodcock, common snipe, and ducks is prohibited on the following wildlife management areas: that portion of Grayson Lake Wildlife Management Area east of the Little Sandy River and Bruin Creek portions of Grayson Lake; Beaver Creek Wildlife Management Area, including all private inholdings, located in Pulaski and McCreary Counties; Robinson Forest Wildlife Management Area, located in Breathitt, Perry, and Knott Counties; Redbird Wildlife Management Area, including all private inholdings, located in Leslie and Clay Counties; [Dewey Lake Wildlife Management Area, located in Floyd County;] Cane Creek Wildlife Management Area, including all private inholdings, located in Laurel County; Mill Creek Wildlife Management Area, located in Jackson County.

Section 7. [8.] Kentucky Waterfowl Stamp Requirements. (1) Persons sixteen (16) through

sixty-four (64) years of age hunting wild ducks or geese shall possess, in addition to the appropriate hunting license, a Kentucky waterfowl stamp unless exempted under the provisions of KRS 150.170(3), (6), or (7).

(2) To be valid for hunting, said stamp shall be signed across the face by the bearer and fixed adhesively to the back of the bearer's hunting license. This stamp shall not be transferrable.

G. WENDELL COMBS, Secretary

DON R. McCORMICK, Commissioner

CHARLES E. PALMER, JR., Chairman

APPROVED BY AGENCY: June 13, 1986

FILED WITH LRC: August 11, 1986 at 4 p.m.

STATEMENT OF EMERGENCY

During the annual promulgation of regulations which establish the season frameworks and limits for specified wildlife management areas, and editorial error was made which closed two management areas, Mill Creek and Cane Creek, to small game hunting other than grouse, quail and rabbit. This emergency is needed to correct that error immediately so that the upcoming August small game hunting seasons will be allowable on these areas. An ordinary administrative regulation is being filed concurrently with this emergency regulation, however, will not become effective in time to alleviate the total problem.

MARTHA LAYNE COLLINS, Governor

DON R. McCORMICK, Commissioner

TOURISM CABINET

Department of Fish and Wildlife Resources

301 KAR 2:047E. Specified areas; seasons, limits for birds and small game.

RELATES TO: KRS 150.010, 150.025, 150.170, 150.175, 150.176, 150.330, 150.340, 150.360, 150.370

PURSUANT TO: KRS 13A.350, 150.025

EFFECTIVE: August 14, 1986

NECESSITY AND FUNCTION: This regulation pertains to the hunting seasons, bag and possession limits for upland game birds and animals on specified wildlife management areas and refuges. This regulation is necessary for the continued protection of the species listed herein, and to insure a permanent and continued supply of the wildlife resource for the purpose of furnishing sport and recreation for present and future residents of the state. The function of this regulation is to provide for the prudent taking of upland game birds and animals within reasonable limits based upon an adequate supply. This amendment is necessary because of changes in season dates and the opening or closure of certain wildlife management areas to hunting.

Section 1. All statewide and specified area regulations, seasons, bag and possession limits apply to the following wildlife management areas and refuges unless exceptions are listed herein.

Section 2. The following wildlife management areas are closed to all hunting at all times except for deer and turkey hunting as authorized by other applicable regulations:

(1) That portion of Grayson Wildlife

Management Area east of the Little Sandy River and Bruin Creek portions of Grayson Lake.

(2) Robinson Forest Wildlife Management Area in Breathitt, Perry and Knott Counties.

Section 3. Exceptions to Statewide Small Game Hunting Regulations for Wildlife Management Areas and Refuges. (1) West Kentucky Wildlife Management Area located in McCracken County.

(a) Quail: November 1 through January 31 on Tracts 2, 3, 6 and 7.

(b) Rabbit: November 1 through January 31 on Tracts 2, 3, 6 and 7. December 22 through 31 on Tract 5 and January 1 through 10 on Tract 4.

(c) Squirrel (gray and fox): From opening of statewide season through October 31 on Tracts 1, 2, 3, 4, 5 and 6. November 1 through December 31 on Tract 6 only.

(d) Raccoon and opossum: Tracts 1 through 6 only.

(e) All hunters and dog trainers must check in and out daily at the designated check station.

(f) All tracts designated by numbers followed by the letter "A" are closed to gun hunting.

(g) Weapon restrictions: No rifles, or ball or slug ammunition of any type shall be permitted for taking small game on this area.

(h) Dog training is closed March 15 through August 31 excepting permitted field trials.

(i) Tract 6 is closed to vehicular traffic March 1 through April 16.

(2) Land Between the Lakes Wildlife Management Area located in Trigg and Lyon Counties. Areas open to hunting for the following species are located north of the state line to Barkley Canal, except that no hunting is allowed in developed public use areas, safety zones and posted areas unless otherwise noted.

(a) Squirrel (gray and fox): From opening of statewide season through September 30; December 1 through January 31; and October 1 through November 11 only by legally licensed and equipped deer archery hunters.

(b) Quail: December 1 through the last day of February.

(c) Rabbit: December 1 through the last day of February.

(d) Raccoon and opossum: Tuesday, Friday and Saturday nights only during the period December 1 through January 31. Daily bag limit one (1) person per night. Raccoon and opossum hunters must check in and out nightly at designated check station. Harvest report cards must be displayed in vehicle windshield while hunting and submitted at the check station upon completion of each night's hunt. Season will be closed in some hunt areas on dates listed in the LBL Hunting Guide.

(e) Field trials: September 1 through October and November 30 through March 31. Scheduled basis only. Written requests must be received by Land Between the Lakes at least ten (10) days prior to the proposed hunt date. Approval must be obtained from Land Between the Lakes and the Department of Fish and Wildlife Resources District Supervisor. Field trials must be recognized club hunts and each participant must be on a club roster for that hunt.

(f) Fox chasing: From sunset to sunrise; third Saturday in August through October 1 south of Highway 68 to state line.

(g) Gray fox taking: Daylight hours only; gun and archery on December 1 through January 31.

(h) Woodchuck: Daylight hours only. March 15 through March 31. All harvested animals must be

removed from the area. October 1 through November 11 and December 13 through December 31 only by legally licensed and equipped deer archery hunters. Gun hunting is prohibited in Hunt Area 8 and in that portion of Hunt Area 9 designated as the ORV area.

(i) Coyote: Daylight hours only by legally licensed hunters during any open season with weapons specified for that season.

(j) Bird dog, beagle and raccoon hound training season: During the entire month of October. Bird dogs and beagles in Hunt Area 8 only. Raccoon hounds in Hunt Area 9 only.

(k) All dogs must wear a collar bearing the owner's name, address, and telephone number. Dogs may not be used for hunting October 1 through November 11, except in authorized field trials and designated dog training Hunt Areas.

(1) Trapping for furbearers:

1. Only those persons who are selected by a drawing are permitted to trap furbearers on Land Between the Lakes.

2. Authorized trappers may trap in assigned areas only and must report their harvest in accordance with Land Between the Lakes instructions.

3. Trapping season: December 28 through January 11 for all furbearers.

4. Trapping devices: No. 3 or smaller foot-hold traps and live traps are permitted. The jaws of No. 1 1/2 and larger foot-hold traps used on land must be offset three-sixteenths (3/16) inch or be of the soft catch-type trap. Water sets are restricted to No. 3 or smaller foot-hold traps, No. 330 or smaller Conibear-type traps, and snares.

5. Weapons restrictions: The use of crossbows, center-fire rifles, center-fire handguns, and shotguns with slugs or shot larger than BBs is prohibited for the taking of all species listed in this subsection except that woodchucks may be taken with center-fire rifles during the specified spring season.

(3) Reelfoot National Wildlife Refuge located in Fulton County.

(a) Squirrel (gray and fox): Fourth Saturday in August through October 15 only in areas designated by signs as open to public hunting.

(b) Raccoon: Four (4) consecutive nights beginning on the last Wednesday in September and four (4) consecutive nights beginning on the first Wednesday in October on the Long Point Refuge unit, with hunting allowed only during the hours of 7:30 p.m. to 12:00 midnight. No bag or possession limits.

(c) Hunters are required to check in and out at designated check stations.

(d) No other hunting is permitted except as authorized by other applicable regulations.

(4) Ballard County Wildlife Management Area located in Ballard County.

(a) Areas designated by signs are closed to hunting.

(b) The wooded area south of Terrell Landing Road and designated by signs reading "Wildlife Management Area for Public Hunting" is open in conjunction with statewide seasons.

(5) Central Kentucky Wildlife Management Area located in Madison County.

(a) This area is closed to all hunting except dove and squirrel.

(b) Dog training is closed March 15 through August 31 excepting permitted field trials.

(6) Curtis Gates Lloyd Wildlife and Recreation Area located in Grant County.

(a) Areas closed to hunting are designated by refuge signs.

(b) Dog training is closed March 15 through August 31 excepting permitted field trials.

(7) Pioneer Weapons Wildlife Management Area located in Bath and Menifee Counties. Hunters on this area are restricted to pioneer weapons only. These include muzzle-loading rifles, muzzle-loading pistols, muzzle-loading shotguns, longbows and crossbows. Muzzle-loading shotguns for taking squirrels, quail, grouse and rabbits must not use shot larger than No. 2 in size.

(8) Fort Campbell Wildlife Management Area located in Christian and Trigg Counties. There will be no hunting on Mondays or Tuesdays except when Monday or Tuesday is a federal holiday or as follows: December 22-23 and 29-30. There will be no hunting on December 25 and January 1.

(a) Seasons, bag and possession limits:

1. Squirrel (gray and fox): August 16 through September 26, November 26 through December 12, December 13 through 31 on selected areas.

2. Quail: November 26 through December 12, December 13 through 31 on selected areas; January 2 through February 28.

3. Rabbit: November 26 through December 12, December 13 through 31 on selected areas; January 2 through February 28; bag limit five (5); possession limit ten (10).

4. Raccoon, gray fox and opossum: Taking with gun and/or dogs, November 26 through December 12, December 13 through 31 on selected areas. January 2 through 31; limit one (1) per person.

5. Coyote and woodchuck: May 3 through August 15 and during any other authorized hunt.

6. Red fox: November 26 through December 12, December 13 through 31 on selected areas. January 2 through 31.

(b) Permission must be obtained for each hunt at building #6645 and hunters must stay within their assigned area. A hunting permit costing fifteen (15) dollars is required.

(c) All hunters between the ages of twelve (12) and eighteen (18) must possess a valid hunter safety certificate.

(9) Clay Wildlife Management Area located in Nicholas County.

(a) Quail and rabbit: November 1 through January 31.

(b) Grouse: October 1 through January 15.

(c) All hunters and dog trainers must check in and out daily at the designated check station.

(d) Dog training is closed March 15 through August 31.

(10) Pine Mountain Wildlife Management Area located in Letcher County is closed to training of all dogs March 15 through August 31.

(11) Redbird Wildlife Management Area located in Leslie and Clay Counties, Beaver Creek Management Area located in McCreary and Pulaski Counties and Dewey Lake Wildlife Management Area in Floyd County.

(a) Squirrel (gray and fox): Open September 1 through September 30 and December 8 through December 31 only.

(b) Grouse, quail, raccoon, and rabbit hunting and trapping for furbearers: December 8 through December 31 only.

(c) Dog training: December 8 through December 31 only.

(d) Firearms: Shotguns only.

(e) Closed to all other hunting except deer and turkey as authorized by other applicable regulations.

(12) Mill Creek Wildlife Management Area

located in Jackson County; Cane Creek Wildlife Management Area located in Laurel County; and all private inholdings within these areas.

(a) Grouse: October 1 through January 15 only.

(b) Quail and rabbit: November 1 through January 31 only.

(c) [Closed to all other hunting except] Deer, waterfowl and turkey as authorized by other applicable regulations.

(d) Dog training: These areas closed to all dog training.

(13) Fort Knox Wildlife Management Area located in Hardin, Bullitt and Meade Counties is closed to grouse hunting.

(14) Pennyriple Forest Wildlife Management Area located in Christian County is closed to grouse hunting.

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

(a) Quail and rabbit: November 1 through January 31 only.

(b) No grouse hunting is permitted.

(c) Dog training is closed March 15 through August 31 excepting permitted field trials.

(d) All hunters and dog trainers must check in and out daily at the designated check station.

(16) Yellowbank Wildlife Management Area located in Breckinridge County.

(a) Quail and rabbit: November 1 through January 31 only.

(b) No grouse hunting is permitted.

(c) All hunters and dog trainers must check in and out daily at the designated check station.

(d) Dog training is closed March 15 through August 31.

(17) Kleber Wildlife Management Area located in Owen and Franklin Counties.

(a) Quail and rabbit: November 1 through January 31.

(b) All hunters and dog trainers must check in and out daily at the designated check station.

(c) Dog training is closed March 15 through August 31.

(18) Swan Lake Wildlife Management Area located in Ballard County.

(a) Areas designated by signs are closed to hunting.

(b) Closed to all dog training.

(19) Westvaco Public Hunting Areas. Persons hunting on Westvaco Public Hunting Areas must possess a valid Westvaco Hunting Permit.

(20) Paintsville Wildlife Management Area located in Johnson and Morgan Counties.

(a) Squirrel (gray and fox), grouse, quail, raccoon and rabbit hunting and trapping for furbearers are permitted from the third Thursday in November through December 4.

(b) Only shotguns incapable of holding more than three (3) shells are permitted.

(c) This area is closed to all other hunting except deer, turkey and waterfowl as authorized by other applicable regulations.

G. WENDELL COMBS, Secretary

DON R. McCORMICK, Commissioner

CHARLES E. PALMER, JR., Chairman

APPROVED BY AGENCY: March 3, 1986

FILED WITH LRC: August 11, 1986 at 4 p.m.

STATEMENT OF EMERGENCY

In order to continue to operate the Kentucky State Reformatory in accordance with KRS Chapter 196, the Corrections Cabinet needs to implement this emergency regulation. An ordinary regulation cannot suffice because the affected institutional policy must be revised immediately to allow for the institution to comply with a Court Order from Edward H. Johnstone, Chief Judge, United States District Court. In that order, dated May 13, 1986, Judge Johnstone required the Kentucky State Reformatory to revise the attached policies to favorably implement actions requested through that institution's Inmate Grievance Procedure. 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 6:030E. Kentucky State Reformatory.

RELATES TO: KRS Chapters 196, 197, 439

PURSUANT TO: KRS 196.035, 197.020, 439.470, 439.590, 439.640

EFFECTIVE: July 21, 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 July 15 [June 13], 1986 and hereinafter should be referred to as Kentucky State Reformatory 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.

- 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
- 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	KSR 13-00-01	Identification of Mentally Retarded Inmates
KSR 03-00-10	Workers' Compensation	KSR 13-00-02	Regulations for Hospital Patients
KSR 03-00-11	Equal Employment Opportunity Complaints	KSR 13-00-03	Medication for Inmates Leaving Institution Grounds
KSR 03-00-12	Employee Grievance Procedure	KSR 13-00-04	Dental Care for Inmates
KSR 03-00-14	Prohibited Employee Conduct, Disciplinary Actions, and Appeal Process	KSR 13-00-05	Medical and Dental Sick Cal
KSR 03-00-15	Affirmative Action Program	KSR 13-00-07	Referral of Inmates Considered to Have Severe Emotional Disturbances
KSR 03-00-16	Confidentiality of Personnel Records	KSR 13-00-08	Institutional Laboratory Procedures
KSR 03-00-19	Establishment of Personnel Records and Employee Right to Challenge Information Contained Therein	KSR 13-00-09	Institutional Pharmacy Procedures
KSR 03-00-20	Personnel Selection, Retention and Promotion	KSR 13-00-10	Requirements for Medical Personnel
KSR 03-00-21	Equal Employment Opportunities for Institutional Job Assignments and Job Classification Promotions	KSR 13-00-11	Preliminary Health Evaluation and Establishment of Inmate Medical Record
KSR 03-00-23	Work Planning and Performance Review (WPPR)	KSR 13-00-12	Vision Care/Optomety Services
KSR 03-00-24	Inclement Weather and Employee Work Attendance	KSR 13-00-14	Periodic Health Examinations for Inmates
KSR 03-00-25	Medical Examination Requirements for New Employees	KSR 13-00-15	Medical Alert System
KSR 04-00-02	Staff Training and Development	KSR 13-00-16	Suicide Prevention and Intervention Program
KSR 05-00-02	Research Activities	KSR 14-00-01	Inmate Rights
KSR 05-00-03	Management Information Systems	KSR 14-00-02	A/C Center and Unit D Inmate Access to Legal Aide Services
KSR 06-00-01	Inmate Master File	KSR 14-00-04	Inmate Grievance Procedure
KSR 06-00-02	Records Audit	KSR 15-00-01	Operational Procedures and Rules and Regulations for Unit A, B, and C
KSR 06-00-03	Kentucky Open Records Law	KSR 15-00-02	Regulations Prohibiting Inmate Control or Authority Over Other Inmate(s)
KSR 07-00-02	Institutional Tower Room Regulations	KSR 15-00-03	Governor's Meritorious Good Time Award
KSR 07-00-03	Guidelines for Contractors	KSR 15-00-04	Restoration of Forfeited Good Time
KSR 08-00-07	Inmate Family Emergency - Life Threatening Illness or Death in Inmate's Immediate Family	KSR 15-00-05	Differential Status for SU (QUIT) Inmates
KSR 08-00-08	Notification of Inmate Family in Case of Serious Injury, Critical Medical Emergency, Major Surgery, or Death of an Inmate	KSR 15-00-06	Inmate I.D. Cards
KSR 08-00-09	Emergency Preparedness Training	KSR 15-00-07	Inmate Rules and Discipline - Adjustment Committee Procedures
KSR 09-00-04	Horizontal Gates/Box 1 Entry and Exit Procedure	KSR 15-00-08	Firehouse Living Area
KSR 09-00-05	Gate I Entrance and Exit Procedure	KSR 16-00-01	Visiting Regulations <u>Amended 7/15/86</u>
KSR 09-00-14	Use of Force	KSR 16-00-02	Inmate Correspondence and Mailroom Operations <u>Amended 7/15/86</u>
KSR 09-00-21	Crime Scene Camera	KSR 16-00-03	Inmate Access to Telephones
KSR 09-00-22	Collection, Preservation, and Identification of Physical Evidence	KSR 17-00-01	Housing Unit Assignment
KSR 09-00-23	Drug Abuse Testing	KSR 17-00-03	Notifying Inmates' Families of Admission and Procedures for Mail and Visiting
KSR 09-00-25	Inmate Motor Vehicle Operator's License	KSR 17-00-04	Assessment/Classification Center Operations, Rules and Regulations
KSR 09-00-26	Contraband Outside Institutional Perimeter (Added 6/13/86)	KSR 17-00-05	Dormitory 10 Operations
KSR 10-00-02	Special Management Inmates - Operations, Rules and Regulations for Unit D (Amended 6/13/86)	KSR 17-00-06	Identification Department Admission and Discharge Procedures
KSR 10-00-03	Special Needs Unit (Amended 6/13/86)	KSR 17-00-07	Inmate Personal Property
KSR 10-00-04	Unit D Admission/Release Ticket	KSR 18-00-01	Special Management Inmates - Unit D Classification
KSR 11-00-01	Meal Planning for the General Population	KSR 18-00-04	Returns from Other Institutions
KSR 11-00-02	Special Diets	KSR 18-00-05	Transfer of Residents to Kentucky Correctional Psychiatric Center
KSR 11-00-03	Food Service Inspections	KSR 18-00-06	Classification
KSR 11-00-04	Dining Room Dress Code for Inmates	KSR 18-00-07	Special Notice Form
KSR 11-00-06	Health Standards/Regulations for Food Service Employees	KSR 19-00-01	Inmate Work Incentives
KSR 11-00-07	Early Chow Line Passes for Medically Designated Inmates	KSR 19-00-02	On-the-Job Training Program <u>Amended 7/15/86</u>
KSR 12-00-01	Inmate Summer Dress Regulations	KSR 19-00-03	Safety Inspections of Inmate Work Assignment Locations
KSR 12-00-02	Sanitation and General Living Conditions	KSR 20-00-01	Vocational School Referral and Release Process
KSR 12-00-03	State Items Issued to Inmates	KSR 20-00-03	Academic School Programs
KSR 12-00-07	Regulations for Inmate Barbershop	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
 KSR 21-00-02 Inmate Library Services
 KSR 21-00-03 Library Services for Unit D
 KSR 22-00-03 Inmate Organizations (Amended 7/15/86)
 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

GEORGE W. WILSON, Secretary

APPROVED BY AGENCY: July 15, 1986

FILED WITH LRC: July 21, 1986 at 3 p.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 come into full compliance with the section of the Federal Consent Decree which governs the operation of the inmate grievance procedure at the Kentucky State Penitentiary. This emergency regulation will be replaced by the ordinary administrative regulation filed with the Legislative Research Commission on July 10, 1986 in accordance with KRS Chapter 13A.

MARTHA LAYNE COLLINS, Governor
 GEORGE W. WILSON, Secretary

CORRECTIONS CABINET

501 KAR 6:040E. Kentucky State Penitentiary.

RELATES TO: KRS Chapters 196, 197, 439

PURSUANT TO: KRS 196.035, 197.020, 439.470, 439.590, 439.640

EFFECTIVE: July 21, 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 July 15 [June 13], 1986 and hereinafter should be referred to as Kentucky State Penitentiary 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.

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
 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 020000-29 Promotional Opportunity Announcement Program
 KSP 030000-01 Inventory Records and Control
 KSP 030000-04 Requisition and Purchase of Supplies and Equipment
 KSP 030000-05 Inmate Personal Funds
 KSP 030000-06 Inmate Commissary Program
 KSP 040000-02 Inmate Records Section (Amended 6/13/86)
 KSP 040000-08 Inmate Equal Opportunity Policy
 KSP 050000-14 Searches of Inmates, Visitors, Staff, Vehicles, Cells and Area Shakedown and Preservation of Evidence (Amended 6/13/86)
 KSP 060000-01 Special Security Unit
 KSP 060000-02 Operational Procedures for Disciplinary Segregation, Administrative Segregation, Administrative Control and Behavioral Control Units
 KSP 060000-04 Protective Custody Unit
 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
 KSP 090000-03 Correctional Industries
 KSP 100000-02 Visiting Program (Amended 6/13/86)
 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 6/13/86)
 KSP 100000-06 Mail (Amended 6/13/86)

KSP 100000-07 Inmate Telephone Access
 KSP 100000-08 Behavioral Counseling Record
 KSP 100000-09 Due Process/Disciplinary Procedures
 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
 KSP 100000-18 Inmate Grievance Committee Hearings (Amended 7/15/86)
 KSP 100000-20 Legal Services Program (Amended 6/13/86)
 KSP 100000-21 Photocopies for Non-Indigent Inmates with Special Court Deadlines (Deleted 6/13/86)
 KSP 100000-22 Special Management Unit Legal Services Program
 KSP 100000-23 Inmate Legal Office/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
 KSP 110000-07 Statutory Good Time Restoration
 KSP 110000-08 Award of Meritorious Good Time (Amended 5/15/86)
 KSP 110000-10 Special Needs Inmates
 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 (KCPK)
 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
 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

GEORGE W. WILSON, Secretary
 APPROVED BY AGENCY: July 15, 1986
 FILED WITH LRC: July 21, 1986 at 3 p.m.

STATEMENT OF EMERGENCY

In order to continue to operate the Department of State Police in accordance with KRS Chapter 16, the Department of State Police needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because agency policy will not be accurately reflected in a timely manner nor will the department be able to apply current agency policy to comply with statutory mandate. This emergency regulation will be replaced by an ordinary

administrative regulation in accordance with KRS Chapter 13A.

MARTHA LAYNE COLLINS, Governor
 MORGAN T. ELKINS, Commissioner

JUSTICE CABINET
 Department of State Police

502 KAR 15:020E. Abandoned vehicles; definitions.

RELATES TO: KRS 189.450, 189.752, 189.753

PURSUANT TO: KRS 189.753(3)

EFFECTIVE: July 25, 1986

NECESSITY AND FUNCTION: KRS 189.753(3) directs the Department of State Police to locate abandoned vehicles, order their removal from the rights-of-way of state highways, and notify the owners of vehicles. This regulation is adopted to define the procedures for location, removal, notification of owners and sale of abandoned vehicles.

Section 1. The department shall locate, order removal of, and send notification to the owner of vehicles which are abandoned on the rights-of-way of state highways. This regulation will not affect vehicles abandoned on toll roads, interstate highways or other fully controlled access highways as defined in 603 KAR 5:020.

Section 2. Definitions. (1) "Presumed abandoned" means it has been determined that a vehicle has been left upon the rights-of-way of a state highway for fifteen (15) consecutive days.

(2) "Rights-of-way" means in addition to the actual width of a state highway and the area between any separated highway, those areas lying outside the shoulders and ditch lines and within any landmarks such as fences, fence posts, cornerstones or other similar monuments indicating the boundary line.

Section 3. Location of Abandoned Vehicles. When the Department of State Police observes a vehicle that is apparently abandoned on a state highway, a stalled vehicle check form shall be affixed to the vehicle noting the date and location. Notwithstanding the provisions of KRS 189.450, the vehicle shall be presumed abandoned if it remains at the location for fifteen (15) consecutive days.

Section 4. Removal and Storage of Abandoned Vehicles. (1) When a vehicle is presumed abandoned, the Department of State Police may order any person engaged in the business of storing or towing motor vehicles to remove the abandoned vehicle to a site chosen by such person.

(2) As soon as practicable, the Department of State Police shall if possible notify the owner by certified mail that the vehicle was illegally upon public property; the present location of the vehicle; that retrieval will require payment of towing and storage charges; and that the vehicle may be sold if not claimed within sixty (60) days.

(3) No notification shall be required if ownership cannot be determined.

(4) Notice by the Department of State Police shall constitute substantial compliance of the

notice requirement by the towing and storing business.

Section 5. Sale of Abandoned Vehicles. (1) If after a period of sixty (60) days the reasonable charges for towing and storing the vehicle have not been paid, the vehicle may be sold by the owner of the towing or storing facility to pay the charges.

(2) Prior to setting any date for sale, the towing or storage facility shall contact the state police and determine if the vehicle is part of an ongoing investigation which would preclude sale, and to inform the state police of any anticipated date of sale.

(3) Ten (10) days prior to the sale, the towing or storing facility shall send a certified letter to the owner stating the time and place of the sale.

(4) If the owner fails to respond to this second notice or make provisions to pay the towing and storage charges, the vehicle may be sold pursuant to KRS 376.275.

(5) In the event of such sale, the state shall receive any proceeds after the satisfaction of all liens placed on the vehicle.

(6) The towing or storage facility selling any vehicle shall by affidavit inform the Department of State Police of the towing and storage charges, the proceeds of the sale, and transmit any excess funds which shall be deposited in the state police agency fund account.

MORGAN T. ELKINS, Commissioner

APPROVED BY AGENCY: July 24, 1986

FILED WITH LRC: July 25, 1986 at 10 a.m.

STATEMENT OF EMERGENCY

Pursuant to KRS 16.140(8) the Commissioner of the State Police is to promulgate rules and regulations governing proceedings before the department's trial board. Under KRS Chapter 13A all such regulations must be implemented in order for the agency to operate. Therefore, in order to operate as mandated by Chapter 16 of the Kentucky Revised Statutes the department 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

MORGAN T. ELKINS, Commissioner

JUSTICE CABINET Department of State Police

502 KAR 50:010E. Admissibility of evidence.

RELATES TO: KRS 16.140

PURSUANT TO: KRS 16.140(8)

EFFECTIVE: August 14, 1986

NECESSITY AND FUNCTION: KRS 16.140 establishes a trial board within the Department of State Police to hear charges against officers. KRS 16.140(8) provides that the commissioner may promulgate reasonable rules and regulations governing the procedure before the trial board. This regulation is necessary to define the standards for the admissibility of evidence in

proceedings before the trial board.

Section 1. Presiding Officer. The Commissioner of the Kentucky State Police shall preside over all trial board proceedings and shall rule on all motions and objections. The presiding officer may, if he so desires, have assistance of counsel to rule on evidentiary or procedural matters. If for any reason the commissioner is unable to preside, the members of the trial board shall select one of their number to preside. The commissioner or other presiding member shall not vote or otherwise participate in the trial board's determination of guilt or innocence or in the setting of the punishment.

Section 2. Strict Rules of Evidence not to Apply. 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 trial board; 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. Irrelevant, immaterial, or unduly repetitious evidence may be excluded and the presiding officer shall give effect to the rules of privilege recognized by the laws of the Commonwealth of Kentucky.

Section 3. Judicial Notice. The presiding officer may take judicial notice of matters of common knowledge that are beyond reasonable dispute, statutes, and official court records.

Section 4. Interrogation of Witnesses. The rules of law that apply to state court proceedings concerning the manner and scope of examination and cross-examination of witnesses shall apply to trial board proceedings.

Section 5. Impeachment of Witnesses. The rules of law concerning the impeachment of witnesses that apply to state court proceedings shall apply to trial board proceedings.

MORGAN T. ELKINS, Commissioner

APPROVED BY AGENCY: August 13, 1986

FILED WITH LRC: August 14, 1986 at 4 p.m.

STATEMENT OF EMERGENCY

This emergency amended regulation is needed to bring 600 KAR 1:045 into compliance with the provisions of Senate Bill 340 as codified in KRS Chapter 18A and the emergency regulations promulgated by the Personnel Board. Senate Bill 340 and the Personnel Board's regulations became effective July 15, 1986 and July 17, 1986, respectively. Without this amendment, 600 KAR 1:045 will contain provisions which conflict with the law. An ordinary administrative regulation will be promulgated to replace this emergency regulation as soon as possible.

MARTHA LAYNE COLLINS, Governor

C. LESLIE DAWSON, Commissioner

TRANSPORTATION CABINET
Office of Personnel Management

600 KAR 1:045E. Disciplinary and separation procedures.

RELATES TO: KRS Chapters 13A and 18A, 174.080
PURSUANT TO: KRS 12.080, 13A.100, 174.080

EFFECTIVE: August 14, 1986

NECESSITY AND FUNCTION: KRS 174.080 allows the Secretary of the Transportation Cabinet to promulgate administrative regulations. KRS 13A.100 requires any administrative body which is empowered to promulgate administrative regulations to prescribe the disciplinary procedures within the jurisdiction of the administrative body. This regulation is necessary to define and prescribe such disciplinary procedures within the Transportation Cabinet.

Section 1. Signatory Authority for Suspensions, Transfers, Demotions, Fines, and Dismissals. In the case of a proposed suspension, transfer, demotion, fine, or dismissal of a Transportation Cabinet employee, the employee's division, office or district will prepare the required letter of notification advising the employee of his suspension, transfer, demotion, fine, or dismissal for the signature of the Executive Director of the Office of Personnel Management. After the signature of the executive director has been obtained, notification letters to central office employees will be returned to the division, or office for delivery to the employee. For district office employees, notification letters will be delivered or mailed to the employee by the Office of Personnel Management.

Section 2. Signatory Authority for Written Reprimand. (1) Central office. In the case of a proposed written reprimand for an employee of the central office, the employee's division or office will prepare the written reprimand for the signature of the Executive Director of the Office of Personnel Management. After the signature of the executive director has been obtained, the letter will be returned to the division or office for delivery to the employee.

(2) District office. The approval of the Executive Director of the Office of Personnel Management must be obtained prior to the delivery of the written reprimand to the employee. The chief district engineer of the employee's district shall sign the letter of reprimand of a district office employee.

Section 3. Responsibility of the Immediate Supervisor. The immediate supervisor will report employee delinquency, misconduct or incompetency in accordance with procedures established in this regulation. The supervisor who fails to report employees who violate the policies and procedures of the Transportation Cabinet or the provisions of the personnel laws and regulations because of friendship or other personal reasons, or because he does not agree with the regulations or the disposition of certain similar cases, is evading his responsibility and may be disciplined.

Section 4. Disciplinary Procedures. (1) Employee incident reports. If an employee commits an act which involves delinquency,

misconduct, incompetency or other unacceptable behavior, or violates the policies and procedures of the Transportation Cabinet or the provisions of the personnel laws and regulations, the employee's supervisor shall complete an employee incident report. The supervisor shall, if possible, obtain the employee's signature on the employee incident report indicating that the employee has seen the report and has received a copy. The supervisor shall then give copies of the report to the employee, to the Office of Personnel Management and to the chief district engineer, division director or office head.

(2) Investigations. The chief district engineer, office head or division director may, upon receipt of an employee incident report, investigate the allegations contained therein or appoint another individual or committee to investigate the allegations. If an investigation is undertaken, a copy of any report which may be made as a result of the investigation shall be sent to the Office of Personnel Management.

(3) Recommendations. After receipt of an employee incident report, the chief district engineer, division director or office head may recommend to the Executive Director of the Office of Personnel Management that disciplinary action be taken against the employee in accordance with the procedures outlined in this regulation. In the event that no disciplinary action is taken as a result of the employee incident report, the report will be equivalent to an oral warning to the employee.

Section 5. Layoffs. The Transportation Cabinet must prepare and submit a layoff plan in accordance with applicable personnel laws and regulations to the Commissioner of Personnel for approval prior to separation by layoff. The Office of Personnel Management is responsible for coordinating the preparation of the layoff plan and will submit the plan to the Department of Personnel for approval. The Executive Director of the Office of Personnel Management shall notify the employee of his layoff in accordance with personnel laws and regulations [101 KAR 1:120, Section 2].

[Section 6. Dismissals. (1) Dismissals shall be governed by 101 KAR 1:120, Section 3. The notification of dismissal shall either be hand-delivered to the employee at least ten (10) working days prior to the effective date of dismissal, or sent to him by certified mail at least thirteen (13) working days prior to the effective date of dismissal.]

[(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 Secretary of Transportation or his deputy. An employee who desires to respond to the charges in writing or requests to appear personally will be advised to submit his written response or request to appear to the Executive Director of the Office of Personnel Management. All written responses to the charges or requests to appear personally will be responded to by the Executive Director of the Office of Personnel Management on behalf of the Secretary, Transportation Cabinet.]

Section 6. [7.] Resignation. [An employee who

desires to terminate his service with the state by resignation shall be governed by 101 KAR 1:120, Section 5.] A Transportation Cabinet employee's written resignation shall be submitted to the employee's chief district engineer, office head or division director. A written notice of resignation signed by the employee or the party accepting his resignation is required. If no written notice of resignation is submitted, but resignation is indicated by the employee through absenteeism or other such acts, disciplinary action will be taken against the employee.

[Section 8. Transfers. All transfers shall be governed by 101 KAR 1:110, Section 2.]

[(1) In-county transfers. The Executive Director of the Office of Personnel Management may permanently transfer employees within the same county in accordance with 101 KAR 1:110, Section 2.]

[(2) Involuntary, out-of-county transfers. The Executive Director of the Office of Personnel Management shall notify Transportation Cabinet employees of involuntary, out-of-county transfers in accordance with 101 KAR 1:110, Section 2.]

[(3) Temporary transfers. In the district offices, the chief district engineer may make temporary transfers (assignments) in accordance with 101 KAR 1:110, Section 2. For all other Transportation Cabinet employees, the Executive Director of the Office of Personnel Management shall notify employees of their temporary transfers (assignments) in accordance with 101 KAR 1:110, Section 2.]

[Section 9. Demotion. The Executive Director of the Office of Personnel Management shall notify Transportation Cabinet employees of demotions in accordance with 101 KAR 1:110, Section 3.]

Section 7. Suspensions. Fines. Demotions. Transfers and Dismissals. Any disciplinary action taken against an employee of the Transportation Cabinet shall be taken in accordance with applicable personnel laws and regulations.

Section 8. [10.] Non-Merit Employees. The signatory authority for disciplinary and personnel actions concerning non-merit Transportation Cabinet employees shall be the same as for the corresponding disciplinary and personnel actions concerning merit Transportation Cabinet employees outlined in this regulation. Disciplinary and personnel actions concerning non-merit Transportation Cabinet employees shall be undertaken in accordance with personnel laws and regulations.

C. LESLIE DAWSON, Secretary/Commissioner
APPROVED BY AGENCY: August 14, 1986
FILED WITH LRC: August 14, 1986 at 4 p.m.

STATEMENT OF EMERGENCY

Trucks represent only 10% of the traffic on the northern-most 7.1 miles of Interstate Highway 75 and 71 in Kentucky. However, almost 16% of the vehicles which were involved in accidents during 1984 and 1985 on this stretch of highway were trucks. Because 71% of these truck

accidents involve truck tractor-semitrailer combinations the decision has been made to prohibit such vehicles from that highway segment. In the interest of public safety it is essential that the prohibition be effective immediately. To that end, this emergency administrative regulation is promulgated. It will be replaced by an ordinary administrative regulation as soon as possible.

MARTHA LAYNE COLLINS, Governor
C. LESLIE DAWSON, Secretary

TRANSPORTATION CABINET Department of Highways

603 KAR 5:190E. Vehicles prohibited on I-75 and I-71.

RELATES TO: KRS 189.231

PURSUANT TO: KRS 189.231

EFFECTIVE: July 25, 1986

NECESSITY AND FUNCTION: KRS 189.231 authorizes the Secretary of Transportation to restrict or regulate traffic on state-maintained highways in such manner as is reasonably necessary to promote the safety and convenience of the traveling public. The purpose of this administrative regulation is to promote public safety by restricting and regulating the use of a specific portion of a state-maintained highway from certain types of vehicles.

Section 1. Definitions. As used in this regulation, the hereinafter set forth terms shall have the following meaning:

(1) "Truck tractor" means any self-propelled vehicle designed to support and/or to draw the front end of a trailer, semitrailer or mobile home.

(2) "Semitrailer" means a vehicle designed to be attached to and/or have its front end supported by a truck tractor. It is intended to be used for the carrying of freight, cargo, or merchandise and has a load capacity in excess of 1,000 pounds.

(3) "Mobile home" means a movable or portable dwelling in excess of 102 inches, constructed to be towed on its own chassis by a truck tractor, connected to utilities, and designed without a permanent foundation for year-round living.

(4) "Trailer" means any vehicle designed for carrying persons or property and being drawn by a motor vehicle and being so constructed that no part of its weight rests upon the towing vehicle.

Section 2. Prohibition. All truck tractor-mobile home combinations in excess of 102 inches in length, truck tractor-semitrailer combinations, and truck tractor-semitrailer-trailer combinations except as identified in Section 3 of this regulation, are prohibited from operating in a northbound direction on that portion of Interstate Highway 75 and 71 (I-75 and I-71) in Kenton County from the junction of I-75 and I-71 and Interstate Highway 275 (I-275) to the Ohio state line located on the I-75 Brent-Spence Bridge, a distance of seven and one-tenth (7.1) miles.

Section 3. Exceptions. Those truck tractor-mobile home combinations, truck tractor-semitrailer combinations, and truck tractor-semitrailer-trailer combinations having local trips in that portion of the

Cincinnati-Northern Kentucky urbanized area located within the perimeter of I-275 may travel upon the restricted-use section of I-75 and I-71 northbound for the purpose of such local trips. Such a vehicle operator shall have in his possession a bill of lading, manifest or other proof showing the necessity for the local trip within the perimeter of I-275. Such proof is subject to inspection by Transportation Cabinet Vehicle Enforcement Officers and other local and state law enforcement officers.

C. LESLIE DAWSON, Secretary
APPROVED BY AGENCY: July 24, 1986
FILED WITH LRC: July 25, 1986 at 10 a.m.

STATEMENT OF EMERGENCY

Trucks currently represent only 5% of the traffic on Interstate Highway 471 in Campbell County, Kentucky. However, closure of Interstate Highway 75 & 71 in Kenton County, Kentucky will, if this regulation is not adopted, increase the traffic and the potential to be the location of numerous accidents involving truck tractor-semitrailer combinations. Therefore, the decision has been made to prohibit such vehicles from that highway segment. In the interest of public safety it is essential that the prohibition be effective immediately. To that end, this emergency administrative regulation is promulgated. It will be replaced by an ordinary administrative regulation as soon as possible.

MARTHA LAYNE COLLINS, Governor
C. LESLIE DAWSON, Secretary

TRANSPORTATION CABINET Department of Highways

603 KAR 5:200E. Vehicles prohibited on I-471.

RELATES TO: KRS 189.231
PURSUANT TO: KRS 189.231
EFFECTIVE: July 25, 1986

NECESSITY AND FUNCTION: KRS 189.231 authorizes the Secretary of Transportation to restrict or regulate traffic on state-maintained highways in such manner as is reasonably necessary to promote the safety and convenience of the traveling public. The purpose of this administrative regulation is to promote public safety by restricting and regulating the use of a specific portion of a state-maintained highway from certain types of vehicles.

Section 1. Definitions. As used in this regulation, the hereinafter set forth terms shall have the following meaning:

(1) "Truck tractor" means any self-propelled vehicle designed to support and/or to draw the front end of a trailer, semitrailer or mobile home.

(2) "Semitrailer" means a vehicle designed to be attached to and/or have its front end supported by a truck tractor. It is intended to be used for the carrying of freight, cargo, or merchandise and has a load capacity in excess of 1,000 pounds.

(3) "Mobile home" means a movable or portable dwelling in excess of 102 inches, constructed to be towed on its own chassis by a truck tractor, connected to utilities, and designed without a permanent foundation for year-round living.

(4) "Trailer" means any vehicle designed for carrying persons or property and being drawn by a motor vehicle and being so constructed that no part of its weight rests upon the towing vehicle.

Section 2. Prohibition. All truck tractor-mobile home combinations in excess of 102 inches in length, truck tractor-semitrailer combinations, and truck tractor-semitrailer-trailer combinations except as identified in Section 3 of this regulation, are prohibited from operating in a northbound direction on that portion of Interstate Highway 471 (I-471) in Campbell County from the junction of Interstate Highway 275 (I-275) to the Ohio state line located on the I-471 Daniel Carter Beard Bridge.

Section 3. Exceptions. Those truck tractor-mobile home combinations, truck tractor-semitrailer combinations, and truck tractor-semitrailer-trailer combinations having local trips in that portion of the Cincinnati-Northern Kentucky urbanized area located within the perimeter of I-275 may travel upon the restricted-use section of I-471 northbound for the purpose of such local trips. Such a vehicle operator shall have in his possession a bill of lading, manifest or other proof showing the necessity for the local trip within the perimeter of I-275. Such proof is subject to inspection by Transportation Cabinet Vehicle Enforcement Officers and other local and state law enforcement officers.

C. LESLIE DAWSON, Secretary
APPROVED BY AGENCY: July 24, 1986
FILED WITH LRC: July 25, 1986 at 10 a.m.

STATEMENT OF EMERGENCY

Under KRS Chapter 13A the administrative body is required to implement these regulations 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 since no administrative regulation has been filed with respect to this subject matter previously. 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 Health Services

902 KAR 10:110E. Onsite sewage disposal system installation permits and certification of installers.

RELATES TO: KRS 211.350 to 211.380, 211.990(2)
PURSUANT TO: KRS 194.050, 211.090(3), 211.180(3)

EFFECTIVE: August 8, 1986

NECESSITY AND FUNCTION: KRS 211.350 provides that no person, firm, or corporation shall construct, install, alter or cause to be constructed, installed, or altered any onsite sewage disposal system subject to regulation by the cabinet without having first obtained an

onsite sewage disposal permit from the cabinet. The function of this regulation is to set forth the requirements for issuance of such permits and to provide for the certification of installers.

Section 1. Citation of Regulation. This regulation may be cited as the "Onsite Sewage Disposal System Installation Permit and Certification of Installers Regulation."

Section 2. Issuance of Permits. (1) Except as otherwise provided by subsection (2) of this section, permits to construct, install or alter onsite sewage disposal systems shall be issued only to certified installers [licensed plumbers].

(2) Permits to construct, install or alter onsite sewage disposal systems may be issued to homeowners who desire to install such systems for homes actually occupied by them or for a home to be constructed by them for their own personal residential use, provided:

(a) Application is made for the permit on forms provided by the cabinet prior to the beginning of the work; and

(b) All work is performed in compliance with the onsite sewage disposal systems laws and regulations; and

(c) All the work is personally performed by the owner.

Section 3. System Construction, Installation, or Alteration. (1) All work in the construction, installation, or alteration of an onsite sewage disposal system shall be performed by a certified installer [licensed plumber], except those systems for which a homeowner has secured a permit to personally perform such work.

(2) Persons certified as installers except master plumbers licensed pursuant to KRS Chapter 318 shall pay a fee of twenty-five (25) dollars for such certification. [Licensed plumbers or homeowners may contract with other persons for the performance of system excavation and backfilling work only. Such work by other persons shall be performed under the direct supervision of the permit holder for that system.]

C. HERNANDEZ, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: July 27, 1986

FILED WITH LRC: August 8, 1986 at 9 a.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 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 Insurance Division of Management and Development

904 KAR 2:140E. Supplementary policies for programs administered by the Department for Social Insurance.

RELATES TO: KRS 194.030(6), Chapter 205

PURSUANT TO: KRS 194.050

EFFECTIVE: August 8, 1986

NECESSITY AND FUNCTION: KRS 194.010 designates the Cabinet for Human Resources as the primary state agency responsible for the development and operation of assistance programs, and KRS 194.050 empowers the secretary of the Cabinet for Human Resources to adopt, administer and enforce regulations sufficient to operate the programs and fulfill the responsibilities vested in the cabinet. This regulation states the general policy of the cabinet with regard to program materials incorporated into regulatory form by reference for use by the Department for Social Insurance, and incorporates by reference materials related to the programs of aid to families with dependent children, medical assistance, home energy assistance, refugee assistance, food stamps, child support enforcement, state supplemental payments for the aged, blind or disabled, [disability determination,] and collections which are essential for the implementation of those programs.

Section 1. General Policy Relating to Program Materials Incorporated by Reference. (1) Kentucky administrative regulations relating to program matters reflect the policy of the cabinet with regard to the issues addressed in the regulation.

(2) Materials incorporated by reference shall be construed and interpreted in such a manner as to be consistent with the intent of agency policy as reflected in Kentucky administrative regulations, and shall be considered the agency statement of policy with regard to issues not otherwise addressed in Kentucky administrative regulations.

Section 2. Incorporation by Reference. The following listed materials are hereby incorporated by reference, effective on the date shown.

(1) Department for Social Insurance Manual of Operations, effective August [May] 1, 1986. The Manual of Operations provides operating instructions, procedural detail, and technical clarification for use of the department's field staff in implementing programs, under the authority of the department, including: aid to families with dependent children; refugee assistance; home energy assistance; child support enforcement; state supplementary payments; and medical assistance.

(2) Department for Social Insurance Manual of Forms, effective August [May] 1, 1986. The Manual of Forms provides forms with instructions for completion, usage, distribution and files maintenance for use of the department's field staff in implementing programs under the authority of the department, including: aid to families with dependent children; refugee assistance; home energy assistance; child support enforcement; state supplementary payments; medical assistance; and the food stamp

program.

(3) Federal regulations at 45 CFR Parts 16, 74, and 95, effective May 1, 1986. Part 16, Procedures of the Departmental Grant Appeals Board, provides requirements and procedures applicable to resolution of certain disputes arising under several assistance programs funded by the United States Department of Health and Human Services. Part 74, Administration of Grants, establishes uniform requirements for the administration of grants provided under the authority of the United States Department of Health and Human Services, and principles for determining costs applicable to activities assisted by Department of Health and Human Services grants. Part 95, General Administration - Grant Programs (Public Assistance and Medical Assistance), establishes requirements of the United States Department of Health and Human Services for various administrative matters relating to grant programs, including time limits for states to file claims, cost allocation plans, and conditions for federal financial participation for automatic data processing equipment and services.

Section 3. All documents incorporated by reference herein may be reviewed during regular working hours in the Division of Management and Development, Department for Social Insurance, 275 East Main Street, Frankfort, Kentucky.

MIKE ROBINSON, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: August 8, 1986

FILED WITH LRC: August 8, 1986 at 9 a.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 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 Insurance Division of Management & Development

904 KAR 2:170E. Incorporation by reference of materials relating to the Child Support Program.

RELATES TO: KRS 205.795

PURSUANT TO: KRS 194.050

EFFECTIVE: August 8, 1986

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility for administering the Child Support Program in accordance with Title IV-D of the Social Security Act and KRS 205.710 to 205.800, 205.992, and KRS 405.400 to KRS 405.530. This regulation incorporates into regulatory form, by reference, materials used by the cabinet in the implementation of the Child

Support Program.

Section 1. Incorporation by Reference. The cabinet shall incorporate by reference materials used in the implementation of the Child Support Program, subject to the provisions contained in 904 KAR 2:140, Section 1, Supplementary Policies for Programs Administered by the Department for Social Insurance.

Section 2. Listing of Incorporated Materials. The following listed materials are hereby incorporated by reference, effective on the date shown:

(1) Federal child support regulations at 45 CFR Parts 300-399, which set forth the requirements and guidelines for the administration of the Child Support Program, effective February 1, 1986;

(2) Federal Office of Child Support Enforcement Action Transmittals, which provide federal program instructions for the implementation of the child support enforcement program in accordance with federal laws and regulations, as follows: OCSE-AT-75-5, 75-6, 76-1, 76-2, 76-5, 76-7, 76-8, 76-9, 76-14, 76-21, 76-22, 76-23, 77-3, 77-14, 78-2, 78-5, 78-6, 78-8, 78-16, 78-18, 79-2, 79-3, 79-6, 79-7, 79-8, 80-5, 80-9, 80-11, 80-17, 81-7, 81-12, 81-26, 82-17, 83-15, 83-18, 84-05, and 86-04, effective May 1, 1986;

(3) Department for Social Insurance Child Support Manual of Procedures, which provides operational instructions and procedural detail for the implementation of the child support enforcement program, effective August [May] 1, 1986;

(4) Department for Social Insurance Child Support System Handbook, which provides systems and data processing instructions for the implementation of the child support enforcement program, effective October 1, 1985;

(5) Department for Social Insurance Child Support Action Memorandums, which provide program clarifications, instructions, and procedural detail for the implementation of the child support enforcement program, as follows: DCSE-AM-82-07, 82-36, 83-16, 83-21, 83-30, 83-31, 83-38, 83-39, 84-10, 84-16, 84-18, 84-19, 84-20, 84-29, 84-34, 84-36, 85-10, 85-19, 85-22, 85-30, 85-32 and errata, 85-36, 85-39, 85-42, 86-09, [and] 86-12, 86-14, and 86-15, effective August [May] 1, 1986; and

(6) Department for Social Insurance Child Support Administrative Process Manual, which provides operational instructions and procedural detail for the implementation of administrative procedures in the child support enforcement program, effective August [May] 1, 1986.

Section 3. All documents incorporated by reference herein may be reviewed during regular working hours in the Division of Management and Development, Department for Social Insurance, 275 East Main Street, Frankfort, Kentucky.

MIKE ROBINSON, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: July 30, 1986

FILED WITH LRC: August 8, 1986 at 9 a.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 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 Insurance
Division of Management and Development

904 KAR 3:010E. Definitions.

RELATES TO: KRS 194.050

PURSUANT TO: KRS 194.050

EFFECTIVE: July 22, 1986

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

Section 1. Definition of terms utilized in regulations relating to the Food Stamp Program are as follows:

(1) "Application for participation" means the form designed or approved by Food and Nutrition Service, hereinafter referred to as FNS, which is completed by a household member or authorized representative; or for household consisting solely of public assistance recipients, it may also mean the application form used to apply for public assistance, including attachments approved by FNS, which is completed by a household member or authorized representative.

(2) "Authorization to participate card," ATP, means the document which is issued by the state agency to a certified household to show the allotment the household is authorized to receive on presentation of such document.

(3) "Authorized representative" means an individual designated by a household member to act on behalf of the household in one (1) or all of the following capacities: making application for the program, obtaining the coupons, using the coupons. Authorized representatives will be disqualified for program abuse in accordance with 7 CFR 273.1(f).

(4) "Boarder" means an individual(s) to whom a household furnishes lodging and meals for compensation in accordance with 7 CFR 273.1(c). Boarders may participate, in accordance with 7 CFR 273.1(c), as part of the household with whom they reside but only at the household's request and provided said household meets Food Stamp Program eligibility requirements, but not as a separate household.

(5) "Certification" means the action necessary

to determine eligibility of a household. Such action includes interviews, verification and decisions.

(6) "Communal dining facility" means a public or nonprofit private establishment, approved by FNS, which prepares and serves meals for elderly persons, or for supplemental security income (SSI) recipients and their spouses, a public or private nonprofit establishment (eating or otherwise) that feeds elderly persons or SSI recipients and their spouses, and federally subsidized housing for the elderly at which meals are prepared for and served to the residents. It also includes private establishments that contract with an appropriate state or local agency to offer meals at concessional prices to elderly persons or SSI recipients and their spouses.

(7) "Coupons" mean any stamp, coupon or type of certificate issued in accordance with the Food and Nutrition Service regulations for the purchase of eligible food.

(8) "Date of entry" or "date of admission" means the date established by the Immigration and Naturalization Service as the date the sponsored alien was admitted for permanent residence.

(9) "Drug addiction or alcoholic treatment and rehabilitation program" means any drug addiction or alcoholic treatment and rehabilitation program conducted by a private nonprofit organization or institution which is certified by the cabinet or agencies designated by the Governor as responsible for the administration of the state's programs for alcoholics and drug addicts.

(10) "Elderly or disabled member" means a member of a household who meets the criteria set forth in 7 CFR Part 271.2, [as follows:]

[(a) Is sixty (60) years of age or older or will become sixty (60) in the month of application;]

[(b) Is receiving SSI benefits under Title XVI of the Social Security Act or disability or blindness payments under Titles I, II, X, XIV, or XVI of the Social Security Act;]

[(c) Is a veteran with a service-connected disability rated or paid as total under Title 38 of the United States Code or is considered in need of regular aid and attendance or permanently housebound under said title of the code;]

[(d) Is a surviving spouse of a veteran and considered in need of aid and attendance or permanently housebound or a surviving child of a veteran and considered to be permanently incapable of self-support under Title 38 of the United States Code; or]

[(e) Is a surviving spouse or child of a veteran and entitled to compensation for a service-connected death or pension benefits for a nonservice-connected death under Title 38 of the United States Code and has a disability considered permanent under Section 221(1) of the Social Security Act.]

(11) "Eligible foods" means any of the following:

(a) Any food or food product intended for human consumption except alcoholic beverages, tobacco, and hot foods and hot food products prepared for immediate consumption;

(b) Seeds and plants to grow food for the personal consumption of eligible households;

(c) Meals prepared and delivered by an authorized meal delivery service to households

eligible to use coupons to purchase delivered meals; or meals served by a communal dining facility for the elderly, for SSI households or both, to households eligible to use coupons for communal dining;

(d) Meals prepared and served by an authorized drug addict or alcoholic treatment and rehabilitation center to eligible households;

(e) Meals prepared and served by an authorized group living arrangement facility to residents who are blind or disabled recipients of benefits under Title II or Title XVI of the Social Security Act; or

(f) Meals prepared and served by an authorized shelter for battered women and children to its eligible residents.

(12) "Excluded household member" means individuals residing with a household but excluded when determining the household's size for purposes of assigning a benefit level to the household or of comparing the household's monthly income with income eligibility standards. The excluded household member's income and resources shall be considered available to the remaining household members in accordance with 7 CFR 273.11(c). The following are excluded household members and may not participate as separate households:

(a) Ineligible aliens. Individuals not meeting citizenship or alien status requirements as set forth in 7 CFR 273.4(a).

(b) SSN disqualified. Individuals disqualified for failure to provide a social security number as set forth in 7 CFR 273.6.

(c) Intentional program violation disqualified. Individuals disqualified for intentional program violation set forth in 7 CFR 273.16.

(13) "Federal fiscal year" means a period of twelve (12) calendar months beginning with each October 1 and ending with September 30 of the following calendar year.

(14) "FNS" means the Food and Nutrition Service of the United States Department of Agriculture.

(15) "Food Stamp Act" means the Food Stamp Act of 1977 (Pub. L. 95-113) including any subsequent amendments thereto.

(16) "Group living arrangement" means a public or private nonprofit residential setting that serves no more than sixteen (16) residents and is appropriately certified. Residents must be blind or disabled and receiving benefits under Title II or Title XVI of the Social Security Act to be eligible for food stamps.

(17) "Head of household" is the person in whose name the application for participation is made.

(18) "Household" means an individual(s) living alone or with others or a group of individuals living together where living quarters are shared.

(a) A household may be composed of any of the following individuals or groups of individuals, provided that such individuals or groups of individuals are not residents of an institution, residents of a commercial boarding house, or living with others and paying compensation to others for meals and lodging except as otherwise specified in subsection (4) [(24)(b)] of this section:

1. An individual living alone;

2. An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from the others;

3. A group of individuals living together for whom food is customarily purchased in common and for whom meals are prepared together for home consumption;

4. An individual who is sixty (60) years of age or older living with others (and the spouse of such individual) who is unable to purchase and prepare meals because he/she suffers from a disability considered permanent under the Social Security Act or suffers from a nondisease-related, severe, permanent disability, provided that the income of the others, excluding the income of said individual's spouse, with whom said individual resides does not exceed 165 percent of the federal income poverty guidelines.

(b) In no event shall separate household status or nonhousehold member status be granted to:

1. Parents and natural, adopted or stepchildren, unless at least one (1) parent is elderly or disabled as defined in subsection (10) [(9)] of this section;

2. Children under eighteen (18) years of age under the parental control of an adult member of the household;

3. A spouse of a member of the household;

4. Siblings (natural, adopted, half or stepbrothers and sisters), unless at least one (1) sibling is elderly or disabled as defined in subsection (10) [(9)] of this section.

(19) "Identification (ID) card" means a card which identifies the bearer as eligible to receive and use food coupons.

(20) "Immigration and Naturalization Service (INS)" means the Immigration and Naturalization Service, United States Department of Justice.

(21) "Institution of higher education" means any institution providing post high school education, which normally requires a high school diploma or equivalency certificate for a student to enroll, including but not limited to colleges, universities, and vocational or technical schools.

(22) "Meal delivery service" means a political subdivision, a private nonprofit organization, or a private establishment with which the cabinet has contracted for the preparation of meals at concessional prices to elderly persons and their spouses, and to the physically or mentally handicapped and persons otherwise disabled, and their spouses, such that they are unable to adequately prepare all of their meals.

(23) "Medicaid" means medical assistance under Title XIX of the Social Security Act, as amended.

(24) "Non-assistance household" hereinafter referred to as NA, means a household containing members who are not included in a public assistance household, hereinafter referred to as PA, grant.

(25) "Nonprofit cooperative food purchasing venture" means any private nonprofit association of consumers whose members pool their resources to buy food.

(26) "Nonhousehold member" means individuals residing with a household but not considered household members in determining the household's eligibility or allotment. The following are considered nonhousehold members and if otherwise eligible, may participate in the program as separate households:

(a) Roomers. Individuals to whom a household furnishes lodging, but not meals, for compensation.

(b) Live-in-attendants. Individuals who reside

with a household to provide medical, housekeeping, child care or other similar personal services.

(c) Ineligible students. Students not meeting eligibility requirements as set forth in 7 CFR 273.5.

(d) Others. Other individuals who share living quarters with the household but who do not customarily purchase food and prepare meals with the household.

(27) "Overissuance" means the amount by which coupons issued to a household exceeds the amount such household was eligible to receive.

(28) "Public assistance" hereinafter referred to as PA, means any of the programs authorized by the Social Security Act of 1935, as amended; old age assistance, aid to families with dependent children (AFDC), including AFDC for children of unemployed parents, aid to the blind, aid to the permanently and totally disabled and aid to aged, blind or disabled.

(29) "Retrospective budgeting" means the computation of a household's food stamp allotment for an issuance month based on actual income and circumstances which existed in a previous month.

(30) "Shelter for battered women and children" means a public or private nonprofit residential facility that serves battered women and children. If such a facility serves other individuals, a portion of the facility must be set aside on a long-term basis to serve only battered women and children.

(31) "Sponsor" means a person who executed an affidavit(s) of support or similar agreement on behalf of an alien as a condition of the alien's entry/admission into the United States as a permanent resident.

(32) "Sponsored alien" means an alien lawfully admitted for permanent residence as an immigrant as defined in sections 101(a)(15) and 101(a)(20) of the Immigration and Nationality Act.

(33) "Spouse" refers to either of two (2) individuals:

(a) Who would be defined as married to each other under applicable state law; or

(b) Who are living together and are holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors, or tradespeople.

(34) "Striker" means anyone involved in a strike or other concerted stoppage of work by employees (including a stoppage by reason of expiration of a collective-bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees, unless otherwise exempt from work registration for reasons other than employment. Said exemption must have existed on the day prior to the strike in order for an individual to not be considered a striker.

(35) "Supplemental security income (SSI)" means monthly cash payments made under the authority of:

(a) Title XVI of the Social Security Act, as amended, to the aged, blind and disabled;

(b) Section 1616(a) of the Social Security Act; or

(c) Section 212(a) of Public Law 93-66.

(36) "Thrifty food plan" means the diet required to feed a family of four (4) persons consisting of a man and a woman twenty (20) through fifty (50) [fifty-four (54)], a child six (6) through eight (8), and a child nine (9) through eleven (11) years of age, determined in

accordance with the Secretary of United States Department of Agriculture's calculations. The cost of such diet shall be the basis for uniform allotments for all households regardless of their actual composition, except that the Secretary of the United States Department of Agriculture shall make household-size adjustment in the thrifty food plan taking into account economies of scale.

(37) "Underissuance" means the amount by which the allotment to which the household was entitled exceeds the allotment which the household received.

Section 2. Provisions contained in this regulation shall become effective August 1, 1986 [April 1, 1983].

MIKE ROBINSON, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: July 1, 1986

FILED WITH LRC: July 22, 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 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 Insurance Division of Management & Development

904 KAR 3:090E. Incorporation by reference of materials relating to the Food Stamp Program.

RELATES TO: KRS 194.030(6)

PURSUANT TO: KRS 194.050

EFFECTIVE: August 8, 1986

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer a Food Stamp Program as prescribed by the Food Stamp Act of 1977 as amended, and 7 CFR Parts 251-282. KRS 194.050 authorizes the Secretary, Cabinet for Human Resources, to issue regulations necessary for the operation of the cabinet's programs. This regulation incorporates into regulatory form, by reference, materials used by the cabinet in the implementation of the Food Stamp Program.

Section 1. Incorporation by Reference. The cabinet shall incorporate by reference materials used in the implementation of the Food Stamp Program, subject to the provisions contained in 904 KAR 2:140, Section 1, Supplementary Policies for Programs Administered by the Department for Social Insurance.

Section 2. Listing of Incorporated Materials. The following materials are hereby incorporated by reference, effective on the date shown:

(1) Federal food stamp regulations at 7 CFR Parts 250, 251 and 271-282, which set forth the federal requirements and guidelines for the administration of the Food Stamp Program and federal food stamp general notices published through the Federal Register, effective August [May] 1, 1986;

(2) Department for Social Insurance Food Stamp Handbook, which provides operating instructions, procedural detail and technical clarification for use by the department's field staff in administering the Food Stamp Program, effective August [May] 1, 1986; and

(3) Federal food stamp regional letters, which set forth federal clarification of federal food stamp regulations, as follows: 80-5, 80-5.1, 80-6, 80-7, 80-8, 80-9, 80-10, 80-11, 80-13, 80-15, 80-16, 80-17, 80-19, 80-21, 80-22.1, 80-23, 80-30, 80-31, 80-32, 80-33, 80-34, 80-36, 80-38, 80-39, 80-41.1, 80-42, 80-43, 80-44, 80-47, 80-48, 80-49, 80-50, 80-51, 80-52, 80-53, 80-54, 80-58, 80-58.1, 80-58.2, 80-59, 80-62, 80-67, 80-71, 80-72, 80-73, 80-76.1, 80-77, 80-78, 80-79, 80-80, 80-81, 80-82, 80-83, 80-85, 80-86, 80-87, 80-88, 80-89, 80-91, 80-92, 80-93, 80-96, 80-98, 80-99, 80-100, 80-101, 80-102, 80-103, 80-105, 80-106, 81-3, 81-3.1, 81-3.2, 81-4, 81-4.1, 81-4.2, 81-4.3, 81-5, 81-6, 81-8, 81-9, 81-10, 81-10.1, 81-10.2, 81-11, 81-12, 81-13, 81-14, 81-15, 81-16, 81-17, 81-18, 81-19, 81-20, 81-20.1, 81-20.2, 81-21, 81-22, 81-23, 81-24, 81-25, 81-26, 81-27, 81-28, 81-29, 81-30, 81-30.1, 81-33, 81-34, 81-34.1, 81-36, 81-37, 81-38, 81-39, 81-40, 81-41, 81-42, 81-43, 81-44, 81-45, 81-46, 81-46.1, 81-47, 81-48, 81-49, 81-50, 81-51, 81-52, 81-53, 81-54, 81-55, 81-57,

81-57.1, 81-58, 81-59, 81-60, 81-62, 81-64, 81-65, 81-66, 81-67, 81-68, 82-2, 82-3, 82-4, 82-5, 82-6, 82-7, 82-8, 82-9, 82-10, 82-11, 82-12, 82-13, 82-14, 82-15, 82-16, 82-17, 82-18, 82-18.1, 82-19, 82-20, 82-21, 82-23, 82-25, 82-25.1, 82-26, 82-27, 82-29, 82-29.1, 82-30, 82-31, 82-32, 82-35, 82-36, 82-37, 82-38, 82-39, 82-40, 83-1, 83-1.1, 83-1.2, 83-2, 83-2.1, 83-3, 83-4, 83-5, 83-6, 83-7, 83-9, 83-12, 83-14, 83-15, 83-17, 83-18, 83-19, 83-21, 83-22, 83-24, 83-25, 83-26, 83-27, 83-28, 83-30, 83-31, 83-33, 83-36, 84-1, 84-2, 84-3, 84-4, 84-5, 84-6, 84-7, 84-8, 84-9, 84-10, 84-11, 84-12, 84-13, 84-14, 84-15, 84-16, 84-17, 84-18, 84-19, 84-20, 84-21, 84-22, 84-23, 84-24, 84-26, 84-27, 84-28, 84-29, 84-30, 84-31, 84-32, 84-33, 84-34, 84-35, 84-36, 84-37, 84-38, 84-39, 84-40, 84-41, 84-42, 84-43, 84-45, 84-46, 84-47, 84-48, and 84-49, effective January 1, 1985.

(4) Federal Food and Nutrition Service South East Regional Office (SERO) regulations supplement which sets forth federal policy clearances of federal regulations specified in subsection (1) of this section, effective August [May] 1, 1986.

Section 3. All documents incorporated by reference herein may be reviewed during regular working hours in the Division of Management and Development, Department for Social Insurance, 275 East Main Street, Frankfort, Kentucky.

MIKE ROBINSON, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: July 22, 1986

FILED WITH LRC: August 8, 1986 at 9 a.m.

AS AMENDED

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY (As Amended)

11 KAR 7:010. Incentive loan program; mathematics and science.

RELATES TO: KRS 156.611

PURSUANT TO: KRS 156.611(10), 164.748(4)

EFFECTIVE: August 12, 1986

NECESSITY AND FUNCTION: KRS 156.611 establishes the Math/Science [sets up an] incentive loan program for awarding incentive loans to persons declaring an intention to serve and who actually render service in the critical teacher shortage fields of mathematics and science. Section 39 of House Bill 6, enacted in the 1985 extraordinary session of the General Assembly, amended KRS 156.611 to transfer administration of this program from the Department of Education to the Kentucky Higher Education Assistance Authority. It is necessary to the [uninterrupted] administration of the program that the Assistance Authority promulgate this regulation[, as an interim measure,] to prescribe rules for the administration of the program [while the Assistance Authority conducts extensive program planning, evaluation and development of a permanent administrative structure for the program. For this reason, this regulation closely corresponds to 704 KAR 15:090 promulgated by the Department of Education].

Section 1. The Kentucky Higher Education Assistance Authority (authority) shall, to the extent of appropriations for such purpose, award Math/Science Incentive Loans (loans) to persons enrolled or accepted for enrollment in a Qualified Teacher Education Program on a full-time basis at a participating institution approved by the State Board of Education to offer Qualified Teacher Education Programs, who declare an intention to teach in one (1) of the critical shortage fields in the public schools of the Commonwealth, and who meet the eligibility requirements set forth herein. Persons already possessing certification in one (1) of the critical shortage fields may be awarded loans to pursue certification in a different critical shortage field only upon a statement by the local school district superintendent of exceptional need for a teacher in that field.

Section 2. Definitions. (1) "Public school" means a common school operated under the laws of the Commonwealth of Kentucky.

(2) "Semester" means a period of about eighteen (18) weeks, which usually makes up one-half (1/2) of a public school year or one-half (1/2) of a participating institution's academic year.

(3) "Qualified teaching service" means employment in a critical shortage field in

grades seven (7) through twelve (12) in a public school in a position requiring a Kentucky teacher's certificate for a major portion of a school day for at least seventy (70) days during a semester.

(4) "Participating institution" means an institution of higher education located in Kentucky, which is approved by the State Board of Education to offer teacher education programs, and which has in force an agreement with the authority providing for administration of this program.

(5) "Critical shortage field" means the teaching fields of mathematics and science specified in KRS 156.611.

(6) "Qualified teacher education program" means a program of study in a mathematics or science major or area of concentration leading to teacher certification in one (1) of the critical shortage fields.

Section 3. [1.] Teacher Recertification Eligibility. (1) Up to thirty (30) percent of the annual appropriation for KRS 156.611 will be loaned to [used to assist] certified teachers who do not possess certification in one of the critical shortage fields, [set forth in KRS 156.611 and] who have been admitted to a qualified [an appropriate] teacher education program, approved by the State Board of Education, at a participating institution [either as a part-time student during the regular school term or] as a summer school student, and who plan to complete requirements for certification in the specified critical shortage field.

(2) Eligible applicants for such loans must already possess a Kentucky teacher certificate.

(3) For first time eligible applicants, priority for such loans will be given in rank order established on the basis of the following weighted criteria:

(a) Relative need for teachers within the critical shortage field as determined by the Department of Education or a survey of local school district superintendents. Weight: maximum thirty (30) points out of 100.

(b) The applicant's cumulative grade point average for undergraduate study. Weight: maximum twenty-five (25) points for grade point averages in the 3.5 to 4.0 range; maximum twenty (20) points for averages in the 3.0 to 3.4 range; and maximum fifteen (15) points for averages in the 2.5 to 2.9 range.

(c) National Teacher Examination (NTE) or Graduate Record Examination (GRE) scores. Scores of applicants from minority population groups will be measured relative to the average scores for such minority population groups, when available. Weight: maximum twenty (20) points for scores in the ninety (90) to ninety-nine (99) percentile range; maximum fifteen (15) points for scores in the eighty (80) to eighty-nine (89) percentile range; maximum ten (10) points for scores in the seventy (70) to seventy-nine (79) percentile range.

(d) Consideration to teachers teaching out of field in one of the critical shortage fields on or before December 1, 1984. Weight: maximum fifteen (15) points out of 100.

(e) Proximity to completion of certification requirements in one of the critical shortage fields. Weight: maximum ten (10) points out of 100.

[(3) For first time applicants priority for

such loans will be given to the rank order established on the basis of the following appropriately weighted criteria.]

[(a) The higher of either the applicant's grade point average for undergraduate work, or NTE/GRE scores. Weight: fifty (50) out of a maximum of 100.]

[(b) Consideration to teachers teaching out of field in one of the fields identified in KRS 156.011 on or before December 1, 1984. Weight: fifteen (15) out of a maximum of 100.]

[(c) Consideration to teachers from minority population groups. Weight: fifteen (15) out of a maximum of 100.]

[(d) Proximity to completion of certification requirements in one of the identified fields. Weight: ten (10) out of a maximum of 100.]

[(e) Need for teachers in chosen field as determined by the Department of Education. Weight: ten (10) out of a maximum of 100.]

(4) Once all the criteria in subsection (3) of this section have been evaluated and two (2) or more applicants are [appear] equally ranked [qualified], selection between the applicants will be made on the basis of the date the application is received by the participating institution [accompanying letters of recommendation from persons associated professionally with the applicant].

(5) Certified teachers, who received a loan under this program pursuant to prior regulations, to pursue certification in a critical shortage field on a part-time basis during the regular school year, shall be eligible to receive additional loans in accordance with this regulation to complete such certification. Such loans shall not exceed tuition and institutional fees payable by such a recipient in a qualified teacher education program. [Applications for such loans by eligible teachers will be received and verified each semester by the institution where the teacher intends to enroll. The institutions shall forward the applications and supporting documentation of the eligible applicants to the Department of Education.]

[(6) Applicants who have successfully completed one (1) or more semesters in the program, maintain a two and five-tenths (2.5) grade point average and make normal progress toward completion of certification requirements shall receive priority over new applicants.]

(6) [(7)] The amount of a summer loan under this section for a recipient [part-time student] shall not exceed the total cost of attendance determined by the participating institution [tuition and institutional fees payable by such a recipient in the required courses taken each semester]. The maximum [amount of] summer loan for teachers enrolled full time in a qualified teacher education program [the required courses] shall be \$833 per summer session. The aggregate maximum for loans under this section shall be \$2500 [semester].

[(8) The last date for receipt of applications for loans by the Assistance Authority under Section 1 of this regulation shall be no later than six (6) weeks before the beginning of the relevant semester.]

Section 4. [2.] Student Certification Eligibility. (1) At least seventy (70) percent of the annual appropriation for KRS 156.611 will be used to provide incentive loans to persons enrolled full time as a sophomore, junior, or

senior [during the regular school term] in a qualified teacher education program[s] approved by the State Board of Education at a participating institution [institutions in Kentucky] with the intention of obtaining certification to teach in one of the critical shortage fields [identified in KRS 156.611].

(2) Eligible applicants for loans must have a grade point average of at least two and five-tenths (2.5) computed on a 4.0 scale. [Applicants who have successfully completed one (1) or more years in this program shall receive priority over new applicants. For first time applicants, priorities will be given according to rank order established in accordance with subsection (4) of this section.]

[(3) The number of loans awarded to students at each institution will be in proportion to the number of certified teachers produced by the institution in the most recent year for which such information is available.]

(3) [(4)] The [college or education department at each] participating institution shall establish a screening committee to verify that applicants from that institution are [a student is] eligible for a loan under this section. The committee will certify that eligible loan applicants have a reasonable chance for completing the qualified teacher education program in the selected major. The committee shall rank [order] all eligible first-time applicants based on the following criteria:

(a) Relative need for teachers within the critical shortage fields as determined by the Department of Education or a survey of local district superintendents. Weight: maximum fifty (50) points.

(b) Cumulative high school grade point average or, for persons holding a bachelor's degree, cumulative undergraduate grade point average. Weight: maximum thirty (30) points for averages in the 3.5 to 4.0 range; maximum twenty (20) points for averages in the 3.0 to 3.4 range; and maximum ten (10) points for averages in the 2.5 to 2.9 range.

(c) College entrance examination score or, for persons holding a bachelor's degree, Graduate Record Examination (GRE) score. Scores of applicants from minority population groups will be measured relative to the norms for such minority population groups, when available. Weight: maximum twenty (20) points for scores in the ninety (90) to ninety-nine (99) percentile range; maximum fifteen (15) points for scores in the eighty (80) to eighty-nine (89) percentile range; maximum ten (10) points for scores in the seventy (70) to seventy-nine (79) percentile range.

[(a) Grade point average or, for persons holding a bachelor's degree, the higher of the grade point average for undergraduate work or the NTE/GRE scores. Weight: fifty (50) out of a maximum of 100.]

[(b) College entrance scores. Weight: twenty (20) out of a maximum of 100.]

[(c) Consideration to students from minority groups. Weight: twenty (20) out of a maximum of 100.]

[(d) Need for teachers in chosen field as determined by the Department of Education. Weight: ten (10) out of a maximum of 100.]

(4) [(5)] Once all criteria in subsection (3) [(4)] of this section have been evaluated and two (2) or more applicants are [appear] equally ranked [qualified], priority shall be given

first to graduates of Kentucky high schools and second to Kentucky residents, and then based upon the date the application is received by the participating institution [applicants with letters of recommendation indicating that the applicant possesses aptitudes related to excellence in teaching mathematics/science].

[(6) The recipient shall maintain at least a two and five-tenths (2.5) grade point average and make normal progress toward receiving certification in one (1) of the areas listed in KRS 156.611 in order to remain in the loan program.]

[(7) The screening committee shall forward in rank order, the applications and names of all eligible applicants to the Kentucky Higher Education Assistance Authority and to the financial aid officer at the selected institutions no later than the second week of July for academic year loans and no later than the second week of April for summer semester loans.]

(5) [(8)] The amount of loan under this section for a student shall not exceed the student's total cost of attendance determined by the participating institution. The maximum amount of loan for recipients under this section shall be \$1,250 per semester or \$2,500 per academic year [annually]. Summer school loans shall not exceed \$833, and shall be in addition to the academic year maximum. The aggregate maximum for loans under this section shall be \$7,500.

Section 5. Application. Applications for loans will be received, evaluated and verified by the screening committee at the participating institution where the applicant intends to enroll. Applications must be submitted by a deadline set annually by the authority. The participating institution shall forward the applications, ranking, and supporting documentation of the eligible applicants to the authority. Loans for summer session attendance shall be made upon separate application.

Section 6. Renewal. Applicants who have successfully completed one (1) or more summer sessions or semesters in the program, maintain a two and five-tenths (2.5) grade point average computed on a 4.0 scale and make normal progress toward completion of certification requirements in one (1) of the critical shortage fields, as determined by the participating institution, qualify for subsequent loans, upon application, and shall receive priority over new applicants. Loans pursuant to Section 3 of this regulation shall be renewed for a maximum of two (2) summer sessions.

Section 7. [3.] Use of Loan Proceeds. Proceeds of a loan under Sections 3 or 4 [1 or 2] of this regulation shall be used by the recipient first [exclusively] for payment of tuition and other institutional charges payable by the recipient to the participating institution, and thereafter for other educational related expenses.

Section 8. [4.] Reallocation of Funds. [Funds allotted to institutions and not utilized by them.] (1) principal and interest paid by recipients, and any money not utilized under Section 3 [1] of this regulation shall be used to make [grant] additional loans under Section 4 [2] of this regulation. [Recipients for the

loans will be selected from applications forwarded by the institutions using the same eligibility and selection criteria as outlined in Section 2 of this regulation.]

(2) In the event that funds are not sufficient to award all applicants, loans shall first be awarded to those qualifying applicants who previously received loans. In the event that funds are insufficient to award all prior recipients who are qualified applicants, then loans shall be prorated in accordance with the cumulative amount previously received by the applicant. If funds are sufficient to award new applicants, an award shall be made first to the applicant with the highest score on the selection criteria and, thereafter, in descending order to persons having lower scores until all available funds are exhausted.

Section 9. Disbursements. Disbursements of loans shall be made at the beginning of each semester or summer session and such disbursement shall be evidenced by a promissory note, prescribed by the authority, in which the loan recipient shall agree to repay the loan or render qualified teaching service in lieu thereof.

Section 10. Notifications. Recipients shall notify the authority within thirty (30) days of:

- (1) Change in enrollment status;
- (2) Cessation of enrollment in a qualified teacher education program;
- (3) Employment in a qualified teaching service position; or,
- (4) Change of address.

Section 11. Withdrawals. Loan recipients who, prior to completion, cease to be enrolled on a full-time basis in a qualified teacher education program at a participating institution, shall immediately become liable for the repayment to the authority of the sum of all loans received plus interest accrued thereon unless such recipient has an approved deferment pursuant to 11 KAR 7:020. For purposes of this section, teachers seeking recertification in accordance with Section 3 of this regulation are considered enrolled on a full-time basis for so long as they continue to enroll full time in consecutive summer sessions while making normal progress toward completion of certification requirements as determined by the participating institution.

Section 12. Repayment. Recipients who do not begin employment in a qualified teaching service position within the six (6) month period following completion of a qualified teacher education program in a participating institution (excluding periods of deferment pursuant to 11 KAR 7:020) shall immediately become liable to the authority for repayment of principal and interest accrued, pursuant to the earliest promissory note then outstanding. In each semester thereafter, during which a recipient does not render qualified teaching service, repayment of an additional promissory note shall become due, proceeding sequentially from the promissory note having the earliest date to the most recent date.

Section 13. Repayment Schedule. Written notification of demand shall be sent by the authority to the loan recipient's last known address and shall be effective upon mailing. The

authority may agree, in its sole discretion, to accept repayment in installments in accordance with a schedule established by the authority. In the event that more than one (1) promissory note has come due for repayment and remains unpaid, then payments shall first be applied to the earliest unpaid promissory note. Payments shall be applied first to accrued interest and then to principal.

Section 14. Cancellation. In order to receive cancellation of a promissory note and the interest thereon, a loan recipient must render qualified teaching service in a public school during a semester. One such promissory note shall be cancelled for each semester during which qualified teaching service is verified to the authority. Such cancellations of promissory notes shall be in sequential order beginning with the earliest promissory note. Verification of qualified teaching service shall be submitted to the authority in writing, signed by the local school district superintendent or building principal, within thirty (30) days of the date a loan recipient completes such qualified teaching service.

Section 15. Interest. The interest rate on loans made under KRS 156.611 after July 1, 1986, shall be twelve (12) percent per annum simple interest. The interest rate shall remain fixed for the duration of the loan. Interest accruing on the unpaid principal of each promissory note shall be computed from the date of disbursement of the respective promissory note, and such interest shall continue to accrue until the promissory note is paid in full pursuant to Sections 11 or 12 of this regulation or cancelled pursuant to Section 14 of this regulation. In the event that the loan is not repaid or cancelled in accordance with the terms of the promissory note and related repayment schedule, if any, and judgment is rendered on the debt, then the annual interest rate shall, from the date of such judgment, not exceed four (4) percent in excess of the discount rate on ninety (90) day commercial paper in effect at the Federal Reserve Bank in the Federal Reserve District where the transaction is consummated or nineteen (19) percent, whichever is less, provided that it shall not be less than the face rate of the promissory note [be increased to nineteen (19) percent].

Section 16. Records. A participating institution shall maintain complete and accurate records pertaining to the eligibility, enrollment and progress of students receiving aid under this program and the disbursement of funds and institutional charges as may be necessary to audit the disposition of funds hereunder. Such records shall be maintained for at least five (5) years after the student ceases to be enrolled at the participating institution.

Section 17. Refunds. A participating institution shall refund to the authority, within forty (40) days of a recipient's last date of attendance, any amount attributable to this program which is determined to be due under the institution's refund policy.

Section 18. Information Dissemination and Recruitment. The authority shall disseminate information through high school counselors and

school superintendents about this program to potential recipients. Participating institutions shall provide assurances that program information will be disseminated to freshmen and sophomores enrolled at that institution. Participating institutions shall actively recruit students from minority population groups for participation in this program.

[Section 5. Qualifying service as a certified teacher in one (1) of the critical shortage areas shall be rendered within the Commonwealth of Kentucky in a public, accredited school in grades seven (7) through twelve (12), and verification of services by the local school district superintendent or building principal shall be submitted in writing to the Kentucky Higher Education Assistance Authority.]

[Section 6. The interest rate on loans made under KRS 156.611 shall be the prime rate effective the first banking day in July each year plus one (1) percent. The interest rate so determined shall apply to all loans made during the following fall, spring and summer semester and shall remain fixed for the duration of the loan. Interest accruing on the unpaid principle of each loan shall be computed from the date of disbursement of the respective loan, and such interest shall continue to accrue until the loan is paid in full.]

[Section 7. Repayment of loans may be deferred by the Kentucky Higher Education Assistance Authority for appropriate cause when it is in the best interest of the program, and it shall be the recipient's responsibility to request deferrals.]

[Section 8. Each disbursement of loans authorized under this regulation shall be evidenced by a promissory note prescribed by the Kentucky Higher Education Assistance Authority. Repayment of all outstanding notes shall become immediately due upon the recipient's ceasing to be enrolled as required in Sections 1(1) or 2(1) of this regulation. Otherwise, repayment of each note shall become due or forgiveness of each note shall occur, in sequential order beginning with the earliest note, in each of six (6) consecutive semesters, excluding periods of deferment, immediately following the recipient's completion of the required program of studies. Said repayment or forgiveness shall be determined on the basis of whether the recipient has rendered qualifying service in accordance with Section 5 of this regulation. Written notification of demand for repayment shall be sent by the Kentucky Higher Education Assistance Authority to the recipient's last known address, and shall be effective upon mailing. The Kentucky Higher Education Assistance Authority may agree to accept repayment in installments in accordance with a schedule established by the Assistance Authority. In the event that more than one (1) note has come due for repayment and remain unpaid, then payments shall first be applied to the earliest unpaid note. Payments shall be applied first to accrued interest and then to principal.]

[Section 9. In the event that funds are not sufficient to satisfy all applications, the loans shall first be awarded to those qualifying applicants who previously received loans. In the

event that funds remain insufficient to satisfy all applications of those previously receiving loans, then, loans shall be prorated in accordance with the cumulative amount previously received by the applicant.]

PAUL P. BORDEN, Executive Director
APPROVED BY AGENCY: April 22, 1986
FILED WITH LRC: May 29, 1986 at 11 a.m.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY (As Amended)

11 KAR 8:010. Teacher scholarship program.

RELATES TO: KRS 156.613

PURSUANT TO: KRS 156.613, 164.748(4)

EFFECTIVE: August 12, 1986

NECESSITY AND FUNCTION: KRS 156.613 established the Teacher Scholarship Program to encourage academically talented students to become teachers in the public schools of the Commonwealth. This regulation prescribes rules for the administration of the Teacher Scholarship Program.

Section 1. The Kentucky Higher Education Assistance Authority (authority) shall, to the extent of appropriations for such purpose, award teacher scholarships to persons enrolled or accepted for enrollment on a full-time basis at participating institutions of higher education, approved by the State Board of Education to offer teacher education programs, who declare an intention to enter the teaching profession in the public schools of the Commonwealth, and who meet the eligibility requirements set forth herein.

Section 2. Definitions. (1) "Public school" means a common school operated under the laws of the Commonwealth of Kentucky.

(2) "Semester" means a period of about eighteen (18) weeks, which usually makes up one-half (1/2) of a public school year or one-half (1/2) of a participating institution's academic year.

(3) "Qualified teaching service" means employment in a public school in a position requiring a Kentucky Teacher's Certificate for a major portion of a school day for at least seventy (70) days during a semester.

(4) "Participating institution" means an institution of higher education located in Kentucky, which is approved by the State Board of Education to offer teacher education programs, and which has in force an agreement with the authority providing for administration of this program.

Section 3. Eligibility Criteria. Graduates of a high school, located in Kentucky, who rank academically in the top ten (10) percent of their graduating class, or who score at or above the 80th percentile on a test required for admission to the Commonwealth's public institutions of higher education, shall be eligible to apply for a teacher scholarship.

Section 4. Selection Criteria. Recipient selection will be made on the basis of the following weighted criteria: rank in class (forty (40) percent), grade point average (forty (40) percent), percentile score on the test

required for admission to the Commonwealth's public institutions of higher education (twenty (20) percent). (Test scores of applicants from minority population groups will be measured relative to the scores of such minority population groups.) If funds are insufficient to award all applicants, the scholarships shall first be awarded to those qualifying applicants who previously received scholarships. If funds are insufficient to award all prior recipients who are qualified applicants, then scholarships shall be prorated in accordance with the cumulative amount previously received by such applicants. If funds are sufficient to award new applicants, an award shall be made first to the applicant with the highest score on the selection criteria and, thereafter, in a descending order to persons having lower scores until all available funds are awarded. Once all the criteria have been evaluated and two (2) or more applicants are equally ranked, selection between the applicants will be made on the basis of the date the application is received by the authority.

Section 5. Renewal. Teacher scholarships shall be renewed annually upon application for a maximum of three (3) years of undergraduate study for those who maintain at least the equivalent of a 2.5 cumulative grade point average on a scale of 4.0 and provided that the recipient, when first eligible, enrolls in a teacher education program and, thereafter, continues to be enrolled on a full-time basis in such a program. Awards for summer school attendance shall be made upon separate application.

Section 6. Award Maximums. The maximum teacher scholarship award for a summer session shall be \$1,250; for a semester shall be \$2,500; or, for an academic year (exclusive of a summer session) shall be \$5,000. The aggregate maximum of teacher scholarship awards shall not exceed \$20,000 per individual. Awards shall not exceed the student's total cost of attendance as determined by the participating institution.

Section 7. Disbursements. Disbursement of teacher scholarships shall be made at the beginning of each semester or summer session and each such disbursement shall be evidenced by a promissory note, prescribed by the authority, in which the scholarship recipient shall agree to repay the scholarship funds or render qualified teaching service in lieu thereof.

Section 8. Notifications. Recipients shall notify the authority within thirty (30) days of:

- (1) Change in enrollment status;
- (2) Cessation of enrollment in a teacher education program;
- (3) Employment in a qualified teaching service position; or,
- (4) Change of address.

Section 9. Withdrawals. Scholarship recipients who, prior to completion, cease to be enrolled on a full-time basis in a teacher education program at a participating institution, shall immediately become liable for the repayment to the authority of the sum of all teacher scholarship funds received plus interest accrued thereon unless such recipient has an approved

deferment pursuant to 11 KAR 8:020.

Section 10. Repayment. Recipients who do not begin employment in a qualified teaching service position within the six (6) month period following completion of a teacher education program in a participating institution (excluding periods of deferment pursuant to 11 KAR 8:020) shall immediately become liable to the authority for repayment of principal and interest accrued, pursuant to the earliest promissory note then outstanding. In each semester thereafter, during which a recipient does not render qualified teaching service, repayment of an additional promissory note shall become due, proceeding sequentially from the promissory note ~~have~~ ^{having} the earliest date to the most recent date.

Section 11. Repayment Schedule. Written notification of demand for repayment shall be sent by the authority to the scholarship recipient's last known address and shall be effective upon mailing. The authority may agree, in its sole discretion, to accept repayment in installments in accordance with a schedule established by the authority. In the event that more than one (1) promissory note has come due for repayment and remains unpaid, then payments shall first be applied to the earliest unpaid promissory note. Payments shall be applied first to accrued interest and then to principal.

Section 12. Cancellation. In order to receive cancellation of a promissory note and the interest accrued thereon, a scholarship recipient must render qualified teaching service in a public school during a semester. One (1) such promissory note shall be cancelled for each semester during which qualified teaching service is verified to the authority. Such cancellations of promissory notes shall be in sequential order beginning with the earliest promissory note. Verification of qualified teaching service shall be submitted to the authority in writing, signed by the local school district superintendent or building principal, within thirty (30) days of the date a scholarship recipient completes such qualified teaching service.

Section 13. Interest. The interest rate on scholarship funds shall be twelve (12) percent per annum simple interest. Interest accruing on the unpaid principal of each promissory note shall be computed from the date of disbursement of the respective promissory note, and such interest shall continue to accrue until the promissory note is paid in full pursuant to Section 11 of this regulation or cancelled in full pursuant to Section 12 of this regulation. In the event that the scholarship is not repaid or cancelled in accordance with the terms of the promissory note and related repayment schedules, if any, and judgment is rendered on the debt, then the annual interest rate shall, from the date of such judgment, not exceed four (4) percent in excess of the discount rate on ninety (90) day commercial paper in effect at the Federal Reserve Bank in the Federal Reserve District where the transaction is consummated or nineteen (19) percent, provided that it shall not be less than the face rate of the promissory note [be increased to nineteen (19) percent per annum simple interest].

Section 14. Records. A participating institution shall maintain complete and accurate records pertaining to the eligibility, enrollment and progress of students receiving aid under this program and the disbursement of funds and institutional charges as may be necessary to audit the disposition of funds hereunder. Such records shall be maintained for at least five (5) years after the student ceases to be enrolled at the institution.

Section 15. Refunds. A participating institution shall refund to the authority, within forty (40) days of a recipient's last date of attendance, any amount attributable to this program which is determined to be due under the institution's refund policy.

Section 16. Information Dissemination and Recruitment. The authority shall disseminate information through high school counselors and school superintendents about this program to potential recipients. Participating institutions shall provide assurances that program information will be disseminated to freshmen and sophomores enrolled at that institution. Participating institutions shall actively recruit students from minority population groups for participation in this program.

PAUL P. BORDEN, Executive Director
APPROVED BY AGENCY: April 22, 1986
FILED WITH LRC: May 29, 1986 at 11 a.m.

AMENDED AFTER HEARING

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET Department for Environmental Protection Division of Water (Amended After Hearing)

401 KAR 5:090. Control of water pollution from oil and gas facilities.

RELATES TO: KRS Chapters 151, 224

PURSUANT TO: KRS 151.125, 224.033, 224.060

NECESSITY AND FUNCTION: KRS 224.033 requires that the cabinet promulgate regulations pertaining to the issuance of permits and the prevention, abatement and control of water pollution. This regulation provides for preventing, abating, and controlling water pollution from oil and gas facilities.

Section 1. Applicability. (1) The provisions of this regulation shall apply to the owner or operator of any facility which causes or is capable of causing produced water.

(2) Owners or operators of dry gas wells as defined in Section 2(8) of this regulation shall be exempt from the requirements of this regulation except under Sections 4, 5(2)(b), and 8(3) of this regulation.

Section 2. Definitions. The following definitions describe terms used in this regulation. Terms not defined below shall have the meaning given to them by KRS Chapters 151 and 224 or the meaning attributed by common use.

(1) "Area of review" means a fixed radius around the facility of not less than one-fourth (1/4) mile.

(2) "Barrel" means forty-two (42) U.S. gallons.

(3) "Cabinet" means the Natural Resources and Environmental Protection Cabinet.

(4) "Director" means the secretary of the cabinet or an authorized representative. For purposes of permit issuance decisions, the director is the Director of the Division of Water.

(5) "Disposal well" means a borehole drilled or proposed to be drilled, or a well converted to be used, for the sole purpose of disposing of any water, gas, produced water or other fluid by injection or other method into a subsurface zone.

(6) "Division" means Division of Water, Natural Resources and Environmental Protection Cabinet.

(7) "Drilling pit" means an earthen excavation for the collection of fluids associated with the drilling, construction, completion, acidizing, or fracturing of an oil or gas well.

(8) "Dry gas well" means a gas well producing one (1) barrel or less of produced water at maximum production conditions during a given twenty-four (24) hour period.

(9) "Enhanced recovery well" means a well used for the injection of fluids to improve or maintain reservoir productivity.

(10) "Facility" means any well, tank, pit, structure, appurtenance or improvement used in the exploration, drilling, or production of oil or gas or used for treating, storing or disposing of produced water.

(11) "Gas" means all natural gas, including casinghead gas, and all other hydrocarbons not defined herein as oil.

(12) "Geologically isolated" means a zone separated from drinking water aquifers and free of known open faults or fractures and free of any unprotected wells within the area of review.

(13) "Holding pit" means an earthen excavated depression designed to receive and store produced water at a facility.

(14) "Kentucky Pollutant Discharge Elimination System (KPDES)" means the Kentucky program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits to discharge and imposing and enforcing pretreatment requirements. The KPDES regulations are 401 KAR 5:050 to 5:085.

(15) "Oil" means natural crude oil or petroleum and other hydrocarbons, regardless of specific gravity, which are produced at the well in liquid form and which are not the result of condensation of gas after it leaves the underground reservoir.

(16) "Operate" means any act relating to the construction, operation or maintenance of any facility.

(17) "Operator" means any person who operates any facility.

(18) "Owner" means any person who possesses any interest in:

(a) The right to develop, operate, or produce

oil or gas; or

(b) Any facility.

(19) "Person" means as defined in KRS 224.005(12).

(20) "Pollutant" means as defined in KRS 224.005(28).

(21) "Produced water" means any and all water and pollutants and combination thereof resulting, obtained or produced from the exploration, drilling, or production of oil or gas.

(22) "Register" means to file forms with the division which contain information as to oil and gas well geographic location, production, produced water production, methods used for treating, storing or disposing of produced water, and other information deemed necessary by the division.

(23) "Stripper well" means any oil well producing ten (10) barrels or less per day of oil.

(24) "Tank battery" means an installation where oil is collected from wellheads and separated from produced water.

(25) "Total dissolved solids" means the total dissolved (filtrable) solids as determined by use of the method specified in 40 CFR Part 136.

(26) "Treatment lagoon" or "effluent lagoon," as used in 401 KAR 5:029, Section 1(1)(bb) and as applied to facilities subject to this regulation, means a secondary recovery or waterflood impoundment on which on-site construction commenced before May 19, 1980 [existing on April 8, 1985], owned or operated by a person eligible to receive a KPDES permit for a discharge from that impoundment, if used for the purpose of diluting produced water, and if the owner or operator has received prior approval from the cabinet of its request for designation as such.

(27) [(26)] "Waters of the Commonwealth" means waters of the Commonwealth as defined in KRS 224.005(26).

(28) [(27)] "Well" means a borehole drilled, or proposed to be drilled for the purpose of producing gas or oil or one through which gas or oil is being produced, or a borehole drilled or proposed to be drilled for the purpose of injecting any water, gas, produced water or other fluid therein or one into which any water, gas, produced water or other fluid is being injected.

(29) [(28)] "Zone" means a subsurface layer or stratum capable of producing or receiving fluids.

Section 3. Prohibition. No person shall construct, modify, or operate a facility in violation of state or federal water quality standards or other applicable standards in this regulation.

Section 4. Registration. (1) All operators shall register their facilities with the division using a form approved by the director containing name of operation, location of lease, oil and produced water production rates, method of produced water disposal, and other necessary information. The operator shall register each tank battery with associated wells, pits, and other similar structures as one (1) facility. Those facilities not associated with a tank battery shall be registered individually.

(2) Operators who previously registered their facilities with the division on the form entitled "Division of Water, Crude Oil Producers

Brine Disposal Registration Form" shall not be required to register under this section unless there has been a change in operators or in the reported quantity of produced water, or a modification to the facility has occurred which affects the operations used for treating, storing or disposing of produced water.

(3) Operators shall post waterproof signs, at each facility, of a size and type approved by the director. The signs shall identify the operator's name, address, permit and registration number, phone number, and other information required by the director.

(4) New facilities are required to register with the division within sixty (60) days after the facility begins producing oil and/or gas.

(5) Dry gas wells are exempted from the registration requirements of this section, unless not registered with the Kentucky Department of Mines and Minerals. [Existing dry gas wells are required to register with the division by June 1, 1985.]

Section 5. Produced Water Disposal. Produced water shall be disposed into an enhanced recovery well, a disposal well permitted under Section 11(3) of this regulation, a well permitted under the 40 CFR 146 underground injection control program (this must be obtained in addition to a Section 11(3) disposal well authorization, if 40 CFR 146 requirements apply), by a surface discharge permitted under Section 8 of this regulation, by evaporation, by reverse osmosis, or by any other method first approved by the cabinet, provided that no such method approved by the cabinet will violate water quality standards or other KPDES requirements as applicable. A KPDES permit is not required for a point source discharge meeting the exclusion of 401 KAR 5:055, Section 1(2)(h), as long as there is no surface water point source discharge. [(1) Produced water shall be disposed of into either an enhanced recovery well, a disposal well permitted under Section 11(3) of this regulation, or a well permitted under 40 CFR 146, the Underground Injection Control Program.]

[(2) If either of the following conditions apply to a facility, surface discharges of produced water will be allowed, but are subject to the requirements of Section 8 of this regulation. It is the obligation of the applicant to demonstrate to the director, with appropriate supporting data, that one (1) of the following applies:]

[(a) The cost of constructing and operating a disposal well system to meet the requirements of Section 11(4) of this regulation or the legal or actual inability to use a non-owned disposal well would necessitate a shutdown of operations at that particular facility; or]

[(b) Less than one (1) barrel per twenty-four (24) hour period of produced water is generated, except for those facilities included in Subpart C - Onshore Subcategory of 40 CFR 435.]

Section 6. Disposal of Produced Water Off the Facility. (1) No person shall transport produced water away from a tank battery to any location other than a cabinet-permitted disposal system or an individual Underground Injection Control (UIC) permitted site, or a disposal system in another state.

(2) No operator shall authorize or allow the transportation of produced water away from a

facility where it is produced unless such operator has first submitted the following information to the director and obtained approval:

(a) Operator's name, mailing address, and telephone number.

(b) Transporter's name, mailing address, telephone number.

(c) Name of disposer, mailing address, telephone number, disposal site, and permit number.

(d) Vehicle identification information, including license number and vehicle description.

(e) Quantity of produced water to be transported.

(3) The operator of a disposal well may receive produced water from other facilities in accordance with the notification procedures of subsection (2) of this section.

(4) Spills during transfer of produced water shall be reported in accordance with 401 KAR 5:015.

Section 7. Approval Requirements for Continuation of Existing Facilities. (1) Applicability. The provisions of this section shall apply to operators of facilities in existence prior to the effective date of this regulation.

(2) Continuation requirements. Operators may continue to operate existing facilities for a period not to exceed one (1) year from the date of the submittal of a compliance plan provided all the following provisions are met:

(a) A written request to continue operating existing facilities is submitted to the director. This request shall include a detailed description of existing operations for treating, storing or disposing of produced water.

(b) A plan is submitted to the director which proposes a schedule and outlines the procedures for meeting the requirements of this and other applicable regulations.

(c) Both the written request and plan shall be submitted to the director by June 1, 1984.

(d) Approval for continuation of operation of existing facilities has been obtained from the director pursuant to subsection (3) of this section and the operator has on display at the facility the division's approval identification number.

(3) Approval procedures. After receiving the written request and plan specified in subsection (2) of this section, the director will:

(a) Review the plan and request any additional information from the operator, if needed, within twenty (20) working days of receipt of the plan;

(b) Develop a compliance schedule for each facility or contiguous facility operation; and

(c) Issue a written approval to the operator containing the compliance schedule and an identification number within forty (40) working days after the plan is deemed complete.

(4) Nothing in this section shall be construed to authorize any discharge from any facility except pursuant to Section 8 of this regulation.

Section 8. Surface Discharges of Produced Water. (1) The provisions of 401 KAR 5:026, 5:029, 5:031, and 5:050 through 5:085, inclusive, shall apply according to their terms to the owner or operator of any facility which causes or is capable of causing produced water. The provisions of this section apply to the

operator of any facility discharging produced water into surface water of the Commonwealth. [Where there is a specific conflict between a provision of this section and the provisions of 401 KAR 5:026, 5:029, 5:031, or 5:050 through 5:085, inclusive, this section shall control.]

(2) A KPDES permit, issued pursuant to 401 KAR 5:050 through 5:085, inclusive, is required prior to beginning a discharge of pollutants into waters of the Commonwealth. A KPDES permit will include effluent limitations developed pursuant to 401 KAR 5:065, Sections 2 and 4. A permit may contain a zero discharge condition or may be denied, where authorized by the KPDES regulations.

(3) For purposes of setting KPDES permit limitations, the chloride criterion of 600 mg/l, set forth in 401 KAR 5:031, Section 4, Table I, shall be utilized as a thirty (30) day average.

(4) An owner or operator applying for a KPDES permit may request an exception to the water quality criteria of 401 KAR 5:031, Sections 4 through 7. Applications for the exception shall be processed by the cabinet as a part of the KPDES application, if the applicant applies for both at the same time. For exception to water quality criteria applications which are received by the cabinet at other times, application for the exception need not be processed by the cabinet as part of the KPDES application. In either case, the review procedure of 401 KAR 5:075 applies. A public hearing, after public notice, shall be conducted prior to granting any exception to criteria request.

(5) A KPDES applicant may combine outfalls on one (1) application, if all outfalls are owned or operated by the applicant, and if the outfalls discharge to a common watershed and are similar in effluent quality and environmental impact. If the cabinet disapproves the combination the applicant may seek review of that decision pursuant to KRS 224.081(2).

(6) Notwithstanding 401 KAR 5:085, Section 4, applicants shall pay a base KPDES application fee of \$350. An additional fee may be assessed by the cabinet for combined outfalls, if the time required to process the application exceeds that necessary for processing a single-outfall application. Exceptions to criteria applications submitted pursuant to subsection (4) of this section shall pay a water quality variance fee pursuant to 401 KAR 5:085, Section 6. [Applicability. The provisions of this section apply to operators of facilities discharging produced water into surface waters of the Commonwealth.]

[(2) General requirements. No produced water shall be discharged from a facility unless one of the requirements of Section 5(2) of this regulation is met and such discharge is authorized by and in accordance with the KPDES regulations 401 KAR 5:050 through 401 KAR 5:085. A KPDES permit is not required for the discharge of produced water through a permitted disposal well. KPDES permits may be issued to operators of facilities provided the facility meets the criteria for inclusion within Subpart F - Stripper Subcategory of 40 CFR Part 435.]

[(3) Any operator of oil and gas facilities who files a compliance plan indicating an intent to discharge produced water under a KPDES permit shall submit, with the KPDES application, information regarding the technological, economic and geologic factors which limit the operator's capability to inject the produced

water.]

[(4) No KPDES permit shall be issued to the operator of an oil and gas facility that would be a new source or new discharger if the discharge from its construction or operation would cause or contribute to a violation of water quality standards.]

Section 9. Holding Pits. (1) Applicability. The provisions of this section apply to the operators of holding pits which are constructed after the effective date of this regulation, and to the operators of existing pits that are incapable of demonstrating pursuant to Section 7 of this regulation that those pits do not contaminate surface or groundwaters.

(2) Exemption. Spill Prevention Control and Countermeasure (SPCC) pits developed pursuant to Section 13 of this regulation are exempted from the requirements of this section.

(3) General requirements. Operators of holding pits shall supplement the registration form required under Section 4 of this regulation with information regarding the construction and operation of any holding pit and any other information deemed necessary by the director. This information shall be submitted to the director on forms provided by the director not less than thirty (30) days prior to the date the permit is desired.

(4) Permits. The director will issue permits to operators of holding pits to contain any condition necessary to satisfy any requirement of this regulation notwithstanding any less stringent provision of the law to the contrary.

(5) Conditions applicable to holding pits.

(a) Construction requirements.

1. Holding pits shall be constructed in accordance with KRS Chapter 151 and Division of Waste Management regulation 401 KAR 30:030.

2. Holding pits shall be constructed with an impermeable synthetic liner having a minimum thickness of twenty (20) mils or equivalent as approved by the director.

3. Holding pits shall be designed with a continuous bermed area at least two (2) feet above ground level.

(b) Operating requirements.

1. No holding pit shall discharge produced water into waters of the Commonwealth except in accordance with a KPDES permit, nor shall any holding pit be used for the ultimate disposal of produced waters.

2. All surface water shall be diverted away from the holding pit so that the holding pit shall have no additional drainage area.

3. Waste shall be removed from the holding pit to maintain a one (1) foot minimum freeboard. Disposal of wastes shall be in accordance with Kentucky laws and regulations.

(c) Closure requirements.

1. Except as provided in subsection (2) of this section, any holding pit no longer used for the purpose for which it was intended shall be backfilled, graded, and revegetated. The vegetative cover shall be capable of stabilizing the soil surface from erosion. This closure shall be conducted within the time period specified in the permit issued pursuant to subsection (3) of this section.

2. A holding pit may remain as a permanent structure or be used for other purposes upon written approval from the director.

3. Disposal of all wastes shall be in accordance with Kentucky laws and regulations.

(6) A tank, of a size and type approved by the director, may be used in lieu of a holding pit.

Section 10. Drilling Pits. Facilities shall be constructed for the collection of fluids, other than produced water, associated with well construction, acidizing and chemically enhanced recovery in areas where waters of the Commonwealth may be affected. If the life of the facilities is longer than thirty (30) days following completion of exploration or drilling activities they shall meet all requirements of Section 9 of this regulation. Upon written request, the director may, with good cause, extend the allowable life of the facility to a maximum ninety (90) days if the extension will not cause or contribute to contamination of waters of the Commonwealth. The closure requirements for these facilities shall be as specified in Section 9(5)(c) of this regulation.

Section 11. Disposal Wells. (1) Applicability. The provisions of this section apply to operators of disposal wells until issuance of an individual Underground Injection Control (UIC) permit by the agency having jurisdiction under the Safe Drinking Water Act (42 U.S.C. Section 300f, et seq.).

(2) General requirements. Operators of disposal wells shall supplement the registration form required under Section 4 of this regulation with information regarding the construction and operation of any disposal well, a plan showing the location of all existing and abandoned wells within the area of review and any other information deemed necessary by the director. This information shall be submitted to the director on forms provided by the division not less than thirty (30) days prior to the date the permit is desired.

(3) Permits. The director will issue permits to operators of disposal wells to contain any condition necessary to satisfy any requirement of this regulation notwithstanding any less stringent provision of law to the contrary.

(4) Conditions applicable to all disposal wells. Disposal wells shall reinject all produced waters into a formation which is geologically isolated and contains more than 10,000 mg/l of total dissolved solids or meets the criteria of an exempted aquifer as set forth in 40 CFR 146.4. If a formation is unacceptable for injection solely because abandoned and improperly plugged boreholes have established communication between it and other strata, the operator is obligated to find and properly plug these boreholes within the area of review established by the division. Disposal well failure or shutdown shall be reported immediately to the director. All plugging, casing, and operation of wells shall be done in accordance with Department of Mines and Minerals regulations 805 KAR 1:020, 1:060, and 1:070.

Section 12. Inspection and Enforcement. The cabinet may inspect any facility pursuant to KRS 224.033 and shall provide written notification of any violation to the operator. Following the determination of any violation of any applicable provision of law, the cabinet may initiate any enforcement action including an order to abate and alleviate such condition or activity pursuant to KRS 224.071 and any other applicable remedy including civil penalties pursuant to KRS

224.994.

Section 13. Spills and Leaks. (1) General provision. Operators of facilities shall develop and implement Spill Prevention Control and Countermeasure (SPCC) Plans when required under 40 CFR Part 112.

(2) Reporting.

(a) Operators shall report to the division all spills and bypasses of oil and produced water from facilities in accordance with 401 KAR 5:015.

(b) Operators shall report all spills, discharges and bypasses of oil from a facility in accordance with the procedures in 40 CFR Part 110.

Section 14. Permit Fees. (1) The provisions of this section shall apply to the operator of each facility required to have a permit by this regulation except for any facility permitted under a general permit.

(a) Every operator who is issued a permit under the provisions of this regulation shall be assessed a permit fee in accordance with the provisions set forth in subsection (2) of this section.

(b) Upon making the determination that a permit can be issued under this regulation, the director will notify upon receipt of the total amount of the permit fee. Failure by the applicant to pay the assessed permit fee on or before the due date may result in the denial of the permit.

(2) The fee for each type of permit is listed below:

Facility and Type of Permit	Permit Fee
Construction of "holding pit"	\$100
Operation of existing "disposal well"	\$125
Construction of "disposal well"	\$200

(3) In addition to the requirements of this regulation, facilities issued KPDES permits will be assessed a fee pursuant to 401 KAR 5:085.

(4) Duplicate permit fee. Upon application for the issuance of a duplicate permit for activities covered under this regulation, the duplicate permit shall be issued by the cabinet upon receipt of a fifteen (15) dollar permit fee.

(5) Terms of payment.

(a) Payment of a permit fee as provided for by this section will be made within thirty (30) days of the billing date.

(b) Certified checks or money orders, if used, shall be payable to the Kentucky State Treasurer.

CHARLOTTE E. BALDWIN, Secretary

APPROVED BY AGENCY: August 8, 1986

FILED WITH LRC: August 8, 1986 at 11 a.m.

TRANSPORTATION CABINET
(Amended After Hearing)

600 KAR 1:080. Repeal of transportation related administrative regulations.

RELATES TO: KRS Chapter 13A

PURSUANT TO: KRS Chapter 13A, 174.050

NECESSITY AND FUNCTION: Effective July 15, 1986, House Bill 706, enacted by the 1986 Kentucky General Assembly, transferred [transfers] responsibility for removal of

abandoned vehicles from the Department of Highways to the Department of State Police. Therefore, Highways' related administrative regulation must be repealed. Effective July 15, 1986, Senate Bill 372, enacted by the 1986 General Assembly repealed KRS 186.076. This statute is the authorizing statute for administrative regulation 605 KAR 1:110. Therefore, the Motor Vehicle Commission's related administrative regulation must be repealed.

Section 1. 603 KAR 3:040, Abandoned vehicles; removal, is hereby repealed.

Section 2. 605 KAR 1:110, Motor vehicle auction dealer, is hereby repealed.

C. LESLIE DAWSON, Secretary/Commissioner

APPROVED BY AGENCY: August 4, 1986

FILED WITH LRC: August 4, 1986 at 2 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Insurance
(Amended After Hearing)

806 KAR 18:030. Group health insurance coordination of benefits.

RELATES TO: 1986 Ky. Acts c. 433 §1, §2, §3, and §4

PURSUANT TO: KRS Chapter 13A, 304.2-110, 304.32-250, 304.38-150

NECESSITY AND FUNCTION: 1986 Kentucky Acts c. 433 §1, §2, §3, and §4 authorize the Commissioner of Insurance to prescribe guidelines for coordination of benefits between group health insurance contracts. KRS 304.2-110 provides that the Commission 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 he deems necessary for the proper administration of KRS Chapter 304.32. KRS 304.38-150 provides that the Commissioner of Insurance may promulgate reasonable regulations which he deems necessary for the proper administration of KRS Chapter 304.38. This regulation establishes guidelines for coordination of benefits by group health insurance contracts.

Section 1. Purpose and Scope. (1) Purpose. The purpose of this regulation is to adopt a regulation substantially identical to the Model Group Coordination of Benefits Regulation of the National Association of Insurance Commissioners. This regulation is intended to establish uniformity in the permissive use of over-insurance provisions and to avoid claim delays and misunderstandings that could otherwise result from the use of inconsistent or incompatible provisions among plans.

(2) Coordination of benefits. A coordination of benefits ("COB") provision is one that is intended to avoid claims payment delays and duplication of benefits when a person is covered by two (2) or more plans providing benefits for services for medical, dental, or other care or treatment. It avoids claims payment delays by establishing an order in which plans pay their claims and providing the authority for the orderly transfer of information needed to pay

claims promptly. It avoids duplication of benefits by permitting a reduction of the benefits of a plan when, by the rules established by this regulation, it does not have to pay its benefits first.

(3) Coordination permissive. This regulation permits, but does not require, plans to include COB provisions.

(4) Consistency with this regulation. If a group contract includes a COB provision, it must be consistent with this regulation. A plan that does not include such a provision may not take the benefits of another plan (as defined in Section 2 of this regulation) into account when it determines its benefits. An exception to this provision is that a contract holder's coverage that is designed to supplement a part of a basic package of benefits may provide that the supplementary coverage shall be excess to any other parts of the plan provided by the contract holder.

Section 2. Definitions. As used in this regulation:

(1) Plan.

(a) A "plan" is a form of coverage with which coordination is allowed. The definition of plan in the group contract must state the types of coverage which will be considered in applying the COB provision of that contract. The right to include a type of coverage is limited by this subsection.

(b) The definition shown in the model COB provision in Section 3 of this regulation is an example of what may be used. Any definition that satisfies this subsection may be used.

(c) This regulation uses the term "plan." However, a group contract may, instead, use the term "program" or other reasonable term.

(d) Except as provided in paragraphs (e) and (f) of this subsection, "plan" shall not include individual or family insurance contracts.

(e) "Plan" may include:

1. Group insurance contracts;
2. Uninsured arrangements of group or group-type coverage; or

3. Group-type contracts. Group-type contracts are contracts which are not available to the general public and can be obtained and maintained only because of membership in or connection with a particular organization or group. Group-type contracts answering this description may be included in the definition of plan, at the option of the insurer or the service provider and its contract-client, whether or not uninsured arrangements or individual contract forms are used and regardless of how the group-type coverage is designated (for example, "blanket"). The use of payroll deductions by the employee, subscriber, or member to pay for the coverage is not sufficient, of itself, to make an individual contract part of a group-type plan. This description of group-type contracts is not intended to include individually underwritten and issued, guaranteed renewable policies that may be purchased through payroll deduction at a premium savings to the insured. Franchise plan health insurance issued pursuant to KRS 304.17-390 is not a "group-type contract."

(f) "Plan" shall not include the medical benefits coverage in a group, group-type, and individual motor vehicle "no-fault" and traditional automobile "fault" type contracts.

(g) "Plan" may include Medicare or other

governmental benefits. That part of the definition of "plan" may be limited to the hospital, medical, and surgical benefits of the government program. However, "plan" shall not include Medicaid and shall not include a plan when, by law, its benefits are excess to those of any private insurance plan or other non-governmental plan.

(h) "Plan" shall not be construed to include group or group-type hospital indemnity benefits of \$100 per day or less, but may be construed to include the amount by which group or group-type hospital indemnity benefits exceed \$100 per day. "Hospital indemnity benefits" are those not related to expenses incurred. The term does not include reimbursement-type benefits even if they are designed or administered to give the insured the right to elect indemnity-type benefits at the time of claim.

(i) "Plan" shall not include school accident-type coverages. These cover elementary, high school, and college students for accidents only, including athletic injuries, either on a 24-hour basis or on a "to and from school" basis.

(2) "Insurance contract" means a contract issued by an insurer as defined herein.

(3) [(2)] "Insurer" means an insurer, a non-profit hospital, medical-surgical, dental, and health service corporation, a health maintenance organization, or a prepaid dental plan organization.

(4) [(3)] "This plan," in a COB provision, means the part of the group contract providing the health care benefits to which the COB provision applies and which may be reduced on account of the benefits of other plans. Any other part of the group contract providing health care benefits is separate from "this plan." A group contract may apply one (1) COB provision to certain of its benefits (such as dental benefits), coordinating only with like benefits, and may apply other separate COB provisions to coordinate other benefits.

(5) [(4)] "Primary plan" means a plan whose benefits for a person's health care coverage must be determined without taking the existence of any other plan into consideration. A plan is a primary plan if either paragraphs (a) or (b) of this section is true. There may be more than one (1) primary plan (for example, two (2) plans which have no order of benefit determination rules).

(a) The plan either has no order of benefit determination rules, or it has rules which differ from those permitted by this regulation.

(b) All plans which cover the person use the order of benefit determination rules required by this regulation and under those rules the plan determines its benefits first.

(6) [(5)] "Secondary plan" means a plan which is not a primary plan. If a person is covered by more than one (1) secondary plan, the order of benefit determination rules of this regulation decide the order in which their benefits are determined in relation to each other. The benefits of each secondary plan may take into consideration the benefits of the primary plan or plans and the benefits of any other plan which, under the rules of this regulation, has its benefits determined before those of that secondary plan.

(7) [(6)] "Allowable expense."

(a) "Allowable expense" is the necessary, reasonable, and customary item of expense for health care, when the item of expense is covered

at least in part under any of the plans involved, except where a statute requires a different definition. However, items of expense under coverages such as dental care, vision care, prescription drugs, or hearing aid programs may be excluded from the definition of allowable expense. A plan which provides benefits only for any such items of expense may limit its definition of allowable expense to like items of expense.

(b) When a plan provides benefits in the form of services, the reasonable cash value of each service will be considered as both an allowable expense and a benefit paid.

(c) The difference between the cost of a private hospital room and the cost of a semi-private hospital room is not considered an allowable expense under the above definition unless the patient's stay in a private hospital room is medically necessary according to generally accepted medical practice.

(d) When COB is restricted in its use to specific coverage in a contract (for example, major medical or dental), the definition of "allowable expense" must include the corresponding expenses for services to which COB applies.

(8) [(7)] "Claim" means a request that benefits of a plan be provided or paid. The benefits claimed may be in the form of services (including supplies), payment for all or a portion of the expenses incurred, any combination of the foregoing, or an indemnification.

(9) [(8)] "Claim determination period."

(a) Means the period of time, which must not be less than twelve (12) consecutive months, over which allowable expenses are compared with total benefits payable in the absence of COB, to determine whether over-insurance exists and how much each plan will pay or provide. It usually is a calendar year, but a plan may use some other period of time that fits the coverage of the group contract. A person may be covered by a plan during a portion of a claim determination period if that person's coverage starts or ends during the claim determination period.

(b) As each claim is submitted, each plan is to determine its liability and pay or provide benefits based upon allowable expenses incurred to that point in the claim determination period, but that determination is subject to adjustment as later allowable expenses are incurred in the same claim determination period.

Section 3. Model COB Contract Provision.

(1) General. Section 3 contains a model COB provision for use in group contracts. That use is subject to the provisions of subsections (2) and (3) of this section and to the provisions of Section 4 of this regulation, rules for coordination of benefits.

(2) Flexibility. A group contract's COB provision does not have to use the words and format shown in this regulation. Changes may be made to fit the language and style of the rest of the group contract or [to] reflect to the difference among plans which provide services, which pay benefits for expenses incurred, and which indemnify. Substantive changes are allowed only as set forth in this regulation.

(3) Prohibited coordination and benefit design. A group contract may not reduce benefits on the basis that:

(a) Another plan exists;

(b) Except with respect to part B of Medicare, that a person is or could have been covered under another plan;

(c) A person has elected an option under another plan providing a lower level of benefits than another option which could have been elected; or

(d) Its benefits are "excess" or "always secondary" to any plan defined in Section 2(1), except in accordance with this regulation.

(4) Text of model COB provision. Coordination of the group contract's benefits with other benefits.

(a) Applicability.

1. This coordination of benefits ("COB") provision applies to this plan when an employee or the employee's covered dependent has health care coverage under more than one (1) plan. "Plan" and "this plan" are defined below.

2. If this COB provision applies, the order of benefit determination rules should be looked at first. Those rules determine whether the benefits of this plan are determined before or after those of another plan. The benefits of this plan:

a. Shall not be reduced when, under the order of benefit determination rules, this plan determines its benefits before another plan; but

b. May be reduced when, under the order of benefit determination rules, another plan determines its benefits first. This reduction is described in paragraph (d) of this subsection, effects on the benefits of this plan.

(b) Definitions.

1. "Plan" is any of these which provides benefits or services for, or because of, medical or dental care or treatment:

a. Group insurance for group-type coverage, whether insured or uninsured. This includes prepayment, group practice, or individual practice coverage. It also includes coverage other than school accident-type coverage.

b. Coverage under a governmental plan or required or provided by law. This does not include a state plan under Medicaid (Title XIX, grants to states for medical assistance programs, of the United States Social Security Act as amended from time to time). It also does not include any plan when, by law, its benefits are excess to those of any private insurance program or other non-governmental program.

c. Each contract or other arrangement for coverage under clause a or b of this subparagraph is a separate plan. Also, if an arrangement has two (2) parts and COB rules apply only to one (1) of the two (2), each of the parts is a separate plan.

2. "This plan" is the part of the group contract that provides benefits for health care expenses.

3. "Primary plan/secondary plan." The order of benefit determination rules state whether this plan is a primary plan or a secondary plan as to another plan covering the person.

a. When this plan is a primary plan, its benefits are determined before those of the other plan and without considering the other plan's benefits.

b. When this plan is a secondary plan, its benefits are determined after those of the other plan and may be reduced because of the other plan's benefits.

c. When there are more than two (2) plans covering the person, this plan may be a primary plan as to one (1) or more of the plans and may

be a secondary plan as to a different plan or plans.

4. "Allowable expense" means a necessary, reasonable, and customary item of expense for health care, when the item of expense is covered at least in part by one (1) or more plans covering the person for whom the claim is made.

a. The difference between the cost of a private hospital room and the cost of a semi-private hospital room is not considered an allowable expense under the above definition unless that patient's stay in a private hospital room is medically necessary either according to generally accepted medical practice, or as specifically defined in the plan.

b. When a plan provides benefits in the form of services, the reasonable cash value of each service rendered will be considered both an allowable expense and a benefit paid.

5. "Claim determination period" means a calendar year. However, it does not include any part of a year during which a person has no coverage under this plan, or any part of a year before the date this COB provision or a similar provision takes effect.

(c) Order of benefit determination rules.

1. General. When there is a basis for a claim under this plan and another plan, this plan is a secondary plan which has benefits determined after those of the other plan, unless:

a. The other plan has rules coordinating benefits with those of this plan; and

b. Both those rules and this plan's rules, in subparagraph 2 of this paragraph, require that this plan's benefits be determined before those of the other plan.

2. Rules. This plan determines its order of benefits using the first of the following rules which applies:

a. Non-dependent/dependent. The benefits of this plan which covers the person as an employee, member, or subscriber (that is, other than as a dependent) are determined before those of the plan which covers the person as a dependent.

b. Dependent child/parents not separated or divorced. Except as stated in clause c of this subparagraph, when this plan and another plan cover the same child as a dependent of different parents, called "parents":

(i) The benefits of the plan of the parent whose birthday falls earlier in a year are determined before those of the plan of the parent whose birthday falls later in that year; but

(ii) If both parents have the same birthday, the benefits of the plan which covered the parent longer are determined before those of the plan which covered the other parent for a shorter period of time.

(iii) However, if the other plan does not have the rule described in subclause (i) of this clause, but instead has a rule based upon the gender of the parent, and if, as a result, the plans do not agree on the order of benefits, the rule in the other plan will determine the order of benefits.

c. Dependent child/separated or divorced parents. If two (2) or more plans cover a person as a dependent child of divorced or separated parents, benefits for the child are determined in this order:

(i) First, the plan of the parent with custody of the child;

(ii) Then, the plan of the spouse of the

parent with the custody of the child; and

(iii) Finally, the plan of the parent not having custody of the child.

(iv) However, if the specific terms of a court decree state that one (1) of the parents is responsible for the health care expenses of the child, and the entity obligated to pay or provide the benefits of the plan of that parent has actual knowledge of those terms, the benefits of that plan are determined first. This subclause does not apply to any claim determination period or plan year during which any benefits are actually paid or provided before the entity has actual knowledge.

d. Active/inactive employee. The benefits of a plan which covers a person as an employee who is neither laid off nor retired (or as that employee's dependent) are determined before those of a plan which covers that person as a laid off or retired employee (or as that employee's dependent). If the other plan does not have this rule, and if, as a result, the plans do not agree on the order of benefits, this provision is ignored.

e. Longer/shorter length of coverage. If none of the above rules determines the order of benefits, the benefits of the plan which covered an employee, member, or subscriber longer are determined before those of a plan which covered that person for the shorter time.

(d) Effect on the benefits of this plan.

1. When this paragraph applies. This paragraph (d) applies when, in accordance with paragraph (c) of this subsection, order of benefit determination rules, this plan is a secondary plan as to one or more other plans. In that event, the benefits of this plan may be reduced under this paragraph. Such other plan or plans are referred to as "the other plans" in subparagraph 2 of this paragraph.

2. Reduction in this plan's benefits. The benefits of this plan will be reduced when the sum of:

a. The benefits that would be payable for allowable expenses under this plan in the absence of this COB provision; and

b. The benefits that would be payable for the allowable expenses under the other plans, in the absence of provisions with a purpose like that of this COB provision, whether or not claim is made, exceeds those allowable expenses in a claim determination period. In that case, the benefits of this plan will be reduced so that they and the benefits payable under the other plans do not total more than those allowable expenses. When the benefits of this plan are reduced as described above, each benefit is reduced in proportion. It is then charged against any applicable benefit limit of this plan.

(e) Right to receive and release needed information. Certain facts are needed to apply the COB rules. (Insurer name) has the right to decide which facts it needs. It may get needed facts from or give them to any other organization or person. (Insurer name) need not tell, or get the consent of, any person to do this. Each person claiming benefits under this plan must give (insurer name) any facts it needs to pay the claim.

(f) Facility of payment. A payment made under another plan may include an amount which should have been paid under this plan. If it does, (insurer name) may pay that amount to the organization which made that payment. That

amount will then be treated as though it were a benefit paid under this plan. (Insurer name) will not have to pay that amount again. The term "payment made" includes providing benefits in the form of services, in which case "payment made" means reasonable cash value of the benefits provided in the form of services.

(g) Right of recovery. If the amount of the payments made by (insurer name) is more than it should have been under this COB provision, it may recover the excess from one or more of the persons it has paid or for whom it has paid, insurers, or other organizations. The "amount of payments made" includes the reasonable cash value of any benefits provided in the form of services.

Section 4. Rules for Coordination of Benefits.

(1) Order of benefits.

(a) General.

1. The primary plan must pay or provide its benefits as if the secondary plan or plans did not exist.

2. A secondary plan may take the benefits of another plan into account only when, under this regulation, it is secondary to that other plan.

(b) Dependent child/parents not separated or divorced. The word "birthday" in the wording shown in subsection (4)(c) to (b) of this section refers only to month and day in a calendar year, not the year in which the person was born.

(c) Longer/shorter length of coverage.

1. To determine the length of time a person has been covered under a plan, two (2) plans shall be treated as one (1) if the claimant was eligible under the second within twenty-four (24) hours after the first ended. Thus, the start of a new plan does not include a change in the amount or [of] scope of a plan's benefits, a change in the entity which pays, provides, or administers the plan's benefits, or a change from one type of plan to another (such as, from a single employer plan to that of a multiple employer plan).

2. The claimant's length of time covered under a plan is measured from the claimant's first date of coverage under that plan. If that date is not readily available, the date the claimant first became a member of the group shall be used as the date from which to determine the length of time the claimant's coverage under the present plan has been in force.

(2) Reduction in a plan's benefits when it is secondary.

(a) General. A secondary plan may reduce its benefits by using alternatives 1, 2, or 3 below, or any version thereof which is more favorable to a covered person. This is subject to the conditions and limits described in this subsection.

(b) Alternative 1. Total allowable expenses.

1. When this alternative is used, a secondary plan may reduce its benefits so that the total benefits paid or provided by all plans during a claim determination period are not more than total allowable expenses. The amount by which the secondary plan's benefits have been reduced shall be used by the secondary plan to pay allowable expenses, not otherwise paid, which were incurred during the claim determination period by the person for whom the claim is made. As each claim is submitted, the secondary plan determines its obligation to pay for allowable expenses based on all claims which have been

submitted up to that point in time during the claim determination period.

2. When this alternative is used, the suggested contract provision is as shown in Section 3(4)(d)2 of this regulation.

3. The last paragraph quoted in Section 3(4)(d)2 of this regulation may be omitted if the plan provides only one (1) benefit, or may be altered to suit the coverage provided.

(c) Alternative 2. Total allowable expenses with co-insurance.

1. When this alternative is used, a secondary plan may reduce its benefits so that the total benefits paid or provided by all plans during a claim determination period are not more than a stated percentage, but not less than eighty (80) percent, of total allowable expenses. The amount by which the secondary plan's benefits have been reduced shall be used by the secondary plan to pay the stated percentage of allowable expenses, not otherwise paid, which were incurred during the claim determination period by the person for whom the claim is made. As each claim is submitted, the secondary plan determines its obligation to pay for the stated percentage of allowable expenses paid on all claims which were submitted up to that point in time during the claim determination period.

2. When this alternative is used, the suggested contract provision for use in Section 3(4)(d)2 of this regulation is shown below:

"2. Reduction in this plan's benefits. The benefits of this plan will be reduced when the sum of:

a. The benefits that would be payable for the allowable expenses under this plan in the absence of this COB provision; and

b. The benefits that would be payable for the allowable expenses under the other plans in the absence of provisions with a purpose like that of this COB provision, whether or not claim is made; exceeds the greater of 80% of those allowable expenses or the amount of benefits in a above. In that case, the benefits of this plan will be reduced so that they and the benefits in b above do not total more than that greater of 80% of those allowable expenses or the amount of benefits in a above. When the benefits of this plan are reduced as described above, each benefit is reduced in proportion. It is then charged against any applicable benefit limit of this plan."

3. The last paragraph of 2, quoted immediately above, may be omitted if the plan provides only one (1) benefit, or may be altered to suit the coverage provided.

(d) Alternative 3. Maintenance of benefits.

1. When this alternative is used, a secondary plan may reduce its benefits by the amount of the benefits payable under the other plans for the same expenses.

2. When this alternative is used, the suggested contract provision for use in Section 3(4)(d)2 of this regulation is shown below:

"2. Reduction in this plan's benefits. The benefits that would be payable under this plan in the absence of this COB provision will be reduced by the benefits payable under the other plans for the expenses covered in whole or in part under this plan. This applies whether or not claim is made under a plan. When a plan provides benefits in the form of services, the reasonable cash value of each service rendered will be considered both an expense incurred and a benefit payable. When the benefit of this

plan are reduced as described above, each benefit is reduced in proportion. It is then charged against any applicable benefit limit of this plan."

3. The last paragraph of 2, quoted immediately above, may be omitted if the plan provides only one (1) benefit, or may be altered to suit the coverage provided.

4. This alternative 3 may be used in a plan only when, in the absence of COB, the benefits of the plan (excluding benefits for dental care, (except prepaid dental plan organizations) vision care, prescription drugs or hearing aid programs) will, after any deductible, be:

a. Not less than fifty (50) percent of covered expenses:

(i) For the treatment of mental or nervous disorders or alcoholism or drug abuse; or

(ii) Under cost containment provisions with alternative benefits, such as those applicable to second surgical opinions, precertification of hospital stays, etc.; and

b. Not less than seventy-five (75) percent of other covered expenses.

5. A plan using this alternative 3 may exclude definitions of and references to allowable expenses, claim determination period, or both.

(e) Conditions for use of alternatives 2 and 3.

1. General. Alternatives 2 and 3 permit a secondary plan to reduce its benefits so that total benefits may be less than 100 percent of allowable expenses.

2. Conditions. A plan using alternatives 2 or 3 must comply with the following conditions:

a. Notice. The plan must provide prior notice to employees or members that when it is secondary (that is, it determines benefits after another plan):

(i) Its benefits plus those of the primary plan will be less than 100 percent of allowable expenses; unless:

(ii) The primary plan, by itself, provides benefits at 100 percent of allowable expenses.

b. Co-payment and deductible limit. When the plan is secondary, it must provide a limit on the amount the employee, member, or subscriber is required to pay toward the expenses or services covered under the plan and for which the plan is secondary. Such limit shall not exceed \$2,000 for any covered person, or \$3,000 for any family, in any claim determination period.

c. Unrestricted enrollment. The plan must permit a person to be enrolled for its health care coverage when that person's eligibility for health care coverage under another plan ends for any reason, if:

(i) Such a person is eligible for coverage under the plan; and

(ii) Such enrollment is made before the end of the thirty-one (31) day period immediately following either:

i. The date when health care coverage under the other plan ends; or

ii. The end of any continuation period elected by or for that person. This unrestricted enrollment is not required if a person remains eligible for coverage under that other plan, or a plan which replaces it, without interruption of that person's coverage.

d. Enrollment requirements. If a person is enrolled before the end of the period, described in clause c(ii) of this subparagraph, there shall be no interruption of coverage. Thus, the requirements concerning active work of

employees, members, or subscribers, or non-confinements of dependents on the effective date of coverage, shall not be applied. However, coverage for the person under the plan may be subject to the same requirements, including underwriting requirements, benefit restrictions, waiting periods, and pre-existing condition limitations that would have been applied had the person been enrolled under the plan on the later of:

(i) The date the person first became eligible for the plan's coverage; or

(ii) The date the employee, member or subscriber last became covered under the plan. Credit shall be given under any pre-existing condition limitation or waiting period from the later of the dates described in subclause (i) or (ii) of this clause to the date the person actually enrolled pursuant to clause c of this subparagraph.

(3) Reasonable cash value of services. A secondary plan which provides benefits in the form of services may recover the reasonable cash value of providing the services from the primary plan, to the extent that benefits for the services are covered by the primary plan and have not already been paid or provided by the primary plan. Nothing in this provision shall be interpreted to require a plan to reimburse a covered person in cash for the value of services provided by a plan which provides benefits in the form of services.

(4) Excess and other non-conforming provisions.

(a) Some plans have order of benefit determination rules not consistent with this regulation which declare that the plan's coverage is "excess" to all others, or "always secondary." This occurs because certain plans may not be subject to insurance regulation or some group contracts have not yet been conformed to this regulation pursuant to Section 6, effective date; existing contracts.

(b) A plan with order of benefit determination rules which comply with this regulation ("complying plan") may coordinate benefits with a plan which is "excess" or "always secondary" or which uses order of benefit determination rules which are inconsistent with those in this regulation ("non-complying plan") on the following basis:

1. If the complying plan is the primary plan, it shall pay or provide its benefits on a primary basis.

2. If the complying plan is the secondary plan, it shall, nevertheless, pay or provide its benefits first, but the amount of benefits payable shall be determined as if the complying plan were the secondary plan. In such a situation, such payment shall be the limit of the complying plan's liability.

3. If the non-complying plan does not provide the information needed by the complying plan to determine its benefits within a reasonable time after it is requested to do so, the complying plan shall assume that the benefits of the non-complying plan are identical to its own, and shall pay its benefits accordingly. However, the complying plan must adjust any payments it makes based on such assumption whenever information becomes available as to the actual benefits of the non-complying plan.

4. If:

a. The non-complying plan reduces its benefits so that the employee, subscriber, or member receives less in benefits than he or she would

have received had the complying plan paid or provided its benefits as the secondary plan and the non-complying plan paid or provided its benefits as the primary plan; and

b. Governing state law allows the right of subrogation set forth below; then the complying plan shall advance to or on behalf of the employee, subscriber, or member an amount equal to such difference. However, in no event shall the complying plan advance more than the complying plan would have paid had it been the primary plan less any amount it previously paid. In consideration of such advance, the complying plan shall be subrogated to all rights of the employee, subscriber, or member against a non-complying plan. Such advance by the [non-] complying plan shall also be without prejudice to any claim it may have against the non-complying plan in the absence of such subrogation.

(5) Allowable expense. A term such as "usual and customary," "usual and prevailing," or "reasonable and customary" may be substituted for the term "necessary, reasonable, and customary." Such terms as "medical care" or "dental care" may be substituted for "health care" to describe the coverages to which the COB provisions apply.

(6) Subrogation. The COB concept clearly

differs from that of subrogation. Provisions for one may be included in group health contracts without compelling the inclusion or exclusion of the other.

Section 5. Severability. If any provision of this regulation or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of this regulation and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 6. Effective Date; Existing Contracts.

(1) This regulation applies to group health contracts delivered, issued for delivery, or renewed on or after January 1, 1987.

(2) As a courtesy to the Legislative Research Commission, the Department of Insurance states that it intends this regulation to be permanent. This statement does not constitute an admission of the constitutionality of 1986 Ky. Act c. 499 (House Bill 310), §8 and 9.

ROBERT M. DAVIS, Secretary
GIL McCARTY, Commissioner

APPROVED BY AGENCY: July 31, 1986

FILED WITH LRC: August 5, 1986 at 11 a.m.

PROPOSED AMENDMENTS

BOARD OF EXAMINERS FOR SPEECH PATHOLOGY AND AUDIOLOGY (Proposed Amendment)

201 KAR 17:010. Application for licensure.

RELATES TO: KRS 334A.030, 334A.130

PURSUANT TO: KRS 334A.080

NECESSITY AND FUNCTION: This regulation is necessary to clarify the procedure for submitting an application for licensure.

Section 1. Application for Speech-Language Pathologist and Audiologist License. (1) No person shall practice or represent himself as a speech-language pathologist or audiologist in this state unless he is licensed in accordance with the provisions of KRS Chapter 334A, and the provisions of the regulations adopted thereunder.

(2) An application for license to practice speech-language pathology or audiology shall be made to the Kentucky Board [of Examiners] of Speech-Language Pathology and Audiology upon forms provided by the board upon request and shall contain such information as the board may reasonably require.

(3) Each application for license shall be accompanied by the application fee which is non-refundable.

(4) The board may request such additional information or clarification of information provided in the application as it deems reasonably necessary.

(5) All applications shall be signed by the applicant and notarized.

(6) All applications shall include a recent photograph of the applicant.

(7) If the board so directs, an applicant

shall personally appear before the board or a member thereof for a personal interview, concerning his application.

DAVID NICHOLAS, Executive Director

APPROVED BY AGENCY: August 15, 1986

FILED WITH LRC: August 15, 1986 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on September 23, 1986, at 10:30 a.m. in the conference room, Berry Hill Annex, Frankfort, Kentucky 40601. Those interested in attending this hearing should contact: David Nicholas, Division of Occupations & Professions, Berry Hill Annex, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Dave Nicholas

(1) Type and number of entities affected: N/A

(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: 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: N/A
TIERING: Was tiering applied? N/A

**BOARD OF EXAMINERS FOR SPEECH
PATHOLOGY AND AUDIOLOGY
(Proposed Amendment)**

201 KAR 17:041. Professional code of ethics.

RELATES TO: KRS 334A.180

PURSUANT TO: KRS 334A.080

NECESSITY AND FUNCTION: This regulation is necessitated by KRS 334A.080(3) which requires the board to adopt and publish a code of ethics.

Section 1. Preamble. The preservation of the highest standards of integrity and ethical principles is vital to the successful discharge of the professional responsibilities of all speech-language pathologists and audiologists. This code of ethics has been promulgated by the Kentucky Board of [Examiners for] Speech-Language Pathology and Audiology in an effort to stress the fundamental rules considered essential to this basic purpose. Any action that is in violation of the spirit and purpose of this code shall be considered unethical. Failure to specify any particular responsibility or practice in this code of ethics should not be construed as denial of the existence of other responsibilities or practices.

Section 2. The fundamental rules of ethical conduct are described in three (3) categories: principles of ethics, ethical proscriptions, and matters of professional propriety as follows:

(1) Principles of ethics. Six (6) principles serve as a basis for the ethical evaluation of professional conduct and form the underlying moral basis for the code of ethics. Licensees must observe these principles as affirmative ethical obligations under all conditions of professional activity.

(2) Ethical proscriptions are formal statements of prohibitions that are derived from the principles of ethics.

(3) Matters of professional propriety. Matters of professional propriety represent guidelines of conduct designed to promote the public interest and thereby better inform the public and particularly the persons in need of speech-language pathology and audiology services as to the availability and the rules regarding the delivery of those services.

Section 3. Principles of Ethics I. (1) Licensees should hold paramount the welfare of persons served professionally.

(a) Licensees shall use every resource available, including referral to other specialists as needed to provide the best service possible.

(b) Licensees shall fully inform persons served of the nature and possible effects of the

services.

(c) Licensees shall fully inform research subjects or subjects participating in teaching activities of the nature and possible effects of these activities.

(d) Licensees' fees shall be commensurate with services rendered.

(e) Licensees shall provide appropriate access to records of persons served professionally.

(f) Licensees shall take all reasonable precautions to avoid injuring persons in the delivery of professional services.

(g) Licensees shall evaluate services rendered to determine effectiveness.

(2) Ethical proscription.

(a) Licensees must not exploit persons in the delivery of professional services, including accepting persons for treatment when benefit cannot reasonably be expected or continuing treatment unnecessary.

(b) Licensees must not guarantee the results of any therapeutic procedures directly or by implication. A reasonable statement of prognosis may be made, but caution must be exercised not to mislead persons served professionally to expect results that cannot be predicted from sound evidence.

(c) Licensee must not use persons for teaching or research in a manner that constitutes an invasion of privacy or fails to afford informed free choice to participate.

(d) Licensees must not evaluate or treat speech, language or hearing disorders except in a professional relationship. They must not evaluate or treat solely by correspondence. This does not preclude follow-up correspondence with persons previously seen, nor providing them with general information of an education nature.

(e) Licensees must not reveal to unauthorized persons any professional or personal information obtained from the persons served professionally, unless required by law or unless necessary to protect the welfare of the person or the community.

(f) Licensees must not discriminate in the delivery of professional services on any basis that is unjustifiable or irrelevant to the need for and potential benefits from such services, such as race, sex or religion.

(g) Licensees must not charge for services not rendered.

Section 4. Principle of Ethics II. (1) Licensees shall maintain high standards of professional competence.

(a) Licensees shall continue their professional development throughout their careers.

(b) Licensees shall identify competent, dependable referral services for persons served professionally.

(c) Licensees shall maintain adequate records of professional services rendered.

(2) Ethical proscriptions.

(a) Licensees must neither provide services nor supervision of services for which they have not been properly prepared, nor permit services to be provided by anyone under their supervision who is not properly prepared.

(b) Licensees must not provide clinical services by prescription from anyone who does not hold a Kentucky license in the field of speech-language pathology and/or audiology.

(c) Licensees must not delegate any service requiring the professional competence of a

licensed speech-language pathologist and/or audiologist to anyone unqualified.

(d) Licensees must not offer clinical services by supportive personnel for whom they do not provide appropriate supervision and assume full responsibility.

(e) Licensees must not require anyone under their supervision to engage in any practice that is in violation of the code of ethics.

Section 5. Principle of Ethics III. (1) Licensees' statements to persons served professionally and to the public shall provide accurate information about the nature and management of communication disorders, and about the professional services rendered by its practitioners.

(2) Ethical proscriptions.

(a) Licensees must not misrepresent their training or competence.

(b) Licensees' public statements providing information about professional services and products must not contain representations or claims that are false, deceptive or misleading.

(c) Licensees must not use professional or commercial affiliations in any way that would mislead or limit services to persons served professionally.

(3) Matters of propriety. Licensees should announce services in a manner consonant with highest professional standards in the community.

Section 6. Principle of Ethics IV. (1) Licensees shall maintain objectivity in all matters concerning the welfare of persons served professionally. Licensees who dispense products to persons served professionally shall observe the following standards:

(a) Products associated with professional practice must be dispensed to the person served as a part of a program of comprehensive habilitative care.

(b) Fees established for professional services must be independent of whether a product is dispensed.

(c) Persons served must be provided freedom of choice for the source of services and products.

(d) Price information about professional services rendered and products dispensed must be disclosed by providing to or posting for persons served a complete schedule of fees and charges in advance of rendering services, which schedule differentiates between fees for professional services and charges for products dispensed.

(e) Products dispensed to the person served must be evaluated to determine effectiveness.

(2) Ethical proscriptions. Licensees must not participate in activities that constitute a conflict of professional interest.

(3) Matters of propriety.

(a) Licensees should not accept compensation for supervision from the person being supervised.

(b) Licensees should present products they have developed to their colleagues in a manner consonant with highest professional standards.

Section 7. Principle of Ethics V. (1) Licensees shall honor their responsibilities to the public, their profession, and their relationships with colleagues and members of allied professions.

(2) Matters of professional propriety.

(a) Licensees should seek to provide and expand services to persons with speech, language and hearing handicaps as well as to assist in

establishing high professional standards for such programs.

(b) Licensees should educate the public about speech, language and hearing processes; speech, language and hearing problems; and matters related to professional competence.

(c) Licensees should strive to increase knowledge within the profession and share research with colleagues.

(d) Licensees should establish harmonious relations with colleagues and members of other professions, and endeavor to inform members of related professions of services provided by speech-language pathologists and audiologists, as well as seek information from them.

(e) Licensees should assign credit to those who have contributed to a publication in proportion to their contribution.

Section 8. Principal of Ethics VI. (1) Licensees shall inform the board [of examiners] of violations of this code of ethics.

(2) Licensees shall cooperate fully with the board [of examiners'] inquiries into matters of professional conduct related to this code of ethics.

DAVID NICHOLAS, Executive Director

APPROVED BY AGENCY: August 15, 1986

FILED WITH LRC: August 15, 1986 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on September 23, 1986, at 10 a.m. in the conference room, Berry Hill Annex, Frankfort, Kentucky 40601. Those interested in attending this hearing should contact: David Nicholas, Division of Occupations and Professions, Berry Hill Annex, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Dave Nicholas

(1) Type and number of entities affected: N/A

(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: 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? N/A

TOURISM CABINET
Department of Fish and Wildlife Resources
(Proposed Amendment)

301 KAR 1:145. Gear allowed for commercial fishing.

RELATES TO: KRS 150.010, 150.025, 150.120, 150.170, 150.175, 150.445, 150.450

PURSUANT TO: KRS 13A.350, 150.025

NECESSITY AND FUNCTION: It is necessary to accurately describe the gear allowed in commercial fishing so that the limitations and susceptibilities of the gear will permit the harvesting of the proper size and species of fishes, and so that the sport harvest is not affected and the fishery resources perpetuation is assured. This amendment is necessary to define the mesh size and construction of netting used as wings and leads on hoop nets and to prevent hoop nets from being set as multiple unit nets. [This amendment is necessary to increase the length of the hoop net wing and lead.]

Section 1. The following gear is the only commercial gear that can be used in commercial waters designated in 301 KAR 1:150 and under conditions described in 301 KAR 1:155 by appropriately licensed commercial fishermen.

Section 2. Legal Commercial Gear. (1) All lines and mesh must be made of linen, cotton, or flexible synthetic fiber only.

(2) All mesh is measured by bar measure. This measure is the length of one (1) side of the square, or as measured between two (2) knots on the same line.

(3) The functions of the various commercial fishing tags authorized under KRS 150.175 are consolidated into one (1) tag called "commercial gear tag" which shall serve as they each were designated in KRS 150.175, sections (5), (6), (7), and (8).

(4) Gear:

(a) Hoop net, wing net, straight lead net, heart lead net:

1. Must have a minimum mesh size of three (3) inches, except in the Ohio and Mississippi Rivers and those portions of the Cumberland River below Barkley Dam and the Tennessee River below Kentucky Dam that are open to commercial fishing where the minimum mesh size shall be one (1) inch.

2. Hoops may be any size or shape or material.

3. Maximum length of each [the] lead or wing is sixty (60) feet.

4. Wings and leads must be constructed of multifilament natural or synthetic material only.

5. Netting used for wings and leads must be constructed of twine no smaller than Number six (#6) nylon or equivalent, having a breaking strength of fifty-five (55) pounds or greater.

6. Wings and leads may be of knotted or knotless construction and must have a mesh size no larger than one (1) inch.

7. Hoop nets, wing nets, straight lead nets, or heart lead nets must be fished as individual nets. Wings or leads cannot be tied together so as to become continuous multiple net units.

8. Wings and leads must be used only to lead fish into the hoop net.

9. [4.] One (1) commercial gear tag must be attached to the first hoop of each net.

(b) Gill net or trammel net:

1. Are legal gear in Ohio and Mississippi Rivers and overflow lakes directly connected with each river. Minimum mesh size is three (3) inches in the Mississippi and overflow lakes and four (4) inches in the Ohio River and its overflow lakes. Gill and trammel nets may also be authorized for other waters under certain conditions by separate regulations.

2. May be fished weighted or as a flag net.

3. Must have one (1) commercial gear tag attached to each 100 feet or part thereof.

(c) Commercial trotline:

1. Must have more than fifty (50) hooks placed no closer than eighteen (18) inches apart.

2. Must have one (1) commercial gear tag attached.

3. A commercial trotline may be no longer than 3,000 feet, including staging, and must be fished separately, not tied together in a continuous line.

(d) Seine:

1. Must have a minimum mesh size of two (2) inches.

2. Must have both float and lead lines.

3. Must have wood, fiberglass or metal poles or brails attached at each end.

4. When seine is in the water, it must be attended by persons pulling the seine through the water for the entrapment of fish.

5. At no time may a seine be left unattended to act as a set net or other purpose.

6. Must have one (1) commercial gear tag attached to each 100 feet or part thereof.

(e) Slat trap basket:

1. No wire or other mesh may be added to any part of trap.

2. There must be at least two (2) openings left between slats no smaller than one and one-fourth (1 1/4) inches wide in the catch portion of the trap. These openings may not be restricted by cross-bracings to a length shorter than eight (8) inches.

3. The trap may be no larger than two (2) feet in diameter or square end measure.

4. Must have one (1) commercial gear tag attached to opening ring or square.

G. WENDELL COMBS, Secretary

DON R. MCCORMICK, Commissioner

CHARLES E. PALMER, JR., Chairman

APPROVED BY AGENCY: June 13, 1986

FILED WITH LRC: August 11, 1986 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on September 25, 1986 at 9 a.m. in the meeting room of the Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Peter W. Pfeiffer, Director, Division of Fisheries, Department of Fish and Wildlife Resources, #1 Game Farm Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Don R. McCormick

(1) Type and number of entities affected: Approximately 700

(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: None available

(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. The amendment is not tiered; however the entire regulation is.

TOURISM CABINET

Department of Fish and Wildlife Resources (Proposed Amendment)

301 KAR 2:044. Taking of migratory wildlife.

RELATES TO: KRS 150.010, 150.015, 150.025, 150.170, 150.300, 150.305, 150.320, 150.330, 150.340, 150.360, 150.603

PURSUANT TO: KRS 13A.350, 150.025

NECESSITY AND FUNCTION: In accordance with KRS 150.015, this regulation is necessary for the continued protection and conservation of the migratory birds listed herein, and to insure a permanent and continued supply of the wildlife resource for the purpose of furnishing sport and recreation for present and future residents of the state. The function of this regulation is to provide for the prudent taking of migratory wildlife within reasonable limits based upon an adequate supply. This amendment is necessary to implement the requirement for waterfowl hunters to possess a Kentucky waterfowl stamp and to change season dates where appropriate.

Section 1. Seasons. (1) Doves: September 1 through October 31; November 29 [30] through December 7 [8].

(2) Woodcock: October 1 through December 4.

(3) Common snipe: October 1 through December 4.

(4) Experimental September duck: September 10 [11] through September 14 [15].

Section 2. Limits.

Species	Bag Limits	Possession Limits
Doves	12	24
Woodcock	5	10
Common snipe	8	16
Experimental September duck, wood duck, teal and other ducks	*4	*8

*Daily bag limit is four (4) ducks, no more than two (2) of which may be wood ducks, and no more than one (1) of which may be a species other than teal or wood duck. [, and] The possession

limit is double the daily bag limit.

Section 3. Bag and Possession Limits. (1) After two (2) or more days of shooting, possession limits apply to transporting, but do not permit a double bag limit in the field.

(2) The above species (except doves) dressed in the field, or being prepared for transportation, must have one (1) fully feathered wing or head attached to the bird for identification purposes.

Section 4. Shooting Hours. (1) Doves: From eleven (11) o'clock a.m. until sunset during the period September 1 through October 31; from sunrise to sunset during the period November 29 [30] through December 7 [8].

(2) Common snipe and woodcock: from one-half (1/2) hour before sunrise to sunset.

(3) Experimental September duck: from one-half (1/2) hour before sunrise to sunset.

[Section 5. Free Permit for Experimental September Duck Season. Persons hunting during the experimental September duck season should obtain a free permit from any conservation officer or other authorized agents before hunting. The free permit contains a request for harvest information to be furnished on a self-address, stamped post card.]

Section 5. [6.] Falconry Hunting. The wildlife species listed in this regulation may be pursued and taken by a licensed falconer with any legal hunting raptor during the regular hunting dates listed for each species. All bag and possession limits apply to falconry hunting.

Section 6. [7.] Exceptions to Statewide Migratory Bird Seasons on Specified Wildlife Management Areas. Unless excepted below, all sections of this regulation apply to the following areas:

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

(a) Doves: September 1 through October 14 only. Areas so designated by signs are closed. No firearms permitted on this area except during shooting hours.

(b) Woodcock and snipe: Seasons closed.

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

(a) Doves: September 1 through October 16 only.

(b) Woodcock and snipe: Hunting permitted on tracts 2, 3, 6, and 7 only.

(3) Central Kentucky Wildlife Management Area, located in Madison County:

(a) Doves: September 1 through October 16 only.

(b) Woodcock and snipe: Seasons closed.

(4) Land Between the Lakes Wildlife Management Area, located in Lyon and Trigg Counties:

(a) Doves: September 1 through September 30 and December 1 [November 30] through December 7 [8] only.

(b) Woodcock and snipe: December 1 [November 30] through December 4 only.

(5) Fort Campbell Wildlife Management Area, located in Christian and Trigg Counties:

(a) Doves: September 1 through September 26 [27], September 27 [28] through October 31 as announced by Fort Campbell Hunting and Fishing Unit, and November 29 [30] through December 7 [8] only. Hunting permitted during these periods in designated areas only.

(b) Shooting hours for doves: from twelve (12)

o'clock noon until sunset during the period September 1 through October 31; sunrise to sunset during the period November 29 [30] through December 7 [8].

(c) Woodcock and snipe: November 26 [27] through December 4.

(6) Closed Areas: The hunting of doves, woodcock, common snipe, and ducks is prohibited on the following wildlife management areas: that portion of Grayson Lake Wildlife Management Area east of the Little Sandy River and Bruin Creek portions of Grayson Lake; Beaver Creek Wildlife Management Area, including all private inholdings, located in Pulaski and McCreary Counties; Robinson Forest Wildlife Management Area, located in Breathitt, Perry, and Knott Counties; Redbird Wildlife Management Area, including all private inholdings, located in Leslie and Clay Counties; [Dewey Lake Wildlife Management Area, located in Floyd County;] Cane Creek Wildlife Management Area, including all private inholdings, located in Laurel County; Mill Creek Wildlife Management Area, located in Jackson County.

Section 7. [8.] Kentucky Waterfowl Stamp Requirements. (1) Persons sixteen (16) through sixty-four (64) years of age hunting wild ducks or geese shall possess, in addition to the appropriate hunting license, a Kentucky waterfowl stamp unless exempted under the provisions of KRS 150.170(3), (6), or (7).

(2) To be valid for hunting, said stamp shall be signed across the face by the bearer and fixed adhesively to the back of the bearer's hunting license. This stamp shall not be transferrable.

G. WENDELL COMBS, Secretary
DON R. McCORMICK, Commissioner
CHARLES E. PALMER, JR., Chairman

APPROVED BY AGENCY: June 13, 1986

FILED WITH LRC: August 11, 1986 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on September 26, 1986 at 2 p.m. in the Commission Room of the Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Lauren Schaaf, Acting Director, Wildlife Division, Department of Fish and Wildlife Resources, #1 Game Farm Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Don R. McCormick

(1) Type and number of entities affected: An estimated 90,000 persons will participate in the migratory bird hunting proposed by this regulation.

(a) Direct and indirect costs or savings to those affected: Direct costs involve the purchase of a state hunting license, a federal migratory bird hunting and conservation stamp and a state waterfowl stamp if hunting waterfowl. Indirect costs would be determined by the hunter, depending on his level of participation.

1. First year: Persons participating in the hunting proposed for authorization by this regulation would be required to possess a valid hunting license (\$7.50 for residents) unless exempt by regulations. Waterfowl hunters would be required to possess a \$7.50 federal migratory bird hunting and conservation stamp and a \$5.25

state waterfowl stamp.

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

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

(b) Reporting and paperwork requirements: Randomly selected waterfowl hunters will be asked to report their hunting success by completing and mailing a Kentucky Waterfowl Survey in a postage paid envelope.

(2) Effects on the promulgating administrative body: Requires time and effort in developing, publishing, reporting on, and enforcing the proposed regulation.

(a) Direct and indirect costs or savings: Primary costs are associated with enforcement of the regulation.

1. First year: The estimated cost associated with establishing and carrying out the provisions of this regulation is \$140,000.

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

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: The results of the waterfowl harvest survey will be tabulated and reported to the U.S. Fish and Wildlife Service in accordance with experimental hunting season agreement.

(3) Assessment of anticipated effect on state and local revenues: A positive effect could be expected on state revenues since hunters are required to purchase a hunting license and pay other state taxes on items purchased in connection with hunting and the hunting trip. The average migratory bird hunter in Kentucky will expend about \$70 a season on food, lodging, transportation and equipment. This will add about \$6,300,000 to the income of local businesses.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The U.S. Fish and Wildlife Service requires that any harvest of migratory birds be through a regulated hunting season that is held within a specific time frame. Therefore, the only available alternative to regulated hunting is to close the season which was rejected since migratory birds are a renewable resource and involved species are at population levels that permit regulated hunting for the benefit of Kentucky sportsmen.

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

(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 type of regulation does not appear to be adaptable to the tiering process since it only applies to migratory bird hunters.

TOURISM CABINET
Department of Fish and Wildlife Resources
(Proposed Amendment)

301 KAR 2:047. Specified areas; seasons, limits for birds and small game.

RELATES TO: KRS 150.010, 150.025, 150.170, 150.175, 150.176, 150.330, 150.340, 150.360, 150.370

PURSUANT TO: KRS 13A.350, 150.025

NECESSITY AND FUNCTION: This regulation pertains to the hunting seasons, bag and possession limits for upland game birds and animals on specified wildlife management areas and refuges. This regulation is necessary for the continued protection of the species listed herein, and to insure a permanent and continued supply of the wildlife resource for the purpose of furnishing sport and recreation for present and future residents of the state. The function of this regulation is to provide for the prudent taking of upland game birds and animals within reasonable limits based upon an adequate supply. This amendment is necessary because of changes in season dates and the opening or closure of certain wildlife management areas to hunting.

Section 1. All statewide and specified area regulations, seasons, bag and possession limits apply to the following wildlife management areas and refuges unless exceptions are listed herein.

Section 2. The following wildlife management areas are closed to all hunting at all times except for deer and turkey hunting as authorized by other applicable regulations:

(1) That portion of Grayson Wildlife Management Area east of the Little Sandy River and Bruin Creek portions of Grayson Lake.

(2) Robinson Forest Wildlife Management Area in Breathitt, Perry and Knott Counties.

Section 3. Exceptions to Statewide Small Game Hunting Regulations for Wildlife Management Areas and Refuges. (1) West Kentucky Wildlife Management Area located in McCracken County.

(a) Quail: November 1 through January 31 on Tracts 2, 3, 6 and 7.

(b) Rabbit: November 1 through January 31 on Tracts 2, 3, 6 and 7. December 22 through 31 on Tract 5 and January 1 through 10 on Tract 4.

(c) Squirrel (gray and fox): From opening of statewide season through October 31 on Tracts 1, 2, 3, 4, 5 and 6. November 1 through December 31 on Tract 6 only.

(d) Raccoon and opossum: Tracts 1 through 6 only.

(e) All hunters and dog trainers must check in and out daily at the designated check station.

(f) All tracts designated by numbers followed by the letter "A" are closed to gun hunting.

(g) Weapon restrictions: No rifles, or ball or slug ammunition of any type shall be permitted for taking small game on this area.

(h) Dog training is closed March 15 through August 31 excepting permitted field trials.

(i) Tract 6 is closed to vehicular traffic March 1 through April 16.

(2) Land Between the Lakes Wildlife Management Area located in Trigg and Lyon Counties. Areas open to hunting for the following species are located north of the state line to Barkley Canal, except that no hunting is allowed in developed public use areas, safety zones and

posted areas unless otherwise noted.

(a) Squirrel (gray and fox): From opening of statewide season through September 30; December 1 through January 31; and October 1 through November 11 only by legally licensed and equipped deer archery hunters.

(b) Quail: December 1 through the last day of February.

(c) Rabbit: December 1 through the last day of February.

(d) Raccoon and opossum: Tuesday, Friday and Saturday nights only during the period December 1 through January 31. Daily bag limit one (1) person per night. Raccoon and opossum hunters must check in and out nightly at designated check station. Harvest report cards must be displayed in vehicle windshield while hunting and submitted at the check station upon completion of each night's hunt. Season will be closed in some hunt areas on dates listed in the LBL Hunting Guide.

(e) Field trials: September 1 through October and November 30 through March 31. Scheduled basis only. Written requests must be received by Land Between the Lakes at least ten (10) days prior to the proposed hunt date. Approval must be obtained from Land Between the Lakes and the Department of Fish and Wildlife Resources District Supervisor. Field trials must be recognized club hunts and each participant must be on a club roster for that hunt.

(f) Fox chasing: From sunset to sunrise; third Saturday in August through October 1 south of Highway 68 to state line.

(g) Gray fox taking: Daylight hours only; gun and archery on December 1 through January 31.

(h) Woodchuck: Daylight hours only. March 15 through March 31. All harvested animals must be removed from the area. October 1 through November 11 and December 13 through December 31 only by legally licensed and equipped deer archery hunters. Gun hunting is prohibited in Hunt Area 8 and in that portion of Hunt Area 9 designated as the ORV area.

(i) Coyote: Daylight hours only by legally licensed hunters during any open season with weapons specified for that season.

(j) Bird dog, beagle and raccoon hound training season: During the entire month of October. Bird dogs and beagles in Hunt Area 8 only. Raccoon hounds in Hunt Area 9 only.

(k) All dogs must wear a collar bearing the owner's name, address, and telephone number. Dogs may not be used for hunting October 1 through November 11, except in authorized field trials and designated dog training Hunt Areas.

(1) Trapping for furbearers:

1. Only those persons who are selected by a drawing are permitted to trap furbearers on Land Between the Lakes.

2. Authorized trappers may trap in assigned areas only and must report their harvest in accordance with Land Between the Lakes instructions.

3. Trapping season: December 28 through January 11 for all furbearers.

4. Trapping devices: No. 3 or smaller foot-hold traps and live traps are permitted. The jaws of No. 1 1/2 and larger foot-hold traps used on land must be offset three-sixteenths (3/16) inch or be of the soft catch-type trap. Water sets are restricted to No. 3 or smaller foot-hold traps, No. 330 or smaller Conibear-type traps, and snares.

5. Weapons restrictions: The use of crossbows,

center-fire rifles, center-fire handguns, and shotguns with slugs or shot larger than BBs is prohibited for the taking of all species listed in this subsection except that woodchucks may be taken with center-fire rifles during the specified spring season.

(3) Reelfoot National Wildlife Refuge located in Fulton County.

(a) Squirrel (gray and fox): Fourth Saturday in August through October 15 only in areas designated by signs as open to public hunting.

(b) Raccoon: Four (4) consecutive nights beginning on the last Wednesday in September and four (4) consecutive nights beginning on the first Wednesday in October on the Long Point Refuge unit, with hunting allowed only during the hours of 7:30 p.m. to 12:00 midnight. No bag or possession limits.

(c) Hunters are required to check in and out at designated check stations.

(d) No other hunting is permitted except as authorized by other applicable regulations.

(4) Ballard County Wildlife Management Area located in Ballard County.

(a) Areas designated by signs are closed to hunting.

(b) The wooded area south of Terrell Landing Road and designated by signs reading "Wildlife Management Area for Public Hunting" is open in conjunction with statewide seasons.

(5) Central Kentucky Wildlife Management Area located in Madison County.

(a) This area is closed to all hunting except dove and squirrel.

(b) Dog training is closed March 15 through August 31 excepting permitted field trials.

(6) Curtis Gates Lloyd Wildlife and Recreation Area located in Grant County.

(a) Areas closed to hunting are designated by refuge signs.

(b) Dog training is closed March 15 through August 31 excepting permitted field trials.

(7) Pioneer Weapons Wildlife Management Area located in Bath and Menifee Counties. Hunters on this area are restricted to pioneer weapons only. These include muzzle-loading rifles, muzzle-loading pistols, muzzle-loading shotguns, longbows and crossbows. Muzzle-loading shotguns for taking squirrels, quail, grouse and rabbits must not use shot larger than No. 2 in size.

(8) Fort Campbell Wildlife Management Area located in Christian and Trigg Counties. There will be no hunting on Mondays or Tuesdays except when Monday or Tuesday is a federal holiday or as follows: December 22-23 and 29-30. There will be no hunting on December 25 and January 1.

(a) Seasons, bag and possession limits:

1. Squirrel (gray and fox): August 16 through September 26, November 26 through December 12, December 13 through 31 on selected areas.

2. Quail: November 26 through December 12, December 13 through 31 on selected areas; January 2 through February 28.

3. Rabbit: November 26 through December 12, December 13 through 31 on selected areas; January 2 through February 28; bag limit five (5); possession limit ten (10).

4. Raccoon, gray fox and opossum: Taking with gun and/or dogs, November 26 through December 12, December 13 through 31 on selected areas. January 2 through 31; limit one (1) per person.

5. Coyote and woodchuck: May 3 through August 15 and during any other authorized hunt.

6. Red fox: November 26 through December 12, December 13 through 31 on selected areas.

January 2 through 31.

(b) Permission must be obtained for each hunt at building #6645 and hunters must stay within their assigned area. A hunting permit costing fifteen (15) dollars is required.

(c) All hunters between the ages of twelve (12) and eighteen (18) must possess a valid hunter safety certificate.

(9) Clay Wildlife Management Area located in Nicholas County.

(a) Quail and rabbit: November 1 through January 31.

(b) Grouse: October 1 through January 15.

(c) All hunters and dog trainers must check in and out daily at the designated check station.

(d) Dog training is closed March 15 through August 31.

(10) Pine Mountain Wildlife Management Area located in Letcher County is closed to training of all dogs March 15 through August 31.

(11) Redbird Wildlife Management Area located in Leslie and Clay Counties, Beaver Creek Management Area located in McCreary and Pulaski Counties and Dewey Lake Wildlife Management Area in Floyd County.

(a) Squirrel (gray and fox): Open September 1 through September 30 and December 8 through December 31 only.

(b) Grouse, quail, raccoon, and rabbit hunting and trapping for furbearers: December 8 through December 31 only.

(c) Dog training: December 8 through December 31 only.

(d) Firearms: Shotguns only.

(e) Closed to all other hunting except deer and turkey as authorized by other applicable regulations.

(12) Mill Creek Wildlife Management Area located in Jackson County; Cane Creek Wildlife Management Area located in Laurel County; and all private inholdings within these areas.

(a) Grouse: October 1 through January 15 only.

(b) Quail and rabbit: November 1 through January 31 only.

(c) [Closed to all other hunting except] Deer, waterfowl and turkey as authorized by other applicable regulations.

(d) Dog training: These areas closed to all dog training.

(13) Fort Knox Wildlife Management Area located in Hardin, Bullitt and Meade Counties is closed to grouse hunting.

(14) Pennyrite Forest Wildlife Management Area located in Christian County is closed to grouse hunting.

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

(a) Quail and rabbit: November 1 through January 31 only.

(b) No grouse hunting is permitted.

(c) Dog training is closed March 15 through August 31 excepting permitted field trials.

(d) All hunters and dog trainers must check in and out daily at the designated check station.

(16) Yellowbank Wildlife Management Area located in Breckinridge County.

(a) Quail and rabbit: November 1 through January 31 only.

(b) No grouse hunting is permitted.

(c) All hunters and dog trainers must check in and out daily at the designated check station.

(d) Dog training is closed March 15 through August 31.

(17) Kleber Wildlife Management Area located in Owen and Franklin Counties.

(a) Quail and rabbit: November 1 through January 31.

(b) All hunters and dog trainers must check in and out daily at the designated check station.

(c) Dog training is closed March 15 through August 31.

(18) Swan Lake Wildlife Management Area located in Ballard County.

(a) Areas designated by signs are closed to hunting.

(b) Closed to all dog training.

(19) Westvaco Public Hunting Areas. Persons hunting on Westvaco Public Hunting Areas must possess a valid Westvaco Hunting Permit.

(20) Paintsville Wildlife Management Area located in Johnson and Morgan Counties.

(a) Squirrel (gray and fox), grouse, quail, raccoon and rabbit hunting and trapping for furbearers are permitted from the third Thursday in November through December 4.

(b) Only shotguns incapable of holding more than three (3) shells are permitted.

(c) This area is closed to all other hunting except deer, turkey and waterfowl as authorized by other applicable regulations.

G. WENDELL COMBS, Secretary

DON R. McCORMICK, Commissioner

CHARLES E. PALMER, JR., Chairman

APPROVED BY AGENCY: March 3, 1986

FILED WITH LRC: August 11, 1986 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on September 22, 1986 at 2 p.m. in the Commission Room, Department of Fish and Wildlife Resources, #1 Game Farm Road, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Lauren E. Schaaf, Acting Director, Wildlife Division, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Don R. McCormick

(1) Type and number of entities affected: Approximately 340,000 small game hunters and 7,000 trappers are expected to participate in the 1986-87 statewide hunting and trapping seasons. About 6,800 of these can be expected to avail themselves of the opportunity to participate in seasons on the special areas designated in this regulation.

(a) Direct and indirect costs or savings to those affected: Direct costs involve the purchase of a state hunting license and/or a state trapping license. Indirect costs are determined by the individual, depending upon his level of participation.

1. First year: Persons participating in the hunting or trapping seasons proposed by this regulation would be required to possess a valid hunting license (\$7.50 for residents) or a valid trapping license (\$11.50 resident, \$6.00 resident landowner/tenant), respectively. A \$15 hunting permit is required by Fort Campbell authorities.

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

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

(b) Reporting and paperwork requirements: Hunters are required to check in and/or out at some of the management areas specified in this regulation.

(2) Effects on the promulgating administrative body: Requires time and effort in developing, publishing, reporting on, and enforcing the proposed regulation.

(a) Direct and indirect costs or savings: Primary costs are associated with enforcing the regulation.

1. First year: The estimated cost associated with establishing and carrying out the provisions of this regulation is \$2,500.

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

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: Approximately 6,800 small game hunters and 140 trappers may be expected to expend money for equipment, transportation, food and lodging. The average annual expenditure for these items by Kentucky small game hunters is \$96.98 according to the 1980 National Hunting and Fishing Survey. The average season expenditure for Kentucky trappers during the 1981-82 trapping season was \$209.32. State and local revenues can be expected to be positively affected due to necessary expenditures by small game hunters and trappers for the required licenses and due to taxes levied upon items purchased.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Reasons why alternatives were rejected: The only available alternative to regulated hunting is closure of the season. This alternative was rejected as contrary to the conservation ethic which is based upon the wise use of renewable resources and the fact that small game and furbearer populations are at levels which can sustain a regulated harvest by sportsmen.

(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. This type of regulation does not appear to be adaptable to the tiering process since it is specific to small game hunters and trappers.

TOURISM CABINET

Department of Fish and Wildlife Resources
(Proposed Amendment)

301 KAR 3:021. Hunting and fishing license fees.

RELATES TO: KRS 150.025, 150.175, 150.225, 150.237, 150.240, 150.280, 150.290, 150.525, 150.660

PURSUANT TO: KRS 13A.350, 150.025

NECESSITY AND FUNCTION: The commissioner, with the concurrence of the Fish and Wildlife Resources Commission, finds it necessary to establish the hunting and fishing license fees schedule in this regulation to generate the necessary funds to finance programs to protect, manage, and conserve the fish and wildlife resources of the state so a permanent and

continued supply will be maintained for the benefit of present and future generations.

Section 1. License fees for hunting and fishing are as follows:

- (1) Sport fishing licenses:
 Statewide fishing license (resident): \$8.50 [7.50]
 Statewide fishing license (nonresident): \$16.00
Joint statewide fishing license (resident): \$15.30
 Ohio River fishing license (resident Ohio, Indiana and Illinois only): \$8.50 [7.50]
10 [15]-day fishing license (nonresident only): \$10.00 [6.50]
 [3]-day fishing license (nonresident only): \$5.00
 Trout stamp (resident or nonresident): \$3.50
 (2) Commercial fishing licenses:
 Commercial fishing license (resident) plus ten (10) commercial gear tags: \$72.00
 Commercial fishing license (nonresident) plus ten (10) nonresident commercial gear tags: \$500.00
 Ohio River commercial fishing license (resident Ohio, Indiana and Illinois only) plus ten (10) Ohio River commercial gear tags: \$72.00
 (3) Commercial fishing gear tags (not to be sold singly):
 Commercial fishing gear tag (resident) blocks of 10 tags: \$6.50
 Commercial fishing gear tag (nonresident) blocks of 10 tags: \$58.00
 Ohio River commercial fishing gear tag (resident Ohio, Indiana and Illinois only) block of ten (10) tags: \$21.50
 (4) Special experimental commercial fishing permit: \$500.00
 (5) Live fish and bait dealers licenses:
 Live fish and bait dealers license (resident) Separate license required for each place of business: \$25.50
 Live fish and bait dealers license (nonresident): \$42.50
 (6) Mussel licenses:
 Musseling license (resident): \$25.50
 Musseling license (nonresident): \$300.00
 Mussel buyer's license (resident): \$100.00
 Mussel buyer's license (nonresident): \$300.00
 (7) Hunting licenses:
 Statewide hunting license (resident): \$8.50 [7.50]
 Statewide hunting license (nonresident): \$75.00 [40.00]
 Statewide hunting license, small game only (5 [3]-day nonresident): \$20.00 [14.50]
 Statewide junior hunting license (resident only): \$4.00
Statewide waterfowl stamp: \$5.25
 (8) Hunting and fishing license (combination resident): \$15.00 [14.00]
 (9) Trapping licenses:
 Trapping license (statewide resident): \$11.50
 Trapping license (resident landowner/tenant): \$6.00
 Trapping license (nonresident): \$115.00
 Trap tags, each (resident or nonresident): \$.20
 (10) Big game licenses:
 Big game permit, deer (resident or nonresident): \$11.50
 Big game permit, turkey (resident or nonresident): \$6.50
 (11) Taxidermist license: \$11.50
 (12) Commercial guide licenses:
 Commercial guide license (resident): \$14.50

- Commercial guide license (nonresident): \$42.50
 (13) Fur dealer's licenses:
 Fur processor's license (resident): \$150.00
 Fur buyer's license (resident): \$30.00
 Fur buyer's license (nonresident): \$230.00
 (14) Special nonresident hunting preserve license valid only for preserve issued (not required if hunter has valid hunting license): \$8.50 [7.50]
 (15) Kentucky regulated shooting preserve permit: \$35.00
(16) Commercial fox hound training enclosure permit: \$250.00
(17) [(16)] Pet and propagation permit for game and fish:
 Pet and propagation permit for game and fish, noncommercial: \$6.00
 Pet and propagation permit for game and fish, commercial: \$30.00
(18) [(17)] Scientific fish and wildlife collecting permit:
 Scientific fish and wildlife collecting permit, educational: \$3.00
 Scientific fish and wildlife collecting permit, scientific: \$115.00
(19) [(18)] Food permits:
 Food permit for selling bobwhite quail from propagation farms only: \$150.00
 Retail food permit for propagated quail: \$2.50
(20) [(19)] Commercial waterfowl shooting permit (operator's license): \$40.00
(21) [(20)] Falconry permit (birds of prey): \$12.00
(22) [(21)] Pay lake license (minimum \$50 for first two (2) acres or less; \$10 per additional acre or part thereof, up to maximum of \$100
(23) [(22)] Shoot to retrieve field trial permit (per day): \$30.00
(24) [(23)] Bird dog training device: \$2.50

Section 2. The kind of license or tags authorized by this regulation shall not be changed, altered, or defaced in any manner, except the trout stamp and waterfowl stamp, which must carry the licensee's signature in ink across the face of stamp and be attached to the back of the proper fishing or hunting license. All licenses, permits, tags, and stamps are nontransferable.

Section 3. This regulation as amended shall become effective on January 1, 1987 [1982].

G. WENDELL COMBS, Secretary
 DON R. McCORMICK, Commissioner
 CHARLES E. PALMER, JR., Chairman
 APPROVED BY AGENCY: March 3, 1986

FILED WITH LRC: August 11, 1986 at 4 p.m.
 PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on September 22, 1986 at 9 a.m. in the Commission Room of the Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Don R. McCormick, Commissioner, Department of Fish and Wildlife Resources, #1 Game Farm Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Don R. McCormick

(1) Type and number of entities affected:
 Approximately 775,700 sportsmen purchase licenses whose costs are being increased. This total includes 661,450 Kentucky residents and 114,250 non-residents.

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

1. First year: Sportsmen will pay approximately 1.4 million dollars more for licenses than in previous years. Any indirect costs would be associated with hunting or fishing trips made by the sportsmen. The Department has no method of determining these costs.

2. Continuing costs or savings: There would be no additional costs after the first year.

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

(b) Reporting and paperwork requirements: Sportsmen would provide their name, address, age, height, weight, eye color and hair color when purchasing a license. This is the procedure currently in use.

(2) Effects on the promulgating administrative body: The change to one short-term non-resident fishing license will provide minor savings in printing and distribution costs. No other changes will have a noticeable effect.

(a) Direct and indirect costs or savings:

1. First year: Printing of one short-term non-resident fishing license instead of two short-term non-resident fishing licenses will provide a savings of approximately \$800. There will also be a savings in distribution costs but these cannot be quantified at this time.

2. Continuing costs or savings: There would be no additional savings over those indicated in the first year.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: Department employees, clerks and clerks' agents would be required to fill in licenses as sportsmen make purchases and report the numbers and types of licenses sold on a monthly basis. This process is currently in use for license sales.

(3) Assessment of anticipated effect on state and local revenues: Agency revenues are expected to increase by 1.4 million dollars.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives were available.

(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.

LOCAL MANDATE IMPACT STATEMENT

SUBJECT/TITLE: Hunting and fishing license fees.

SPONSOR:

NOTE SUMMARY

LOCAL GOVERNMENT MANDATE:

TYPE OF MANDATE:

LEVEL(S) OF IMPACT:

BUDGET UNIT(S) IMPACT:

FISCAL SUMMARY:	First Fiscal Year
Revenues	\$1,400,000.00+
Expenditures	800.00-
Net Effect	\$1,400,800.00+

MEASURE'S PURPOSE:

PROVISION/MECHANICS:

FISCAL EXPLANATION:

CORRECTIONS CABINET (Proposed Amendment)

501 KAR 6:030. Kentucky State Reformatory.

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 August 13 [July 15], 1986 and hereinafter should be referred to as Kentucky State Reformatory 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.

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
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
KSR 03-00-10	Workers' Compensation
KSR 03-00-11	Equal Employment Opportunity Complaints
KSR 03-00-12	Employee Grievance Procedure
KSR 03-00-14	Prohibited Employee Conduct, Disciplinary Actions, and Appeal Process
KSR 03-00-15	Affirmative Action Program
KSR 03-00-16	Confidentiality of Personnel Records
KSR 03-00-19	Establishment of Personnel Records and Employee Right to Challenge Information Contained Therein
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 14-00-02	A/C Center and Unit D Inmate Access to Legal Aide Services
KSR 04-00-02	Staff Training and Development	KSR 14-00-04	Inmate Grievance Procedure
KSR 05-00-02	Research Activities	KSR 15-00-01	Operational Procedures and Rules and Regulations for Unit A, B, and C [(Amended 7/15/86)]
KSR 05-00-03	Management Information Systems	KSR 15-00-02	Regulations Prohibiting Inmate Control or Authority Over Other Inmate(s)
KSR 06-00-01	Inmate Master File	KSR 15-00-03	Governor's Meritorious Good Time Award
KSR 06-00-02	Records Audit	KSR 15-00-04	Restoration of Forfeited Good Time <u>(Amended 8/13/86)</u>
KSR 06-00-03	Kentucky Open Records Law	KSR 15-00-05	Differential Status for SU (QUIT) Inmates
KSR 07-00-02	Institutional Tower Room Regulations	KSR 15-00-06	Inmate I.D. Cards
KSR 07-00-03	Guidelines for Contractors	KSR 15-00-07	Inmate Rules and Discipline - Adjustment Committee Procedures
KSR 08-00-07	Inmate Family Emergency - Life Threatening Illness or Death in Inmate's Immediate Family	KSR 15-00-08	Firehouse Living Area
KSR 08-00-08	Notification of Inmate Family in Case of Serious Injury, Critical Medical Emergency, Major Surgery, or Death of an Inmate	KSR 16-00-01	Visiting Regulations [(Amended 7/15/86)]
KSR 08-00-09	Emergency Preparedness Training <u>(Amended 8/13/86)</u>	KSR 16-00-02	Inmate Correspondence and Mailroom Operations [(Amended 7/15/86)]
KSR 09-00-04	Horizontal Gates/Box 1 Entry and Exit Procedure	KSR 16-00-03	Inmate Access to Telephones
KSR 09-00-05	Gate I Entrance and Exit Procedure	KSR 17-00-01	Housing Unit Assignment
KSR 09-00-14	Use of Force	KSR 17-00-03	Notifying Inmates' Families of Admission and Procedures for Mail and Visiting
KSR 09-00-21	Crime Scene Camera	KSR 17-00-04	Assessment/Classification Center Operations, Rules and Regulations
KSR 09-00-22	Collection, Preservation, and Identification of Physical Evidence	KSR 17-00-05	Dormitory 10 Operations
KSR 09-00-23	Drug Abuse Testing	KSR 17-00-06	Identification Department Admission and Discharge Procedures
KSR 09-00-25	Inmate Motor Vehicle Operator's License	KSR 17-00-07	Inmate Personal Property [(Amended 7/15/86)]
KSR 09-00-26	Contraband Outside Institutional Perimeter [(Added 6/13/86)]	KSR 18-00-01	Special Management Inmates - Unit D Classification
KSR 10-00-02	Special Management Inmates - Operations, Rules and Regulations for Unit D [(Amended 6/13/86)]	KSR 18-00-04	Returns from Other Institutions
KSR 10-00-03	Special Needs Unit [(Amended 6/13/86)]	KSR 18-00-05	Transfer of Residents to Kentucky Correctional Psychiatric Center
KSR 10-00-04	Unit D Admission/Release Ticket	KSR 18-00-06	Classification
KSR 11-00-01	Meal Planning for the General Population	KSR 18-00-07	Special Notice Form
KSR 11-00-02	Special Diets	KSR 19-00-01	Inmate Work Incentives
KSR 11-00-03	Food Service Inspections	KSR 19-00-02	On-the-Job Training Program [(Amended 7/15/86)]
KSR 11-00-04	Dining Room Dress Code for Inmates	KSR 19-00-03	Safety Inspections of Inmate Work Assignment Locations
KSR 11-00-06	Health Standards/Regulations for Food Service Employees	KSR 20-00-01	Vocational School Referral and Release Process
KSR 11-00-07	Early Chow Line Passes for Medically Designated Inmates	KSR 20-00-03	Academic School Programs
KSR 12-00-01	Inmate Summer Dress Regulations	KSR 20-00-04	Criteria for Participation in Jefferson Community College Program
KSR 12-00-02	Sanitation and General Living Conditions	KSR 20-00-08	Integration of Vocational and Academic Education Programs
KSR 12-00-03	State Items Issued to Inmates	KSR 21-00-01	Legal Aide Office and Law Library Services and Supervision
KSR 12-00-07	Regulations for Inmate Barbershop	KSR 21-00-02	Inmate Library Services
KSR 13-00-01	Identification of Mentally Retarded Inmates	KSR 21-00-03	Library Services for Unit D
KSR 13-00-02	Regulations for Hospital Patients	KSR 22-00-03	Inmate Organizations [(Amended 7/15/86)]
KSR 13-00-03	Medication for Inmates Leaving Institution Grounds	KSR 23-00-02	Chaplain's Responsibility and Inmate Access to Religious Representatives
KSR 13-00-04	Dental Care for Inmates	KSR 23-00-03	Religious Programming
KSR 13-00-05	Medical and Dental Sick Call	KSR 25-00-01	Discharge of Residents to Hospital or Nursing Home
KSR 13-00-07	Referral of Inmates Considered to Have Severe Emotional Disturbances	KSR 25-00-02	Violations of Law or Code of Conduct by Inmates on Parole Furlough
KSR 13-00-08	Institutional Laboratory Procedures	KSR 25-00-03	Pre-Parole Progress Report
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/Optomety 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		

GEORGE W. WILSON, Secretary

APPROVED BY AGENCY: August 13, 1986

FILED WITH LRC: August 14, 1986 at 8 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on

this regulation has been scheduled for September 22, 1986 at 9 a.m. on the 10th Floor, Room 4471 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: 483 employees of the Kentucky State Reformatory, 1,444 inmates, 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: Monthly 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.

CORRECTIONS CABINET
(Proposed Amendment)

501 KAR 6:040. Kentucky State Penitentiary.

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 August 13 [July 15], 1986 and hereinafter should be referred to as Kentucky State Penitentiary 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.

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
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 020000-29	Promotional Opportunity Announcement Program
KSP 030000-01	Inventory Records and Control
KSP 030000-04	Requisition and Purchase of Supplies and Equipment
KSP 030000-05	Inmate Personal Funds [(Amended 7/15/86)]
KSP 030000-06	Inmate Commissary Program
KSP 040000-02	Inmate Records Section [(Amended 6/13/86)]
KSP 040000-08	Inmate Equal Opportunity Policy
KSP 050000-14	Searches of Inmates, Visitors, Staff, Vehicles, Cells and Area Shakedown and Preservation of Evidence [(Amended 6/13/86)]
KSP 060000-01	Special Security Unit
KSP 060000-02	Operational Procedures for Disciplinary Segregation, Administrative Segregation, Administrative Control and Behavioral Control Units [(Amended 7/15/86)]
KSP 060000-04	Protective Custody Unit
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 (Amended 8/13/86)
KSP 070000-25	Food Service Inspections (Amended 8/13/86)

KSP 070000-30 Therapeutic Diets
 KSP 090000-01 Inmate Work Programs
 KSP 090000-03 Correctional Industries
 KSP 100000-02 Visiting Program [(Amended 6/13/86)]
 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 6/13/86)]
 KSP 100000-06 Mail [(Amended 6/13/86) (Amended 7/15/86)]
 KSP 100000-07 Inmate Telephone Access
 KSP 100000-08 Behavioral Counseling Record
 KSP 100000-09 Due Process/Disciplinary Procedures
 KSP 100000-11 Authorized and Unauthorized Property for Inmates [(Amended 7/15/86)]
 KSP 100000-14 Property Room: Clothing Storage and Inventory
 KSP 100000-15 Uniform Standards for Fire Safety, Sanitation and Security of all Cells
 KSP 100000-18 Inmate Grievance Committee Hearings [(Amended 7/15/86)]
 KSP 100000-20 Legal Services Program [(Amended 6/13/86)]
 KSP 100000-21 Photocopies for Non-Indigent Inmates with Special Court Deadlines (Deleted 6/13/86)
 KSP 100000-22 Special Management Unit Legal Services Program
 KSP 100000-23 Inmate Legal Office/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
 KSP 110000-07 Statutory Good Time Restoration
 KSP 110000-08 Award of Meritorious Good Time [(Amended 5/15/86)]
 KSP 110000-10 Special Needs Inmates
 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
 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

GEORGE W. WILSON, Secretary

APPROVED BY AGENCY: August 13, 1986

FILED WITH LRC: August 14, 1986 at 8 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for September

22, 1986 at 9 a.m. on the 10th Floor, Room 4471 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: 310 employees of the Kentucky State Penitentiary, 777 inmates, 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: Monthly 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.

CORRECTIONS CABINET (Proposed Amendment)

501 KAR 6:060. Northpoint Training Center.

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 August 13 [July 15], 1986 and hereinafter should be referred to as Northpoint Training Center 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.

NTC 01-05-01	Extraordinary Occurrence Reports	NTC 11-04-02	Menu, Nutrition and Special Diets [(Amended 7/15/86)]
NTC 01-10-01	Legal Assistance for Staff	NTC 11-05-02	Health Standards/Regulations for Food Service Employees
NTC 01-11-01	Political Activities of Merit Employees	NTC 11-06-01	Inspections and Sanitation [(Amended 7/15/86)]
NTC 01-15-01	Establishment of the Warden as Chief Executive Officer	NTC 11-07-01	Purchasing, Storage and Farm Products [(Amended 7/15/86)]
NTC 01-17-01	Relationships with Public, Media and Other Agencies	NTC 12-01-01	Institutional Inspections
NTC 02-01-02	Fiscal Management: Accounting Procedures	NTC 12-02-01	Personal Hygiene for Inmates; Clothing and Linens
NTC 02-01-03	Fiscal Management: Checks	NTC 12-02-02	Personal Hygiene Items
NTC 02-01-04	Fiscal Management: Insurance	NTC 13-01-01	Emergency Medical Care Plan [(Amended 7/15/86)]
NTC 02-03-01	Fiscal Management: Audits	NTC 13-01-02	Emergency and Specialized Health Services
NTC 02-08-01	Inmate Canteen (Amended 8/13/86)	NTC 13-02-01	Administration and Authority for Health Services
NTC 02-12-01	Inmate Personal Accounts	NTC 13-03-01	Sick Call and Pill Call
NTC 03-01-01	Employee Dress and Personal Appearance	NTC 13-04-01	Pharmacy
NTC 03-02-01	Prohibited Employee Conduct	NTC 13-05-01	Dental Services
NTC 03-03-01	Staff Members Suspected of Being Under the Influence of Intoxicants	NTC 13-06-01	Licensure and Training Standards
NTC 03-04-01	Shift Assignments and Transfers	NTC 13-07-01	Provisions for Health Care Delivery (Amended 8/13/86)
NTC 03-05-01	Work Planning and Performance Review	NTC 13-08-01	Medical and Dental Records
NTC 03-06-01	Worker's Compensation	NTC 13-09-01	Special Diets
NTC 03-07-01	Merit System Registers and Placement of Advertisements	NTC 13-11-01	Inmate Health Screening and Evaluation
NTC 03-08-01	Procedures for New Employees Reporting for Employment	NTC 13-12-01	Disabled and Infirm Inmates
NTC 03-09-01	Maintenance, Confidentiality and Challenge of Information Contained in Employee Personnel File	NTC 13-13-01	Medical Alert System
NTC 03-10-01	Employment of Ex-Offenders	NTC 13-14-01	Management of Chemically Dependent Inmates
NTC 03-13-01	Travel Reimbursement for Official Business and Professional Meetings	NTC 13-15-01	Health Education for Inmates
NTC 03-14-01	Selection, Retention, Promotion, and Lateral Transfer of Merit System Employees	NTC 13-16-01	Continuity of Health Care (Amended 8/13/86)
NTC 03-14-02	Promotional Opportunities	NTC 13-17-01	Inmates Assigned to Health Services (Amended 8/13/86)
NTC 03-15-01	Time and Attendance; Accumulation and Use of Accrued Time	NTC 13-19-01	Psychological Services (Amended 8/13/86)
NTC 03-15-02	Sick Leave Abuse	NTC 13-19-02	Mentally Retarded Inmates
NTC 03-15-03	Inclement Weather and Emergency Conditions	NTC 13-19-03	Suicide Prevention and Intervention Program
NTC 03-16-01	Affirmative Action Program and the Promotion of EEO	NTC 14-01-01	Legal Services Program [(Amended 7/15/86)]
NTC 03-17-01	Employee Grievance Procedure [(Added 7/15/86)]	NTC 14-02-01	Inmate Grievance Procedure
NTC 03-18-01	Educational Assistance Program	NTC 14-03-01	Inmate Rights and Responsibilities (Amended 8/13/86)
NTC 03-19-01	Holding of Second Jobs by Employees	NTC 15-01-01	Restoration of Forfeited Good Time
NTC 04-01-01	Training and Staff Development	NTC 15-02-01	Due Process/Disciplinary Procedures
NTC 04-04-01	Firearms and Chemical Agents Training	NTC 15-02-02	Extra Duty Assignments
NTC 06-01-01	Offender Records	NTC 15-03-01	Rules for Inmates Assigned to Outside Detail
NTC 06-01-02	Records - Release of Information	NTC 15-03-02	Rules and Regulations for Dormitories
NTC 06-01-03	Taking Offender Record Folders onto the Yard [(Amended 7/15/86)]	NTC 15-04-01	Inmate Identification
NTC 08-05-01	Duties of Fire Safety Officer	NTC 16-01-01	Mail Regulations
NTC 08-05-02	Fire Procedures	NTC 16-02-01	Visiting
NTC 08-05-03	Fire Prevention	NTC 16-02-02	Extended and Special Visits
NTC 08-05-04	Storage of Flammables and Dangerous Chemicals and Their Use	NTC 16-02-03	Honor Dorm Visiting [(Amended 7/15/86)]
NTC 08-05-05	Control of Flammables, Toxic, Caustic, and Other Hazardous Chemicals and Janitorial Supplies	NTC 16-03-01	Inmate Furloughs (Amended 8/13/86)
NTC 10-01-01	Special Management Inmates (Amended 8/13/86)	NTC 16-05-01	Telephone Use and Control
NTC 10-01-02	Legal Aide Visits for Special Management Inmates	NTC 17-01-01	Personal Property Control
NTC 11-03-01	Food Services: General Guidelines [(Amended 7/15/86)]	NTC 17-01-02	Authorized Inmate Personal Property (Amended 8/13/86)
NTC 11-04-01	Food Service: Meals [(Amended 7/15/86)]	NTC 17-01-03	Unauthorized Inmate Property
		NTC 17-01-04	Disposition of Unauthorized Property
		NTC 17-03-01	Assessment/Orientation (Amended 8/13/86)
		NTC 18-01-01	Pre-Parole Progress Report
		NTC 18-01-02	Parole Eligibility Dates
		NTC 18-02-01	Classification
		NTC 18-03-01	Special Notice Form
		NTC 18-05-01	Transfers to Other Institutions

NTC 18-05-02 Transfer of Inmates to Kentucky Correctional Psychiatric Center
 NTC 19-01-01 Inmate Work Program (Amended 8/13/86)
 NTC 19-01-02 Restricted Outside Work Crew [(Added 7/15/86)]
 NTC 19-01-03 Temporary Leave from Job Assignment [(Added 7/15/86)]
 NTC 20-01-01 Academic School Program (Amended 8/13/86) [(Amended 7/15/86)]
 NTC 21-01-01 Library Services [(Amended 7/15/86)]
 NTC 22-03-01 Conducting Inmate Organizational Meetings and Programs
 NTC 23-01-01 Religious Services (Amended 8/13/86)
 NTC 23-03-01 Marriage of Inmates
 NTC 24-04-01 Honor Status
 NTC 24-05-01 Unit Management
 NTC 25-01-01 Release Preparation Program
 NTC 25-01-02 Temporary Release/Community Center Release
 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

GEORGE W. WILSON, Secretary

APPROVED BY AGENCY: August 13, 1986

FILED WITH LRC: August 14, 1986 at 8 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for September 22, 1986 at 9 a.m., on the 10th Floor, Room 4471 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: 215 employees of the Northpoint Training Center, 653 inmates, 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: Monthly 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.

CORRECTIONS CABINET (Proposed Amendment)

501 KAR 6:090. Frankfort Career Development Center.

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 August 13 [May 15], 1986 and hereinafter should be referred to as Frankfort Career Development Center 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.

FCDC 02-10-01 Fiscal Management and Control [(Added 5/15/86)]

FCDC 02-11-01 Fiscal Management: Accounting Procedures [(Added 5/15/86)]

FCDC 02-12-01 Fiscal Management: Agency Funds [(Added 5/15/86)]

FCDC 02-13-01 Purchasing and Receiving [(Added 5/15/86)]

FCDC 03-01-02 Security Manual Part 1: Staff Guidelines [(Added 5/15/86)]

FCDC 03-10-01 Dress Code [(Added 5/15/86)]

FCDC 03-15-01 Travel Expense Reimbursement [(Added 5/15/86)]

FCDC 03-16-01 Employee Grievance Procedure [(Added 5/15/86)]

FCDC 03-21-01 Time and Attendance [(Added 5/15/86)]

FCDC 11-01-01 Special Diets (Added 8/13/86)

FCDC 11-03-01 Food Services [(Added 5/15/86)]

FCDC 13-01-01 Use of Pharmaceutical Products (Amended 8/13/86) [(Added 5/15/86)]

FCDC 13-01-03 Informed Consent (Added 8/13/86)

FCDC 13-02-01 Inmate Medical Screenings and Health Evaluations (Added 8/13/86)

FCDC 13-03-02 Parental Administration of Medications and Use of Psychotropic Drugs (Added 8/13/86)

FCDC 13-04-01 Intra-System Transfers of Medical/Psychiatric Problems (Added 8/13/86)

FCDC 13-06-01 Chronic and Convalescent Care (Added 8/13/86)

FCDC 13-10-01 Treatment Protocol Regarding First-Aid Procedures, Routine Health Care [(Added 5/15/86)]

FCDC 13-11-01 Health Education: Provision of Special Health Care Needs (Amended 8/3/86) [(Added 5/15/86)]

FCDC 13-12-01 Physician's Clinic [(Added 5/15/86)]

FCDC 13-13-01 Physician Referrals, Emergency Room Visits, and Hospitalization [(Added 5/15/86)]

FCDC 13-14-01 Health Records [(Added 5/15/86)]

FCDC 13-15-01 Routine and Emergency Dental Appointments [(Added 5/15/86)]

FCDC 13-16-01 Routine and Emergency Eye Examinations [(Added 5/15/86)]

FCDC 13-17-01 Health Requirements of Food Service Workers [(Added 5/15/86)]

FCDC 14-01-01 Prohibiting Inmate Authority Over Other Inmates (Added 8/13/86)

FCDC 14-04-01 Legal Services Program (Amended 8/13/86) [(Added 5/15/86)]

FCDC 15-01-01 Good Time - Credits (Meritorious, Governor's and Statutory) (Added 8/13/86)

[FCDC 15-03-01 Good Time - Credits (Meritorious, Governor's and Statutory) (Added 5/15/86)]

FCDC 16-01-01 Inmate Visiting

FCDC 16-02-02 Mail Policy (Amended 8/13/86) [(Added 5/15/86)]

FCDC 17-01-01 Inmate Property Control

FCDC 18-04-01 Institutional Classification/Reclassification Committee [(Added 5/15/86)]

FCDC 22-01-01 Privilege Trips

FCDC 22-01-02 Activity Trips [(Added 5/15/86)]

FCDC 25-03-01 Release Preparation Program [(Added 5/15/86)]

GEORGE W. WILSON, Secretary

APPROVED BY AGENCY: August 13, 1986

FILED WITH LRC: August 14, 1986 at 8 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for September 22, 1986, at 9 a.m. on the 10th Floor, Room 4471 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 Jones

(1) Type and number of entities affected: 23 employees of the Frankfort Career Development Center, 67 inmates, 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 regulations 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:

(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.

CORRECTIONS CABINET (Proposed Amendment)

501 KAR 6:110. Roederer Farm Center.

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 authorizes 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 August 13 [June 13], 1986 and hereinafter should be referred to as Roederer Farm Center 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.

RFC 01-08-01 Public Information and News Media Access

RFC 01-10-01 RFC Cooperation with Outside Bodies Including Courts, Governmental Legislative, Executive, and Community Agencies

RFC 01-06-01 Inmate Access to and Communication with RFC Staff

RFC 01-07-01 Institutional Legal Assistance

RFC 01-09-01 Staff Participation in Professional Organization and Conferences; Provisions for Leave and Reimbursement for Expenses

RFC 01-12-01 Institutional Duty Officer - Responsibilities

RFC 02-01-01 Fiscal Management: Organization

RFC 02-01-02 Fiscal Management: Accounting Procedures

RFC 02-01-03 Fiscal Management: Agency Funds

RFC 02-01-04 Fiscal Management: Insurance (Added 8/13/86)

RFC 02-02-01 Fiscal Management: Budget (Added 8/13/86)

[RFC 02-02-01 Inmate Accounts]

RFC 02-02-02 Inmate Control of Personal Funds

RFC 02-02-03 Storage and Disposition of Monies received on Weekends, Holidays, and Between 4:00 p.m. and 8:00 a.m. [p.m.] Weekdays (Amended 8/13/86)

RFC 02-02-04 Inmate Accounts (Added 8/13/86)

RFC 02-03-01 Fiscal Management: Audits (Added 8/13/86)

RFC 02-04-01 Purchase Orders (Added 8/13/86)

<u>RFC 02-04-02</u>	<u>Processing of Invoices (Added 8/13/86)</u>	<u>RFC 12-03-01</u>	<u>Personal Hygiene Items: Issuance and Placement Schedule (Added 8/13/86)</u>
<u>RFC 02-06-01</u>	<u>Property Inventory (Added 8/13/86)</u>	<u>RFC 12-04-01</u>	<u>Institutional Inspections (Added 8/13/86)</u>
<u>RFC 03-01-01</u>	<u>General Guidelines for RFC Employees</u>	<u>RFC 12-05-01</u>	<u>Fire Safety (Added 8/13/86)</u>
<u>RFC 03-01-02</u>	<u>Service Regulations, Attendance Accumulation and Use of Leave</u>	<u>RFC 12-05-02</u>	<u>Use of Noncombustible Receptacle (Added 8/13/86)</u>
<u>RFC 03-03-01</u>	<u>Employee Grievance Procedures</u>	<u>RFC 12-06-01</u>	<u>Insect and Vermin Control (Added 8/13/86)</u>
<u>RFC 03-04-01</u>	<u>Personnel Records</u>	<u>RFC 13-01-01</u>	<u>Organization of Health Services (Added 8/13/86)</u>
<u>RFC 03-05-01</u>	<u>Personnel Vacancies: Promotion Board</u>	<u>RFC 13-02-01</u>	<u>Health Maintenance Services: Sick Call and Pill Call (Added 8/13/86)</u>
<u>RFC 03-06-01</u>	<u>Work Planning: Employee Evaluations and Evaluation Control</u>	<u>RFC 13-03-01</u>	<u>Mental Health/Provision of Psychiatric Services by KCPC (Added 8/13/86)</u>
<u>RFC 03-07-01</u>	<u>Affirmative Action - E.E.O.</u>	<u>RFC 13-03-02</u>	<u>Transfer of Inmates to Kentucky Correctional Psychiatric Center (Added 8/13/86)</u>
<u>RFC 03-08-01</u>	<u>Confidentiality of Information, Roles and Services of Consultants, Contract Personnel, and Volunteers</u>	<u>RFC 13-05-02</u>	<u>Licensure and Training Standards (Added 8/13/86)</u>
<u>RFC 03-09-01</u>	<u>Personnel Manning Review</u>	<u>RFC 13-06-03</u>	<u>Emergency Medical/Dental Care Services (Added 8/13/86)</u>
<u>RFC 03-10-01</u>	<u>Employee's Handbook</u>	<u>RFC 13-06-04</u>	<u>First Aid/CPR Training Program (Added 8/13/86)</u>
<u>RFC 03-11-01</u>	<u>Replacement of Damaged or Destroyed Personal Property</u>	<u>RFC 13-07-01</u>	<u>Health Records (Added 8/13/86)</u>
<u>RFC 03-12-01</u>	<u>Corrections Cabinet Staff Members Entering the Roederer Farm Center While Being Under the Influence</u>	<u>RFC 13-11-01</u>	<u>Dental Policies/Sick Call (Added 8/13/86)</u>
<u>RFC 03-13-01</u>	<u>Staff/Visitor Meals</u>	<u>RFC 13-15-01</u>	<u>Medical Restraints (Added 8/13/86)</u>
<u>RFC 04-01-01</u>	<u>Employee Training and Development</u>	<u>RFC 13-17-01</u>	<u>Vision Care/Optomety Services (Added 8/13/86)</u>
<u>RFC 05-01-01</u>	<u>Information System</u>	<u>RFC 14-01-01</u>	<u>Inmate Rights and Responsibilities</u>
<u>RFC 06-01-01</u>	<u>Offender Records</u>	<u>RFC 14-02-01</u>	<u>Legal Services Program</u>
<u>RFC 06-02-01</u>	<u>Use of Inmate Records/Security of Inmate Records</u>	<u>RFC 14-03-01</u>	<u>Inmate Grievance Procedure</u>
<u>RFC 06-03-01</u>	<u>Records Release of Information</u>	<u>RFC 14-04-01</u>	<u>Inmate Participation in Authorized Research</u>
<u>RFC 06-03-02</u>	<u>Storage of Expunged Records (Added 8/13/86)</u>	<u>RFC 15-01-01</u>	<u>Due Process/Disciplinary Procedures (Added 8/13/86)</u>
<u>RFC 06-04-01</u>	<u>Court Trips (Added 8/13/86)</u>	<u>RFC 16-01-01</u>	<u>Inmate Visiting (Added 8/13/86)</u>
<u>RFC 06-04-02</u>	<u>Receipt of Order of Appearance (Added 8/13/86)</u>	<u>RFC 16-02-01</u>	<u>Telephone Communications</u>
<u>RFC 08-01-01</u>	<u>Fire Prevention (Added 8/13/86)</u>	<u>RFC 16-03-01</u>	<u>Mail Regulations (Added 8/13/86)</u>
<u>RFC 08-02-01</u>	<u>Fire Procedures (Added 8/13/86)</u>	<u>RFC 16-03-02</u>	<u>Christmas Packages</u>
<u>RFC 08-02-02</u>	<u>Fire Extinguishers and Their Use (Added 8/13/86)</u>	<u>RFC 17-01-01</u>	<u>Assessment/Orientation Procedure</u>
<u>RFC 08-08-01</u>	<u>Guidelines for the Control and Use of Flammable, Toxic, and Caustic Substances (Added 8/13/86)</u>	<u>RFC 17-02-01</u>	<u>Inmate Reception Process</u>
<u>RFC 09-04-03</u>	<u>Duties and Responsibilities of the Fire/Safety Officer (Added 8/13/86)</u>	<u>RFC 17-03-01</u>	<u>Inmate Personal Property and Property Control</u>
<u>RFC 09-08-01</u>	<u>Operation of Licensed Vehicle by Inmates (Added 8/13/86)</u>	<u>RFC 17-04-01</u>	<u>Unauthorized Items</u>
<u>RFC 09-09-02</u>	<u>Drug Abuse Testing (Added 8/13/86)</u>	<u>RFC 17-05-01</u>	<u>Inmate Canteen</u>
<u>RFC 09-09-03</u>	<u>Breathalyzer (Added 8/13/86)</u>	<u>RFC 18-01-01</u>	<u>Institutional Classification Committee (Added 8/13/86)</u>
<u>RFC 09-10-01</u>	<u>Fishing and Roederer Farm Center Lakes (Added 8/13/86)</u>	<u>RFC 18-02-01</u>	<u>Classification/Security Levels (Added 8/13/86)</u>
<u>RFC 11-01-01</u>	<u>Food Services: General Guidelines</u>	<u>RFC 18-03-01</u>	<u>Classification Process (Added 8/13/86)</u>
<u>RFC 11-02-01</u>	<u>Food Service: Security</u>	<u>RFC 18-03-02</u>	<u>Classification Program Planning (Added 8/13/86)</u>
<u>RFC 11-03-01</u>	<u>Dining Room Guidelines</u>	<u>RFC 18-03-03</u>	<u>Honor's Program (Added 8/13/86)</u>
<u>RFC 11-04-01</u>	<u>Food Service: Meals</u>	<u>RFC 18-04-01</u>	<u>Instruction for Six Month Review (Added 8/13/86)</u>
<u>RFC 11-04-02</u>	<u>Food Service: Menu, Nutrition and Special Diets</u>	<u>RFC 18-05-01</u>	<u>Transfers to Other Minimum Security Institutions (Added 8/13/86)</u>
<u>RFC 11-05-01</u>	<u>Food Service: Kitchen and Dining Room Inmate Work Responsibilities</u>	<u>RFC 18-06-01</u>	<u>Classification Document (Added 8/13/86)</u>
<u>RFC 11-05-02</u>	<u>Medical Screening of Food Handlers</u>	<u>RFC 20-01-01</u>	<u>Academic Education Program (Added 8/13/86)</u>
<u>RFC 11-06-01</u>	<u>Food Service: Inspections and Sanitation</u>	<u>RFC 20-01-02</u>	<u>Testing and Verification Procedure (Added 8/13/86)</u>
<u>RFC 11-07-01</u>	<u>Food Service: Purchasing, Storage and Farm Products</u>	<u>RFC 20-02-01</u>	<u>Correctional Educator Senior (Added 8/13/86)</u>
<u>RFC 11-08-01</u>	<u>Staff/Visitor Meals (Added 8/13/86)</u>	<u>RFC 21-01-01</u>	<u>Library Services</u>
<u>RFC 12-01-01</u>	<u>Sanitation, Living Conditions Standards, Clothing Issues (Added 8/13/86)</u>	<u>RFC 22-01-02</u>	<u>Recreational Equipment</u>
<u>RFC 12-01-02</u>	<u>Bed Areas - Assignment/Condition Standards (Added 8/13/86)</u>	<u>RFC 22-02-01</u>	<u>Check-in/Check-out Procedure</u>
<u>RFC 12-02-01</u>	<u>Issuance of Clean Laundry and Receiving of Dirty Laundry (Added 8/13/86)</u>		<u>Outside Recreation</u>

RFC 22-02-02 Entry/Exit Procedure for Inmate Outside Recreation
 RFC 22-03-01 Inmate Clubs and Organizations
 RFC 22-03-02 Privilege Trips
 RFC 22-04-01 Conducting Inmate Organizational Meetings and Programs
 RFC 22-05-01 Woodworking Shop
 RFC 22-06-01 Playing Cards
 RFC 23-01-01 Religious Services
 RFC 23-02-01 Security Procedures for the Chapel
 RFC 23-03-01 Visitors for Religious Programs
 RFC 23-04-01 Marriage of Inmates
 RFC 24-01-01 Social Services and Counseling Program
 RFC 25-01-01 Release Preparation Program Description (Added 8/13/86)
 RFC 25-02-01 Temporary Release/Community Center Release (Added 8/13/86)
 RFC 25-03-01 Furloughs (Added 8/13/86)
 RFC 25-04-01 Pre-parole Progress Report (Added 8/13/86)
 RFC 25-04-02 Parole Eligibility Dates (Added 8/13/86)
 RFC 25-05-01 Inmate Discharge Procedure (Added 8/13/86)
 RFC 26-01-01 Citizen Involvement and Volunteer Services Program (Added 8/13/86)

GEORGE W. WILSON, Secretary

APPROVED BY AGENCY: August 13, 1986

FILED WITH LRC: August 14, 1986 at 8 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for September 22, 1986 at 9 a.m. on the tenth floor, Room 4471 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: 54 employees of the Roederer Farm Center, 250 inmates, 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: Monthly 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.

TRANSPORTATION CABINET Office of Personnel Management (Proposed Amendment)

600 KAR 1:045. Disciplinary and separation procedures.

RELATES TO: KRS Chapters 13A and 18A, 174.080

PURSUANT TO: KRS 12.080, 13A.100, 174.080

NECESSITY AND FUNCTION: KRS 174.080 allows the Secretary of the Transportation Cabinet to promulgate administrative regulations. KRS 13A.100 requires any administrative body which is empowered to promulgate administrative regulations to prescribe the disciplinary procedures within the jurisdiction of the administrative body. This regulation is necessary to define and prescribe such disciplinary procedures within the Transportation Cabinet.

Section 1. Signatory Authority for Suspensions, Transfers, Demotions, Fines, and Dismissals. In the case of a proposed suspension, transfer, demotion, fine, or dismissal of a Transportation Cabinet employee, the employee's division, office or district will prepare the required letter of notification advising the employee of his suspension, transfer, demotion, fine, or dismissal for the signature of the Executive Director of the Office of Personnel Management. After the signature of the executive director has been obtained, notification letters to central office employees will be returned to the division, or office for delivery to the employee. For district office employees, notification letters will be delivered or mailed to the employee by the Office of Personnel Management.

Section 2. Signatory Authority for Written Reprimand. (1) Central office. In the case of a proposed written reprimand for an employee of the central office, the employee's division or office will prepare the written reprimand for the signature of the Executive Director of the Office of Personnel Management. After the signature of the executive director has been obtained, the letter will be returned to the division or office for delivery to the employee.

(2) District office. The approval of the Executive Director of the Office of Personnel Management must be obtained prior to the delivery of the written reprimand to the employee. The chief district engineer of the employee's district shall sign the letter of reprimand of a district office employee.

Section 3. Responsibility of the Immediate Supervisor. The immediate supervisor will report employee delinquency, misconduct or incompetency in accordance with procedures established in this regulation. The supervisor who fails to report employees who violate the policies and procedures of the Transportation Cabinet or the provisions of the personnel laws and regulations

because of friendship or other personal reasons, or because he does not agree with the regulations or the disposition of certain similar cases, is evading his responsibility and may be disciplined.

Section 4. Disciplinary Procedures. (1) Employee incident reports. If an employee commits an act which involves delinquency, misconduct, incompetency or other unacceptable behavior, or violates the policies and procedures of the Transportation Cabinet or the provisions of the personnel laws and regulations, the employee's supervisor shall complete an employee incident report. The supervisor shall, if possible, obtain the employee's signature on the employee incident report indicating that the employee has seen the report and has received a copy. The supervisor shall then give copies of the report to the employee, to the Office of Personnel Management and to the chief district engineer, division director or office head.

(2) Investigations. The chief district engineer, office head or division director may, upon receipt of an employee incident report, investigate the allegations contained therein or appoint another individual or committee to investigate the allegations. If an investigation is undertaken, a copy of any report which may be made as a result of the investigation shall be sent to the Office of Personnel Management.

(3) Recommendations. After receipt of an employee incident report, the chief district engineer, division director or office head may recommend to the Executive Director of the Office of Personnel Management that disciplinary action be taken against the employee in accordance with the procedures outlined in this regulation. In the event that no disciplinary action is taken as a result of the employee incident report, the report will be equivalent to an oral warning to the employee.

Section 5. Layoffs. The Transportation Cabinet must prepare and submit a layoff plan in accordance with applicable personnel laws and regulations to the Commissioner of Personnel for approval prior to separation by layoff. The Office of Personnel Management is responsible for coordinating the preparation of the layoff plan and will submit the plan to the Department of Personnel for approval. The Executive Director of the Office of Personnel Management shall notify the employee of his layoff in accordance with personnel laws and regulations [101 KAR 1:120, Section 2].

[Section 6. Dismissals. (1) Dismissals shall be governed by 101 KAR 1:120, Section 3. The notification of dismissal shall either be hand-delivered to the employee at least ten (10) working days prior to the effective date of dismissal, or sent to him by certified mail at least thirteen (13) working days prior to the effective date of dismissal.]

[(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 Secretary of Transportation or his deputy. An employee who desires to respond to the charges in writing or requests to appear personally will be advised to submit his written response or

request to appear to the Executive Director of the Office of Personnel Management. All written responses to the charges or requests to appear personally will be responded to by the Executive Director of the Office of Personnel Management on behalf of the Secretary, Transportation Cabinet.]

Section 6. [7.] Resignation. [An employee who desires to terminate his service with the state by resignation shall be governed by 101 KAR 1:120, Section 5.] A Transportation Cabinet employee's written resignation shall be submitted to the employee's chief district engineer, office head or division director. A written notice of resignation signed by the employee or the party accepting his resignation is required. If no written notice of resignation is submitted, but resignation is indicated by the employee through absenteeism or other such acts, disciplinary action will be taken against the employee.

[Section 8. Transfers. All transfers shall be governed by 101 KAR 1:110, Section 2.]

[(1) In-county transfers. The Executive Director of the Office of Personnel Management may permanently transfer employees within the same county in accordance with 101 KAR 1:110, Section 2.]

[(2) Involuntary, out-of-county transfers. The Executive Director of the Office of Personnel Management shall notify Transportation Cabinet employees of involuntary, out-of-county transfers in accordance with 101 KAR 1:110, Section 2.]

[(3) Temporary transfers. In the district offices, the chief district engineer may make temporary transfers (assignments) in accordance with 101 KAR 1:110, Section 2. For all other Transportation Cabinet employees, the Executive Director of the Office of Personnel Management shall notify employees of their temporary transfers (assignments) in accordance with 101 KAR 1:110, Section 2.]

[Section 9. Demotion. The Executive Director of the Office of Personnel Management shall notify Transportation Cabinet employees of demotions in accordance with 101 KAR 1:110, Section 3.]

Section 7. Suspensions, Fines, Demotions, Transfers and Dismissals. Any disciplinary action taken against an employee of the Transportation Cabinet shall be taken in accordance with applicable personnel laws and regulations.

Section 8. [10.] Non-Merit Employees. The signatory authority for disciplinary and personnel actions concerning non-merit Transportation Cabinet employees shall be the same as for the corresponding disciplinary and personnel actions concerning merit Transportation Cabinet employees outlined in this regulation. Disciplinary and personnel actions concerning non-merit Transportation Cabinet employees shall be undertaken in accordance with personnel laws and regulations.

C. LESLIE DAWSON, Secretary/Commissioner

APPROVED BY AGENCY: August 11, 1986

FILED WITH LRC: August 14, 1986 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public comment

hearing will be held on this proposed administrative regulation on September 25, 1986 at 2 p.m. local prevailing time. The hearing will be held in the fourth floor hearing room of the State Office Building located on the corner of High and Clinton Streets, in Frankfort, Kentucky. Any person who intends to attend this meeting must, in writing by September 20, 1986, so notify: Sandra G. Pullen, Executive's Staff Advisor, Transportation Cabinet, 1003 State Office Building, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sandra Pullen

(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: Alternatives were to repeal regulation or leave it unamended. If repealed, the Transportation Cabinet would be in violation of KRS Chapter 13A. If unamended, the regulation would conflict with provisions of the Personnel 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. Not applicable, effects all employees of the Transportation Cabinet the same.

TRANSPORTATION CABINET Department of Vehicle Regulation (Proposed Amendment)

601 KAR 1:005. Safety regulations.

RELATES TO: KRS Chapter 281

PURSUANT TO: KRS 281.600, 281.726, 281.730

NECESSITY AND FUNCTION: This regulation sets out safety procedures to be followed by motor carriers operating in the Commonwealth of Kentucky.

Section 1. (1) Motor Carrier Safety Regulations [as of October 1, 1974, and future amendments and revisions thereto,] adopted and issued by the United States Department of Transportation relating to the following subjects: Title 49, Code of Federal Regulations,

Part 392, dated October 1, 1984, Driving of Motor Vehicles; Title 49, Code of Federal Regulations, Part 393, dated October 1, 1984, Parts and Accessories Necessary for Safe Operation; Title 49, Code of Federal Regulations, Part 394, dated October 1, 1984, Notification, Reporting of and Recording Accidents; Title 49, Code of Federal Regulations, Part 396, dated October 1, 1984, Inspection and Maintenance; Title 49, Code of Federal Regulations, and Part 397, dated October 1, 1984, Transportation of Hazardous Materials; Driving and Parking Rules are hereby adopted and incorporated [filed] herein by reference, insofar as they do not conflict with the laws of Kentucky, and all commercial motor vehicles operated for-hire or in private carriage shall comply therewith. These regulations are not applicable to motor vehicles primarily designed for carrying passengers and having provisions for not more than eight (8) passengers and the driver [nine (9) passengers (including the driver)], motorcycles, side car attachments and motor vehicles owned by the federal government, a state, a county, a city, or a board of education.

(2) Subject to the following exemptions and exceptions:

[[a)] City buses, suburban buses, taxicabs, and motor vehicles (except those motor vehicles transporting hazardous materials, Part 397) operated exclusively in a residential or business district of a city are not required to comply with the aforesaid safety regulations.

[[b)] Farm trucks, dump trucks, log trucks, and trucks used exclusively to haul coal, gravel, asphalt, or like materials when operated during daylight hours are not required to comply with the above safety regulations relative to light fixture requirements.]

[[c)] Driver logs and maintenance and repair reports are not required to be kept or maintained on a vehicle when operated in intrastate commerce.]

Section 2. Motor Carrier Safety Regulations adopted and issued by the United States Department of Transportation relating to the following subjects: Title 49, Code of Federal Regulations, Part 391, dated May 7, 1986, Qualifications of Drivers; Title 49, Code of Federal Regulations, Part 395 dated October 1, 1984, Hours of Service of Drivers are hereby adopted and incorporated herein by reference, and all commercial motor vehicles operated for-hire or in private carriage shall comply therewith. These regulations are not applicable to motor vehicles primarily designed for carrying passengers and having provisions for not more than eight (8) passengers and the driver, motorcycles, side car attachments and motor vehicles owned by the federal government, a state government agency, a county or city government agency or a board of education. [No owner or operator of a commercial motor vehicle, whether operating as a for-hire carrier or as a private carrier, shall require or permit any driver or chauffeur to remain continuously on duty for a longer period than twelve (12) hours, and when any such driver or chauffeur has been continuously on duty for twelve (12) hours he shall have at least eight (8) consecutive hours off duty. No such owner or operator shall require or permit any such driver or chauffeur to remain on duty for a longer period than

sixteen (16) hours in the aggregate in any twenty-four (24) hour period, and when a driver or chauffeur has been on duty sixteen (16) hours in the aggregate of any twenty-four (24) hour period he shall have at least ten (10) consecutive hours off duty. The period of release from duty required by this regulation shall be given at such places and under such circumstances that rest and relaxation from the strain of the duties of the employment may be obtained. No period off duty shall be deemed to break the continuity of service unless it be for at least three (3) consecutive hours and is given at such a place and under such circumstances that rest and relaxation from the strain of the duties of the employment may be obtained. In case of an unforeseen emergency not resulting from the negligence of the owner or operator or his agents, servants or employees, the driver or chauffeur may complete his run or tour of duty, if the run or tour of duty but for the delay caused by the emergency could reasonably have been completed without a violation of this regulation. The cabinet may require such reports as it deems necessary for the enforcement of this regulation.]

Section 3. Buses. Buses must be maintained in a clean and sanitary condition so that the health of passengers will not be impaired. Seats must be comfortable in order that passengers will not be subjected to unreasonable discomfort which might be detrimental to their health and welfare. Employees in charge of buses shall be courteous and helpful to passengers, properly caring for baggage so that it will not be damaged, and should be acquainted with the routes traveled and schedules maintained, so that the passengers will not be subjected to unnecessary delays. All operators must take into consideration the health and welfare of their passengers and control their operations in the public interest. Express and freight, mail bags, newspapers and baggage must be so placed as not to interfere with the driver or with the safety and comfort of passengers. Such items must be protected from the weather but shall not be carried in the aisles or in such position as to block exits or doorways on the bus. No aisle seat shall be permitted in any bus and the driver's seat must be separated from every other seat.

Section 4. Overcrowding of Passenger Vehicles. No bus operated by an authorized carrier, except city or suburban buses, shall transport passengers in excess of the load limit hereinafter set forth. The load limit shall be the rated seating capacity for which the vehicle is licensed plus twenty-five (25) percent of said rated seating capacity. This load limit is subject to the provision that in no event shall any authorized carrier, including city or suburban bus operators, permit standees to occupy that space forward of a plane drawn through the rear of the driver's seat perpendicular to the longitudinal axis of the bus. This forward space shall be plainly marked with a line, or otherwise equipped with identification, so as to indicate to standees that they are prohibited from occupying it. No passenger shall be permitted to occupy the rear door-well of any bus vehicle that is equipped with such a rear door-well. Taxicabs shall not carry a number of passengers greater than the

rated seating capacity of the vehicle, and in no event more than six (6) passengers exclusive of the driver.

Section 5. Identification. All authorized carriers must at all times display on each side of every vehicle employed by them in their operations the name of the person conducting the said operation as it appears upon the certificate or permit authorizing the operation. An assumed or trade name may be used providing the appropriate statutes and regulations are complied with and the assumed or trade name also appears upon the certificate or permit. The letters shall be of sufficient size so as to be readily legible. The company number of the vehicle must be prominently displayed on each side of the vehicle and the cab card issued for the vehicle must at all times be prominently displayed on the inside thereof. The name of the driver operating a vehicle engaged in transportation of persons for hire shall be prominently displayed in the vehicle.

Section 6. Rest Stops. Every regular rest stop maintained by an authorized carrier of persons must possess sufficient restaurant and rest room facilities to accommodate the driver and the number and types of passengers which may reasonably be expected to use such facilities. Rest stop establishments must have a high standard of sanitation and possess efficient equipment comparable to other restaurants or similar establishment in the area, and shall provide janitorial services necessary to assure the maximum cleanliness at all times. Adequate, efficient, economical and courteous service must be provided, together with the quality and quantity of goods and refreshments necessary to meet the reasonable requirements of the traveling public, conforming to the standard of practices and prices customarily charged in the area. Authorized carriers of persons in selecting regular rest stops must take these factors into consideration. Each authorized carrier of persons shall have on file with the cabinet a list of all its regular rest stops.

Section 7. Flares and Warning Signals. (1) All motor trucks, as defined in KRS 189.010(3), when being operated outside of a business or residential district, shall carry flares and warning signals and shall display same so as to give notice to other vehicles being operated on the highway if the motor truck is disabled.

(2) Such flares and signals shall be the same as is required by, and shall be displayed, in accordance with the Revised Safety Regulations of the United States Department of Transportation and amendments as identified in Section 1 of this regulation [of October 1, 1974].

Section 8. Out of Service Sticker. In the event a commercial vehicle is determined to be operating improperly registered or in violation of any safety regulation or requirement, employees of the Transportation Cabinet are authorized to affix thereto a notice indicating the nature of the violation, requiring its correction before the motor vehicle is further operated. Operation of such a vehicle in violation of the notice affixed thereto shall constitute a separate violation of these regulations.

Section 9. Copies of all incorporated material may be viewed in the Transportation Cabinet, Department of Vehicle Regulation, Division of Motor Vehicle Enforcement, State Office Building, Frankfort, Kentucky 40601, or obtained by writing the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

JOHN K. PENROD, Deputy Secretary/Commissioner
C. LESLIE DAWSON, Secretary

APPROVED BY AGENCY: July 23, 1986

FILED WITH LRC: July 24, 1986 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public comment hearing will be held on this amended administrative regulation on September 25, 1986 at 9 a.m., local prevailing time. The hearing will be held in the 4th floor hearing room of the State Office Building located on the corner of High and Clinton Streets, Frankfort, Kentucky. Anyone who intends to attend this hearing must, in writing, by September 20, 1986 so notify: Sandra G. Pullen, Executive's Staff Advisor, Transportation Cabinet, 1003 State Office Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: G. Stephen Anders

(1) Type and number of entities affected: Entities affected are private and for-hire motor carriers operating exclusively within the borders of Kentucky. Thirty-three thousand motor carriers are registered in Kentucky; however, a substantial percentage of these are interstate carriers and are thus already subject to these regulations under Federal provisions.

Direct costs will include the maintenance of recordkeeping pertaining to driver qualification and driving record files, as well as hours of service records for individual drivers; these costs should be little more than nominal.

Direct savings will be incalculable, as they relate to property damage cost due to accidents which will be prevented.

Promulgation of these regulations will equalize competition by requiring intrastate carriers to comply with regulations to which interstate carriers are already subject.

(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: Direct monetary benefits in the first fiscal year total \$225,898 in Federal funds granted to the cabinet, made available due to the adoption of the referenced regulations. Funds available in FY 87 are projected in the amount of \$920,940, with slightly increasing amounts in subsequent years.

A portion of the Federal funding is dedicated to maintenance of the added reporting and paperwork requirements.

(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 only alternative was not to promulgate the regulations and was rejected in order to enhance motor carrier safety in Kentucky, as well as to receive Federal funding for said enhancement.

(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. These regulations already applied to the majority of motor carriers.

FEDERAL MANDATE COMPARISON

1. Compare proposed state compliance standards with minimum uniform standards suggested or contained in the federal mandate: Identical (Federal Motor Carriers Safety Act of 1984)

2. Does the proposed regulation impose stricter requirements or other responsibilities on the regulated entities than those required by the federal mandate: No, the regulations are identical.

3. If the proposed regulation imposes additional requirements or responsibilities, justify the imposition of these stricter standards, requirements or responsibilities: Not applicable.

TRANSPORTATION CABINET Department of Vehicle Regulation Division of Driver Licensing (Proposed Amendment)

601 KAR 13:050. Alcohol Driver Education Program.

RELATES TO: KRS 189A.070, 186.560

PURSUANT TO: KRS 186.400, 186.560

NECESSITY AND FUNCTION: KRS Chapter 189A allows a person convicted the first time of driving under the influence of alcohol or any substance which may impair his driving ability (DUI) to have the driver license revocation period shortened from six (6) months to thirty (30) days by successfully completing an alcohol driver education program. KRS 189A.070 allows the Transportation Cabinet to set standards for the course and curriculum of the alcohol driver education program pursuant to KRS 186.560. This regulation is necessary to establish standards, needs, and criteria for such alcohol driver education programs. However, this regulation does not apply to any services provided under KRS Chapters 210, 216B, or 222.

Section 1. Definitions. (1) "Course - alcohol driver education program" means a course, that meets those requirements of Sections 6 and 7 of this regulation and that is [as defined in 601 KAR 13:030, a regulation promulgated pursuant to KRS 186.560 and 189A.070 by the Transportation Cabinet that shall be] open to any licensed driver of this state who has been convicted of a first offense of DUI, but does not include services under KRS Chapters 210, 216B, or 222.

(2) "Geographical area" is defined as that

area which the applicant proposes to serve and so sets forth in his application.

(3) "Affected party" means an applicant who has applied to offer an approved driver education program; any person or legal entity operating an approved driver education program within any portion of the geographical area proposed to be served by the applicant; or any person or legal entity which prior to an evidentiary hearing on the application files a separate application to operate an approved driver education program within any portion of the geographical area proposed to be served by the applicant.

Section 2. No person shall offer, conduct or engage in the business of offering or conducting an alcohol driver education program pursuant to KRS 186.560 and 189A.070, which purports to be an alcohol driver education program, without obtaining the prior written approval of the Transportation Cabinet, Division of Driver Licensing, pursuant to the provisions of this administrative regulation. A person shall file an application for approval of a course with the Transportation Cabinet; the application shall be on the form furnished by the Transportation Cabinet and shall contain the information required by the Transportation Cabinet. Said application forms can be obtained from the Transportation Cabinet, Division of Driver Licensing, State Office Building, 2nd Floor, Frankfort, Kentucky 40622.

Section 3. The completed application shall be accompanied by the following:

- (1) A copy of the proposed course materials, curriculum, and promotional documents;
- (2) A copy of the procedures and instruments used in making an assessment of the defendant's problem;
- (3) The name, address, and social security number of the instructors who shall conduct the course;
- (4) A copy of the manual and course materials for the instructor's preparation course; [and]
- (5) A statement certifying that the fee schedule submitted with the application reflects the actual costs; and
- (6) Documentation sufficient to determine whether the program is needed in the geographical area.

Section 4. In determining whether an applicant has provided documentation that the proposed driver education program is needed in a geographical area, the division shall utilize the following criteria:

- (1) The extent to which the driver education program services are utilized in a geographical area in relation to the population in that geographical area.
- (2) The extent to which the population in a geographical area will utilize the applicant's services if approved.
- (3) The extent to which the population of the geographical area has reasonable access to driver education program services.
- (4) The extent to which the proposed driver education program services adversely impact affected parties.
- (5) The extent to which the applicant is able to perform the services proposed and to conform to the rules and regulations of the division.

Section 5. (1) Within fifteen (15) days of receipt of the application, the division shall notify the applicant in writing whether or not the application is completed as required by Section 3 of this regulation.

(2) If the application is not complete, the notice to the applicant shall give the applicant the option of submitting additional documentation or of notifying the division that he elects for the application to be processed as originally submitted.

(3) An application shall be deemed filed upon a determination of completeness by the division, upon receipt of the requested additional documentation by the division, or upon receipt of a letter from the applicant stating that he elects for the application to be processed as originally submitted. An application not completed within six (6) months from the date the application was received by the division shall be returned to the applicant.

(4) The division shall give written notice to affected persons that a completed application has been filed. The notice shall set the date for a public hearing not less than ten (10) days nor more than thirty (30) days after the application is determined completed.

(5) The division shall determine whether the applicant has shown sufficient documentation to establish that the proposed drivers education program is needed in the geographical area to be served within sixty (60) days after the public hearing is adjourned.

(6) The decision of the division to approve or disapprove the application shall include:

- (a) Written findings based upon the criteria set out in Section 3 of this regulation;
- (b) Notice of appeal rights.

Section 6. [4.] In the event the course application is approved, the course approval shall be valid until cancelled. Any person who has obtained approval for a course shall comply with the following requirements:

- (1) Apply to the Transportation Cabinet for approval if there are any proposed additions or deletions to a previously approved course or its curriculum;
- (2) Perform all necessary administrative functions in connection with the course;
- (3) Obtain approval from the Transportation Cabinet of the form of the certificate to be issued upon course completion as specified in subsection (4) of this section;
- (4) Provide each participant, satisfactorily completing the course, with an approved certificate of course completion;
- (5) Maintain records which indicate the name, address, and social security number and the date of the course and if the course was satisfactorily completed for those individuals who have attended the course within the previous five (5) years;
- (6) Provide and train instructors to conduct courses;
- (7) Conduct the course in accordance with the description and curriculum approved by the Transportation Cabinet;
- (8) Provide the Transportation Cabinet with a schedule of class dates, times, and locations; and
- (9) Authorize and permit the Transportation Cabinet to audit the records of the approved course and to monitor and evaluate any and all portions of the course including but not limited

to the classroom facility, the use of the instructional materials, and the actual presentation of the course, and qualification of instructors.

Section 7. [5.] No course shall be approved unless the course shall have a minimum of nine (9) hours of classroom instruction. The course may be completed in one (1) or more than one (1) day. The [; and the] curriculum of the course shall at least include but shall not be limited to the following subject matters:

(1) The alcohol driving offender in the Commonwealth of Kentucky;

(2) Recognizing the alcohol problem related to traffic safety;

(3) Assuming the responsibility of dealing with the problem;

(4) Alternative approaches and support to resolving the problem;

(5) Personal strategy for sustaining commitment to the alcohol driver education program;

(6) Maximizing personal influence by working with DUI offenders; and

(7) Determining risk factors created by a variety of psychological, social, and physical factors that can facilitate or inhibit the functions required in driving, including but not limited to:

(a) The effects and compensatory measures concerning the relationships between alcohol, drugs, or medication and driving performances;

(b) The negative stresses and compensatory measures associated with physical, mental, and social conditions as they relate to driver performances.

Section 8. [6.] Upon written notice the Transportation Cabinet may rescind and cancel the certification of approval of any person or agency conducting the course for good cause, including but not limited to any of the following reasons:

(1) Deletions or additions have been made to the curriculum which have not been specifically approved by the Transportation Cabinet;

(2) The agency or any instructor has failed to comply with any of the provisions of this administrative regulation.

Section 9. Any person aggrieved by a decision of the division under the authority of this regulation may appeal within fifteen (15) days to the Commissioner of Vehicle Regulation. The decision of the commissioner shall be the final decision of the cabinet.

Section 10. [7.] Any agency or person submitting information to the Transportation Cabinet certifying that an individual has enrolled, completed, or failed to complete a program which is to be given credit as provided for in KRS 186.560(7), shall submit such information on the forms as required by the Transportation Cabinet.

C. LESLIE DAWSON, Secretary
JOHN K. PENROD, Commissioner

APPROVED BY AGENCY: August 11, 1986

FILED WITH LRC: August 14, 1986 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public comment hearing will be held on this proposed administrative regulation on September 25, 1986 at 1 p.m., local prevailing time. The hearing

will be held in the fourth floor hearing room of the State Office Building located on the corner of High and Clinton Streets, in Frankfort, Kentucky. Any person who intends to attend this meeting must, in writing by September 20, 1986, so notify: Sandra G. Pullen, Executive's Staff Advisor, Transportation Cabinet, 1003 State Office Building, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Bill Wilhoite, Director

(1) Type and number of entities affected: Determined by number of private entities applying for certification.

(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: Applications for certification submitted by applicants.

(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: 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

CABINET FOR HUMAN RESOURCES Department for Health Services (Proposed Amendment)

902 KAR 4:050. Kentucky family planning program.

RELATES TO: KRS 211.180, 214.185

PURSUANT TO: KRS 194.050(1), 211.090, 211.180

NECESSITY AND FUNCTION: P.L. 91-572 [571], the "Family Planning Services and Population Research Act of 1970" and 42 CFR, Part 59, authorizes grants for family planning services. 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 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 the Kentucky Family Planning Program in accordance with applicable federal laws and regulations.

Section 1. State Plan for Family Planning Services. The Cabinet for Human Resources hereby

adopts the "Kentucky State Plan for Family Planning Services - Fiscal Year 1984-1985" and the "Kentucky State Plan for Family Planning Services - Fiscal Year 1985-1986 and the Kentucky State Plan for Family Planning Services - Fiscal Year 1986-1987" by reference as the Kentucky Family Planning regulation covering all phases of program operation including but not limited to program eligibility for services and provision for fee collections in accordance with federal regulations and guidelines, consent requirements, medical standards, quality assurance, and other relevant components of the program. A copy of the State Plan for Family Planning Services - Fiscal Year 1984-1985 (three (3) volumes) and the State Plan for Family Planning Services - Fiscal Year 1985-1986 (one (1) volume) and the State Plan for Family Planning Services - Fiscal Year 1986-1987 (one (1) volume) have been filed with Region IV, Department of Health and Human Services, 101 Marietta Tower, Atlanta, GA 30323. A copy shall be on file and available for public inspection in the Office of the Commissioner for Health Services, 275 East Main Street, Frankfort, KY 40621.

C. HERNANDEZ, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: August 12, 1986

FILED WITH LRC: August 15, 1986 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held at 9 a.m. on September 22, 1986, 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 September 17, 1986: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Ann W. Tarter

(1) Type and number of entities affected:

(a) Direct and indirect costs or savings to those affected: 100,679 clients; 143 clinics including all local health departments and some private, non-profit clinics.

1. First year: Not applicable.

2. Continuing costs or savings: Not applicable.

3. Additional factors increasing or decreasing costs (note any effects upon competition): Slight increase in sliding fee scale costs to clients as a result of revised Department of Health and Human Services Poverty Income Guidelines.

(b) Reporting and paperwork requirements: Not applicable.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Not applicable.

2. Continuing costs or savings: Not applicable.

3. Additional factors increasing or decreasing costs: Inflationary factors have increased cost per client seven (7) percent over the previous fiscal year.

(b) Reporting and paperwork requirements: No additional paperwork requirements.

(3) Assessment of anticipated effect on state and local revenues: Services existing, no additional effect.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Most efficient

alternative.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: No apparent conflict.

(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.

FEDERAL MANDATE COMPARISON

1. Compare proposed state compliance standards with minimum uniform standards suggested or contained in the federal mandate: State compliance standards are in accordance with minimum uniform standards contained in the federal mandate for Family Planning services, Title X of P.L. 91-572, as amended, "Population Research and Voluntary Family Planning Programs."

2. Does the proposed regulation impose stricter requirements or other responsibilities on the regulated entities than those required by the federal mandate: No

3. If the proposed regulation imposes additional requirements or responsibilities, justify the imposition of these stricter standards, requirements or responsibilities: Not applicable.

CABINET FOR HUMAN RESOURCES

Department for Health Services
(Proposed Amendment)

902 KAR 10:110. Onsite sewage disposal system installation permits and certification of installers.

RELATES TO: KRS 211.350 to 211.380, 211.990(2)

PURSUANT TO: KRS 194.050, 211.090(3), 211.180(3)

NECESSITY AND FUNCTION: KRS 211.350 provides that no person, firm, or corporation shall construct, install, alter or cause to be constructed, installed, or altered any onsite sewage disposal system subject to regulation by the cabinet without having first obtained an onsite sewage disposal permit from the cabinet. The function of this regulation is to set forth the requirements for issuance of such permits and to provide for the certification of installers.

Section 1. Citation of Regulation. This regulation may be cited as the "Onsite Sewage Disposal System Installation Permit and Certification of Installers Regulation."

Section 2. Issuance of Permits. (1) Except as otherwise provided by subsection (2) of this section, permits to construct, install or alter onsite sewage disposal systems shall be issued only to certified installers [licensed plumbers].

(2) Permits to construct, install or alter onsite sewage disposal systems may be issued to homeowners who desire to install such systems for homes actually occupied by them or for a home to be constructed by them for their own personal residential use, provided:

(a) Application is made for the permit on

forms provided by the cabinet prior to the beginning of the work; and

(b) All work is performed in compliance with the onsite sewage disposal systems laws and regulations; and

(c) All the work is personally performed by the owner.

Section 3. System Construction, Installation, or Alteration. (1) All work in the construction, installation, or alteration of an onsite sewage disposal system shall be performed by a certified installer [licensed plumber], except those systems for which a homeowner has secured a permit to personally perform such work.

(2) Persons certified as installers except master plumbers licensed pursuant to KRS Chapter 318 shall pay a fee of twenty-five (25) dollars for such certification. [Licensed plumbers or homeowners may contract with other persons for the performance of system excavation and backfilling work only. Such work by other persons shall be performed under the direct supervision of the permit holder for that system.]

C. HERNANDEZ, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: July 27, 1986

FILED WITH LRC: August 8, 1986 at 9 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for September 22, 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 September 17, 1986, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Dudley J. Conner

(1) Type and number of entities affected: Approximately 2500 master and journeyman plumbers and back hoe operators involved in the installation of onsite sewage disposal systems.

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

1. First year: Direct one time costs of \$25 per person to become certified installer (law exempts master plumbers from payment of certification fee); persons affected approximately 1000.

2. Continuing costs or savings: None - one time fee.

3. Additional factors increasing or decreasing costs (note any effects upon competition): None direct. Indirectly no cost unless presently illegal installer chooses to remain so and competition from certified installers (as well as enforcement of law) forces him out of business.

(b) Reporting and paperwork requirements: Requires applicant for certification to complete application form and submit fee and evidence of meeting qualifications for certification (master plumbers exempted from payment of fee).

(2) Effects on the promulgating administrative body: Requires development of application forms, certificates, data system for issuance and records maintenance.

(a) Direct and indirect costs or savings:

1. First year: Developmental costs of forms; data system; printing; and, certification program maintenance and operation.

2. Continuing costs or savings: Direct costs will continue for maintaining form stocks, data system, at lesser cost than for initial start up. Also, future costs could rise relative to development of training/educational programs for installers.

3. Additional factors increasing or decreasing costs: See above on training/education programs.

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: State revenue needs will increase. Local revenues will increase due to fee collection initially and for occasionally new certificate issuance thereafter (see comments on one time fee (1)(a) above).

(4) Assessment of alternative methods; reasons why alternatives were rejected: No real alternatives available - mandate of law restricts available choices.

(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:

TIERING: Was tiering applied? No. Mandate of law does not allow.

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 May 15, 1986, 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 July 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 August 15 [July 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 April 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, 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 April 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 5 is revised as follows:

CENTRAL STATE HOSPITAL POLICY MANUAL

El. sec. FF. #1 Utilization Review and Medical Care Plan of Central State Hospital.

This policy was revised to comply with new Federal guidelines.

[Section 4 is revised as follows:

EASTERN STATE HOSPITAL POLICY MANUAL

D1, Section II This revised policy concerns P. 25 & 25A patient's personal clothing.

D1, Section II Policy revised to delete the P. 12 & 12A procedure calling for immediate notification of the Hospital Director.

D9 Chaplaincy Service. Policy revised to add Quality Assurance Plan.

D10 Revisions in the Radiology Policy and Procedure: The following are the additions to Page 3 under number 1 will be added the following wording: The Chief of the Staff's function shall be: (a) Establishing an effective relationship with the medical staff, administration and other services, (b) Developing and approving policies and procedures which shall be reviewed annually, revised as needed and dated, (c) Verifying the qualifications and capabilities of radiologic technician, (d) Developing safety rules in accordance with the hospital Safety Committee, (e) Monitoring the evaluation of the quality and appropriateness on findings, (f) Advising the medical staff as to the treatment needed, (g) Maintaining a quality control program to minimize the unnecessary duplication of radiologic service and to maximize the quality of diagnostic information available.

Number 4, the paragraph will be number A and an additional paragraph numbered B will be added: The radiologic technicians will further their knowledge and skills thru on-the-job training, attendance at workshops, local, regional or national society meetings. The radiologic technician will document program content and extent of participation. Page 7 will be a change in number 1: The physician in charge will review the radiologist's authenticated report for each examination performed and filed in the patient's medical record preferably within 72 hours.

Page 8 - 4 will read as follows: Radiologic examination or radiologic treatment done is to be entered in the consultation form if performed outside the hospital. The consultation form will be reviewed by the admitting physician when the forms come back and is made a part of the patient's record. Number 5 will read as: CT scan may be obtained as above under number 1. On Page 10 number 6 will read as follows: No radiologic exposure is done to gonads or unborn fetuses. If x-ray is needed for pregnant patients a protective shield shall be applied. Page 14 number 13 will read as follows: Radiation probation survey will be done when radiologic equipment is initially installed, altered significantly or relocated. Number 14 will read as follows: The radiation safety officer shall be responsible for ensuring that requirements by the 902 KAR 100 and 1 Ky.R. 411, eff. 2/5/75 are being effectively performed. Page 16 - Policy: Administration of Diagnostic Agents was completely revised.

Page 23 - will be the policy on sufficient space, equipment and supplies for the performance of Radiology Services.

D16 Policy and Procedure Manual for Staff Development and Training - replaces the previous manual.

Section 5 is revised as follows:

CENTRAL STATE HOSPITAL POLICY MANUAL

E1, Section HH Licensure cited Central State Number 7.10 Hospital because our policy and No. 10 procedure on Human Rights was not Paragraph 2 consistent with the requirements of 902 KAR Chapter 12. This revision now brings Central State Hospital into compliance on that issue.

E1, Section HH A policy revision placing Number 7.20 committee appointments under the Hospital Director instead of the Clinical Director.

E1, Section HH Since Central State Hospital no Number 1.40 longer uses the "red" band buddy system as a patient privilege status, this administrative regulation is amended to reflect that change. This revision in the policy does not affect staff utilization of time or resources.]

DENNIS D. BOYD, Commissioner
E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: August 5, 1986

FILED WITH LRC: August 15, 1986 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for September 22, 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 September 17, 1986 of their desire to appear and testify at the hearing: Ryan Halloran, Acting 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 Health Services (Proposed Amendment)

902 KAR 50:010. Definitions for milk and milk products.

RELATES TO: KRS 217C.010 to 217C.990

PURSUANT TO: KRS 194.050, 211.090

NECESSITY AND FUNCTION: The Cabinet for Human Resources is directed by KRS Chapter 217C to regulate the production, transportation, processing, handling, sampling, examination, grading, labeling, standards of identity, sale and such other matters relating to milk and milk products as may be necessary to protect the public health. This regulation defines terms applicable to all milk and milk product regulations adopted by the Cabinet for Human Resources under KRS Chapter 217C.

Section 1. Definitions for Milk and Milk Products Regulations. As used in all regulations of the Cabinet for Human Resources relating to milk and milk products the following definitions shall apply unless specifically indicated otherwise:

(1) "Adulterated milk and milk products" means any milk or milk product adulterated as provided by KRS 217.025.

(2) "Aseptic processing" means a milk product that has been subjected to sufficient heat processing, and packaged in a hermetically sealed container, to conform to the applicable requirements of 21 Code of Federal Regulations, Subpart B, Food for Human Consumption, Part 113 and the provisions of 902 KAR 50:020, and maintain the commercial sterility of the product under normal nonrefrigerated conditions.

(3) "Butter" means the food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter, and containing not less than eighty (80) percent by weight of milk fat, all tolerances having been allowed for; provided the labeling of butter shall not be deemed misbranded if it does not bear a statement relating to artificial coloring.

(4) "Cabinet" means the Cabinet for Human Resources.

(5) "Certified sample collector" means an employee of the department, fieldman or milk hauler who has been approved to collect milk samples for regulatory purposes.

(6) "C-I-P" or "cleaned-in-place" means the procedure by which sanitary pipeline or pieces of dairy equipment are mechanically cleaned-in-place by circulation.

(7) "Culinary steam" means steam used in contact with milk or milk products which is produced according to "Recommended Practices for Producing Culinary Steam for Processing Milk and Milk Products", National Association of Dairy Equipment Manufacturers, 1012 14th Street, N.W., Washington, D.C. 20036.

(8) "Dairy farm" means a place where one (1) or more milking cows or goats are kept, a part or all of the milk produced thereon being delivered, sold, or offered for sale to a dairy, plant, receiving station or transfer station.

(9) "Milk or dairy plant, receiving station or company" means any place, premises or establishment where milk or milk products are collected, handled, processed, stored, pasteurized, aseptically processed, packaged or prepared for distribution.

(10) "Department" means the Department for Health Services.

(11) "Fieldman" means a person employed by a milk company who is qualified and trained in sanitary methods of production and handling of milk and who performs dairy farm quality control work. (A "fieldman" is not considered an agent of the department.)

(12) "Goat milk" means the lacteal secretion, practically free from colostrum, obtained by the complete milking of healthy goats.

(13) "Grade A milk and milk products" means milk and milk products produced, processed, transported and distributed in accordance with the department's Grade A milk regulations. It includes but is not limited to the following:

- (a) Acidified sour cream;
- (b) Acidified sour half and half;
- (c) Buttermilk;
- (d) Chocolate milk;
- (e) Chocolate lowfat milk;
- (f) Chocolate skim milk;
- (g) Concentrated milk;
- (h) Cottage cheese, lowfat cottage cheese, cottage cheese dry curd;
- (i) Cultured buttermilk;
- (j) Cultured milk and cultured milk products;
- (k) Cream;
- (l) Eggnog;
- (m) Half and half;
- (n) Heavy cream;
- (o) Light cream;
- (p) Light whipping cream;
- (q) Lowfat milk;
- (r) Milk;
- (s) Skim milk;
- (t) Sour cream;
- (u) Sour half and half and any other Grade A milk or milk product as may be designated by the department; and

(v) Yogurt, lowfat yogurt and nonfat yogurt.

(14) "Grade A dry milk products" means milk products which have been produced for use in Grade A pasteurized milk products and which have been manufactured under the provisions of the "Grade A Condensed and Dry Milk Products - and Condensed and Dry Whey, Supplement to the Grade

A Pasteurized Milk Ordinance recommended by the United States Public Health Service, Food and Drug Administration."

(15) "Handler," "distributor" or "retailer" means any association, organization, person or other group that offers for sale, sells or otherwise handles milk or milk products.

(16) "Imitation milk products" mean a milk, cheese, frozen dessert or other milk product for which the nutritional equivalency is inferior to the product it simulates.

(17) [(16)] "Inspector" means an employee of the department who is qualified, trained, and authorized to perform dairy farm or plant inspections, or both, to grade raw milk, to evaluate quality control programs of milk plants and carry out the enforcement procedures of the department's regulations relating to milk and milk products.

(18) "Low calorie" means any milk, milk product, cheese or frozen dessert which contains no more than forty (40) calories per serving.

(19) [(17)] "Manufacturing milk and milk products" means milk and milk products produced, processed, transported and distributed in accordance with the department's manufacturing milk regulations. It includes but is not limited to the following:

- (a) Butter;
- (b) Cheeses, processed cheeses, cheese foods, cheese spreads and related foods;
- (c) Evaporated milk;
- (d) Frozen desserts;
- (e) Sweetened condensed milk and any other manufactured milk or milk product as may be designated by the department.

(20) [(18)] "Mechanical cleaning" or "mechanically cleaned" means cleaning, solely by circulation or flowing chemical detergent solutions and water rinses onto and over the surface to be cleaned by mechanical means.

(21) [(19)] "Milk grader" means a person who is qualified for the grading of raw milk in accordance with quality standards and procedures. (For the purpose of grading and sampling milk, a "milk grader" may be considered a duly authorized agent of the department.)

(22) [(20)] "Milk hauler" means any person who transports milk or raw milk products to or from a milk plant, receiving station or transfer station. For the purpose of collecting official samples of raw milk, a "milk hauler" may become a certified sample collector and a duly authorized agent of the department.

(23) [(21)] "Milk producer" means any person who operates a dairy farm and provides, offers for sale or sells raw milk to a milk plant, receiving station, transfer station or handler.

(24) "Milk product substitute" means milk, cheese, frozen dessert or other milk products which possess similar physical and organoleptic properties to the product simulated and the fat and solids-not-fat content meets the standard of identity of the counterpart product but whose ingredients have been replaced all or in part with safe and suitable nonmilk ingredients.

(25) [(22)] "Misbranded milk and milk products" means any milk or milk product misbranded as provided by KRS 217.035.

(26) [(23)] "Official laboratory" means the biological, chemical, or physical laboratory which is under the direct supervision of the department.

(27) [(24)] "Official methods" means the current edition of the "Official Methods of

Analysis of the Association of Official Analytical Chemists," a publication of the Association of Official Analytical Chemists, Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

(28) [(25)] "Officially designated laboratory" means a designated milk industry laboratory authorized by the department to do official work on producer samples, commingled milk tank truck samples or on milk containers for tests required by the department's regulations or a commercial laboratory officially designated by the department for the examination of producer samples, milk containers or finished products.

(29) [(26)] "Open date" means the date which shall be affixed on a consumer package or container of Grade A pasteurized milk or milk products subsequent to the date of manufacturing, processing or packaging and which represents the period of time that the product will remain unspoiled and acceptable for consumption when transported, handled and stored under approved conditions.

(30) [(27)] "Pasteurization or pasteurized" means that every particle of such product shall have been heated in properly operated equipment, approved by the department, to one (1) of the temperatures specified in the table of this subsection, and held continuously at or above that temperature for the specified time (or other time/temperature relationship which has been demonstrated to be equivalent thereto in microbial destruction).

(a) Milk and milk products (including cheese whey):

Temperature	Time
145°F*	30 minutes
161°F*	15 seconds
191°F	1 second
194°F	0.5 second
201°F	0.1 second
204°F	0.05 second
212°F	0.01 second

*If the dairy ingredient has a fat content of ten (10) percent or more, or if it contains added sweeteners, the specified temperature shall be increased by five (5) degrees Fahrenheit.

(b) Cream for buttermaking:

Temperature	Time
165°F*	30 minutes
180°F*	15 seconds

*If plastic or frozen cream is used for buttermaking, the specified temperature shall be increased by five (5) degrees Fahrenheit.

(c) Frozen desserts and eggnog:

Temperature	Time
155°F	30 minutes
175°F	25 seconds
180°F	15 seconds

(31) [(28)] "Permit" means permission given by the department to produce, buy, transport, process, store, distribute or sell any milk or milk products or to collect official samples thereof.

(32) [(29)] "Person" means any individual,

plant, operator, partnership, corporation, company, firm, trustee, or association.

(33) [(30)] "Reconstituted or recombined milk and milk products" means milk or milk products which results from the recombining of milk constituents with potable water.

(34) "Reduced calorie" shall apply to any milk, milk product, cheese or frozen dessert for which a standard of identity exists and whose calorie content has been reduced at least one-third (1/3) lower than a similar food.

(35) [(31)] "Sanitizing or bactericidal treatment" means the application of an effective sanitizing agent to a clean surface for the destruction of pathogens and other organisms as far as is practicable. The sanitizing agents used shall comply with the Federal Food, Drug and Cosmetic Act and the regulations of the department.

(36) [(32)] "Standard methods" means the current edition of the "Standard Methods for the Examination of Dairy Products," a publication of the American Public Health Association, 1015 Eighteenth Street, N.W., Washington, D.C. 20036.

(37) [(33)] "Sterilization or sterilized" means the complete in-container method of heating the container and contents at a minimum of 212 degrees Fahrenheit for sufficient time and vacuum to give complete destruction to all living organisms.

(38) [(34)] "3-A sanitary standards and accepted practices" means the standards and practices for dairy equipment formulated by the 3-A sanitary standards committees representing the International Association of Milk, Food and Environmental Sanitarians, the U.S. Public Health Service and the Dairy Industry Committee, published by the International Association of Milk, Food and Environmental Sanitarians, 413 Kellogg Avenue, Ames, Iowa 50010.

(39) [(35)] "Transfer station" means any place, premises or establishment where milk or milk products are transferred directly from one (1) transport tank to another.

(40) [(36)] "Ultra-pasteurized" means that such product shall have been thermally processed at or above 280 degrees Fahrenheit for at least two (2) seconds, either before or after packaging, so as to produce a product which has an extended shelf life under refrigerated conditions.

(41) [(37)] "Unsafe food additives" means any food additive prohibited by KRS 217.045.

C. HERNANDEZ, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: July 23, 1986

FILED WITH LRC: August 8, 1986 at 9 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for September 22, 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 September 17, 1986, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Leon Townsend

(1) Type and number of entities affected: 5,300

(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 by industry - same for regulatory agency.

(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 by industry - same for regulatory agency.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: Present regulation does not meet federal requirements.

(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: These are minor proposed amendments required for Kentucky to remain in compliance with federal standards.

TIERING: Was tiering applied? No.

FEDERAL MANDATE COMPARISON

1. Compare proposed state compliance standards with minimum uniform standards suggested or contained in the federal mandate: Defines existing terms in state milk regulations in compliance with federal standards adopted by reference.

2. Does the proposed regulation impose stricter requirements or other responsibilities on the regulated entities than those required by the federal mandate: No

3. If the proposed regulation imposes additional requirements or responsibilities, justify the imposition of these stricter standards, requirements or responsibilities: None

CABINET FOR HUMAN RESOURCES Department for Health Services (Proposed Amendment)

902 KAR 50:070. Standards of identity for milk and milk products.

RELATES TO: KRS 217C.010 to 217C.990

PURSUANT TO: KRS 194.050, 211.090

NECESSITY AND FUNCTION: The Cabinet for Human Resources is directed by KRS Chapter 217C to set standards of identity and labeling requirements for milk and milk products. This regulation adopts, by reference, the applicable rules and regulations of the U.S. Food and Drug Administration relating to definitions, product standards of identity and labeling requirements for milk and cream; sour cream and related products; cheeses, processed cheeses, cheese foods, cheese spreads, and related foods; and frozen desserts for the state of Kentucky.

Section 1. Milk and Milk Products Standards of Identity and Labeling Requirements. The standards of identity and labeling requirements as set forth in the April 1, 1986 [1983] edition of the Federal Register, Title 21, Food and Drugs, Chapter 1, Subchapter B, Foods for Human Consumption: (i) Part 131, milk and cream, pages 148-178 [142-175]; (ii) Part 133, cheese and related cheese products, pages 179-235; [175-245; and] (iii) Part 135, frozen desserts, pages 235-243; and (iv) Part 166 - margarine, pages 406-408 [245-254;] are hereby adopted by reference for the Commonwealth of Kentucky. These publications are published by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408. Copies of these publications shall be on file in the Office of the Commissioner for Health Services, 275 East Main Street, Frankfort, Kentucky 40621, and are open for public inspection. Copies are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

C. HERNANDEZ, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: July 24, 1986

FILED WITH LRC: August 8, 1986 at 9 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for September 22, 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 September 17, 1986, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Leon Townsend

(1) Type and number of entities affected: 175

(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 by industry - same for regulatory agency.

(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 by industry - same for regulatory agency.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: Present regulation does not meet federal requirements.

(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: These are minor proposed amendments required for Kentucky to remain in compliance with federal standards.
Tiering: Was tiering applied? No.

FEDERAL MANDATE COMPARISON

1. Compare proposed state compliance standards with minimum uniform standards suggested or contained in the federal mandate: This standard adopts federal standards.

2. Does the proposed regulation impose stricter requirements or other responsibilities on the regulated entities than those required by the federal mandate: No

3. If the proposed regulation imposes additional requirements or responsibilities, justify the imposition of these stricter standards, requirements or responsibilities: None

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 July 10 [June 24], 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 eligibility 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 March 7, 1986. 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 July [May] 1, 1986. 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 6000 [2000], Claims Investigation [Initial Claims], strike pages (6193-6200) - (6200-6202) dated 3-7-86 [(2020-2020(2)) - (2020-2030) dated 3-5-86], and substitute in lieu thereof pages (6193-6200) - (6200-6202) dated 7-11-86, which revises procedures in accordance with a decision by the Kentucky Court of Appeals disallowing recovery of benefits paid before a reversal of entitlement in the appeal or review process [(2020-2020(2)) - (2020-2030) dated 6-5-86, which advises program 4T is no longer available on IMS].

(2) Chapter 13000 [4000], Statistical Reports [Video Operations], strike pages (13220-13360) - (13360-13360) dated 11-14-85 [contents dated 3-11-86], and substitute in lieu thereof pages (13220-13360) - (13360-13360) dated 7-8-86, which provides procedures insuring correct mailing of forms to the central office daily. [contents dated 6-5-86. Strike pages (4150-4150) - (4150-4200) dated 10-18-85, and substitute in lieu thereof pages (4150-4150) - (4200-4200) dated 6-5-86, which provides instructions for accessing the program on CICS which verifies claimants registration with Employment and Training and provides the DOT code.]

[(3) Chapter 5000, Interstate and Combined Wage Claims, strike pages (5250-5260) - (5270-5270) dated 4-1-86, and insert in lieu

thereof pages (5250-5260) - (5270-5270) dated 6-2-86, which revises procedures in the local office manual in accordance with procedures in the ET Handbook regarding interstate claims. Strike pages (5040-5070) - (5070-5090) dated 4-1-86, and substitute in lieu thereof pages (5040-5070) - (5070-5090) dated 6-24-86, which removes the exception of Minnesota's claimants as they are now participating in the double bypass system for interstate claims.]

[(4) Chapter 6000, Claims Investigation, strike pages (6015-6016) - (6016-6016) dated 3-14-86, and insert in lieu thereof pages (6015-6016) - (6016-6016) dated 6-2-86, which revises procedures regarding chargeability of benefits paid to school employees between two (2) school terms. Strike pages (6033-6033) - (6039-6040) dated 4-22-86, and insert in lieu thereof pages (6033-6033) - (6039-6040) dated 6-2-86, which adds instructions disallowing the deduction of social security benefits retroactively. Strike pages (6033-6033) - (6033-6034) dated 6-2-86, and insert in lieu thereof pages (6033-6033) - (6033-6034) dated 6-18-86, which adds instructions disallowing the deduction of all pension payments retroactively. Strike pages (6106-6106) - (6106-6106(2)) dated 9-16-85, and pages (6043-6048) - (6048-6050) dated 9-16-85, and insert in lieu thereof pages (6106-6106) - (6106-6106(2)) dated 6-24-86, and pages (6043-6048) - (6048-6050) dated 6-24-86, which amends procedures for completing chargeability forms to indicate when protest is untimely.]

[(5) Chapter 12000, Personnel Time Distribution Section, strike pages (12000-12002) - (12040-12100) dated 11-15-85, and insert in lieu thereof pages (12000-12002) - (12040-12100) dated 6-24-86, which replaces the old three (3) character program codes with the new four (4) character program codes, deletes instructions for the completion of scanners and adds instructions on the use of the PTL system for employee time reporting.]

[(6) Chapter 13000, Statistical Reports, strike contents dated 11-14-85, and substitute in lieu thereof contents dated 6-24-86. Strike pages (13000-13010) - (13200-13220) dated 11-14-85, and insert in lieu thereof pages (13000-13200) - (13205-13220) dated 6-24-86, which deletes instructions for completion of the ES-203.1 since this information is available in the computer database.]

Section 4. Summary of Amendment. Tax Collections and Accounting Branch Manual. Chapter 5000, Delinquency Control Section, strike entire Chapter 500 dated 9-30-83, and substitute in lieu thereof Chapter 5000 dated 7-1-86, which revises and updates procedures in Chapter 500 and reflects the 1986 amendments regarding interest charges and penalties.

JAMES P. DANIELS, Commissioner
E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: August 6, 1986

FILED WITH LRC: August 15, 1986 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for September 22, 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 September 17, 1986, of their desire to appear and testify at

the hearing: Ryan Halloran, General Counsel, Office of General Counsel, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: James P. 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 Insurance
Division of Management and Development
(Proposed Amendment)

904 KAR 2:140. Supplementary policies for programs administered by the Department for Social Insurance.

RELATES TO: KRS 194.030(6), Chapter 205

PURSUANT TO: KRS 194.050

NECESSITY AND FUNCTION: KRS 194.010 designates the Cabinet for Human Resources as the primary state agency responsible for the development and operation of assistance programs, and KRS 194.050 empowers the secretary of the Cabinet for Human Resources to adopt, administer and enforce regulations sufficient to operate the programs and fulfill the responsibilities vested in the cabinet. This regulation states the general policy of the cabinet with regard to program materials incorporated into regulatory form by reference for use by the Department for Social Insurance, and incorporates by reference materials related to the programs of aid to families with dependent children, medical assistance, home energy assistance, refugee assistance, food stamps, child support enforcement, state supplemental payments for the aged, blind or disabled, [disability determination,] and collections which are essential for the implementation of those

programs.

Section 1. General Policy Relating to Program Materials Incorporated by Reference. (1) Kentucky administrative regulations relating to program matters reflect the policy of the cabinet with regard to the issues addressed in the regulation.

(2) Materials incorporated by reference shall be construed and interpreted in such a manner as to be consistent with the intent of agency policy as reflected in Kentucky administrative regulations, and shall be considered the agency statement of policy with regard to issues not otherwise addressed in Kentucky administrative regulations.

Section 2. Incorporation by Reference. The following listed materials are hereby incorporated by reference, effective on the date shown.

(1) Department for Social Insurance Manual of Operations, effective August [May] 1, 1986. The Manual of Operations provides operating instructions, procedural detail, and technical clarification for use of the department's field staff in implementing programs, under the authority of the department, including: aid to families with dependent children; refugee assistance; home energy assistance; child support enforcement; state supplementary payments; and medical assistance.

(2) Department for Social Insurance Manual of Forms, effective August [May] 1, 1986. The Manual of Forms provides forms with instructions for completion, usage, distribution and files maintenance for use of the department's field staff in implementing programs under the authority of the department, including: aid to families with dependent children; refugee assistance; home energy assistance; child support enforcement; state supplementary payments; medical assistance; and the food stamp program.

(3) Federal regulations at 45 CFR Parts 16, 74, and 95, effective May 1, 1986. Part 16, Procedures of the Departmental Grant Appeals Board, provides requirements and procedures applicable to resolution of certain disputes arising under several assistance programs funded by the United States Department of Health and Human Services. Part 74, Administration of Grants, establishes uniform requirements for the administration of grants provided under the authority of the United States Department of Health and Human Services, and principles for determining costs applicable to activities assisted by Department of Health and Human Services grants. Part 95, General Administration - Grant Programs (Public Assistance and Medical Assistance), establishes requirements of the United States Department of Health and Human Services for various administrative matters relating to grant programs, including time limits for states to file claims, cost allocation plans, and conditions for federal financial participation for automatic data processing equipment and services.

Section 3. All documents incorporated by reference herein may be reviewed during regular working hours in the Division of Management and Development, Department for Social Insurance, 275 East Main Street, Frankfort, Kentucky.

MIKE ROBINSON, Commissioner
E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: July 22, 1986

FILED WITH LRC: August 8, 1986 at 9 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for September 22, 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 September 17, 1986 of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Janie Miller

(1) Type and number of entities affected:
*20,057 persons qualifying for the personal needs allowance.

(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: This money was provided in HB 398.

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:

(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:

(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:
*14,000-15,000 MA recipients and 5,057 state supplementation recipients.

TIERING: Was tiering applied? No. Not applicable.

CABINET FOR HUMAN RESOURCES
Department for Social Insurance
Division of Management & Development
(Proposed Amendment)

904 KAR 2:170. Incorporation by reference of materials relating to the Child Support Program.

RELATES TO: KRS 205.795

PURSUANT TO: KRS 194.050

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility for administering the Child Support Program in accordance with Title IV-D of the Social Security Act and KRS 205.710 to 205.800, 205.992, and KRS 405.400 to KRS 405.530. This regulation incorporates into regulatory form, by reference, materials used by the cabinet in the implementation of the Child

Support Program.

Section 1. Incorporation by Reference. The cabinet shall incorporate by reference materials used in the implementation of the Child Support Program, subject to the provisions contained in 904 KAR 2:140, Section 1, Supplementary Policies for Programs Administered by the Department for Social Insurance.

Section 2. Listing of Incorporated Materials. The following listed materials are hereby incorporated by reference, effective on the date shown:

(1) Federal child support regulations at 45 CFR Parts 300-399, which set forth the requirements and guidelines for the administration of the Child Support Program, effective February 1, 1986;

(2) Federal Office of Child Support Enforcement Action Transmittals, which provide federal program instructions for the implementation of the child support enforcement program in accordance with federal laws and regulations, as follows: OCSE-AT-75-5, 75-6, 76-1, 76-2, 76-5, 76-7, 76-8, 76-9, 76-14, 76-21, 76-22, 76-23, 77-3, 77-14, 78-2, 78-5, 78-6, 78-8, 78-16, 78-18, 79-2, 79-3, 79-6, 79-7, 79-8, 80-5, 80-9, 80-11, 80-17, 81-7, 81-12, 81-26, 82-17, 83-15, 83-18, 84-05, and 86-04, effective May 1, 1986;

(3) Department for Social Insurance Child Support Manual of Procedures, which provides operational instructions and procedural detail for the implementation of the child support enforcement program, effective August [May] 1, 1986;

(4) Department for Social Insurance Child Support System Handbook, which provides systems and data processing instructions for the implementation of the child support enforcement program, effective October 1, 1985;

(5) Department for Social Insurance Child Support Action Memorandums, which provide program clarifications, instructions, and procedural detail for the implementation of the child support enforcement program, as follows: DCSE-AM-82-07, 82-36, 83-16, 83-21, 83-30, 83-31, 83-38, 83-39, 84-10, 84-16, 84-18, 84-19, 84-20, 84-29, 84-34, 84-36, 85-10, 85-19, 85-22, 85-30, 85-32 and errata, 85-36, 85-39, 85-42, 86-09, [and] 86-12, 86-14, and 86-15, effective August [May] 1, 1986; and

(6) Department for Social Insurance Child Support Administrative Process Manual, which provides operational instructions and procedural detail for the implementation of administrative procedures in the child support enforcement program, effective August [May] 1, 1986.

Section 3. All documents incorporated by reference herein may be reviewed during regular working hours in the Division of Management and Development, Department for Social Insurance, 275 East Main Street, Frankfort, Kentucky.

MIKE ROBINSON, Commissioner
E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: July 30, 1986

FILED WITH LRC: August 8, 1986 at 9 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for September 22, 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 September 17, 1986, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Janie Miller

(1) Type and number of entities affected: All recipients of IV-D services.

(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:

(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:

(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.

CABINET FOR HUMAN RESOURCES
Department for Social Insurance
Division of Management and Development
(Proposed Amendment)

904 KAR 3:010. Definitions.

RELATES TO: KRS 194.050

PURSUANT TO: KRS 194.050

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

Section 1. Definition of terms utilized in regulations relating to the Food Stamp Program are as follows:

(1) "Application for participation" means the form designed or approved by Food and Nutrition Service, hereinafter referred to as FNS, which is completed by a household member or authorized representative; or for household consisting solely of public assistance recipients, it may also mean the application form used to apply for

public assistance, including attachments approved by FNS, which is completed by a household member or authorized representative.

(2) "Authorization to participate card," ATP, means the document which is issued by the state agency to a certified household to show the allotment the household is authorized to receive on presentation of such document.

(3) "Authorized representative" means an individual designated by a household member to act on behalf of the household in one (1) or all of the following capacities: making application for the program, obtaining the coupons, using the coupons. Authorized representatives will be disqualified for program abuse in accordance with 7 CFR 273.1(f).

(4) "Boarder" means an individual(s) to whom a household furnishes lodging and meals for compensation in accordance with 7 CFR 273.1(c). Boarders may participate, in accordance with 7 CFR 273.1(c), as part of the household with whom they reside but only at the household's request and provided said household meets Food Stamp Program eligibility requirements, but not as a separate household.

(5) "Certification" means the action necessary to determine eligibility of a household. Such action includes interviews, verification and decisions.

(6) "Communal dining facility" means a public or nonprofit private establishment, approved by FNS, which prepares and serves meals for elderly persons, or for supplemental security income (SSI) recipients and their spouses, a public or private nonprofit establishment (eating or otherwise) that feeds elderly persons or SSI recipients and their spouses, and federally subsidized housing for the elderly at which meals are prepared for and served to the residents. It also includes private establishments that contract with an appropriate state or local agency to offer meals at concessional prices to elderly persons or SSI recipients and their spouses.

(7) "Coupons" mean any stamp, coupon or type of certificate issued in accordance with the Food and Nutrition Service regulations for the purchase of eligible food.

(8) "Date of entry" or "date of admission" means the date established by the Immigration and Naturalization Service as the date the sponsored alien was admitted for permanent residence.

(9) "Drug addiction or alcoholic treatment and rehabilitation program" means any drug addiction or alcoholic treatment and rehabilitation program conducted by a private nonprofit organization or institution which is certified by the cabinet or agencies designated by the Governor as responsible for the administration of the state's programs for alcoholics and drug addicts.

(10) "Elderly or disabled member" means a member of a household who meets the criteria set forth in 7 CFR Part 271.2, [as follows:]

[(a) Is sixty (60) years of age or older or will become sixty (60) in the month of application;]

[(b) Is receiving SSI benefits under Title XVI of the Social Security Act or disability or blindness payments under Titles I, II, X, XIV, or XVI of the Social Security Act;]

[(c) Is a veteran with a service-connected disability rated or paid as total under Title 38 of the United States Code or is considered in

need of regular aid and attendance or permanently housebound under said title of the code;]

[(d) Is a surviving spouse of a veteran and considered in need of aid and attendance or permanently housebound or a surviving child of a veteran and considered to be permanently incapable of self-support under Title 38 of the United State Code; or]

[(e) Is a surviving spouse or child of a veteran and entitled to compensation for a service-connected death or pension benefits for a nonservice-connected death under Title 38 of the United States Code and has a disability considered permanent under Section 221(i) of the Social Security Act.]

(11) "Eligible foods" means any of the following:

(a) Any food or food product intended for human consumption except alcoholic beverages, tobacco, and hot foods and hot food products prepared for immediate consumption;

(b) Seeds and plants to grow foods for the personal consumption of eligible households;

(c) Meals prepared and delivered by an authorized meal delivery service to households eligible to use coupons to purchase delivered meals; or meals served by a communal dining facility for the elderly, for SSI households or both, to households eligible to use coupons for communal dining;

(d) Meals prepared and served by an authorized drug addict or alcoholic treatment and rehabilitation center to eligible households;

(e) Meals prepared and served by an authorized group living arrangement facility to residents who are blind or disabled recipients of benefits under Title II or Title XVI of the Social Security Act; or

(f) Meals prepared and served by an authorized shelter for battered women and children to its eligible residents.

(12) "Excluded household member" means individuals residing with a household but excluded when determining the household's size for purposes of assigning a benefit level to the household or of comparing the household's monthly income with income eligibility standards. The excluded household member's income and resources shall be considered available to the remaining household members in accordance with 7 CFR 273.11(c). The following are excluded household members and may not participate as separate households:

(a) Ineligible aliens. Individuals not meeting citizenship or alien status requirements as set forth in 7 CFR 273.4(a).

(b) SSN disqualified. Individuals disqualified for failure to provide a social security number as set forth in 7 CFR 273.6.

(c) Intentional program violation disqualified. Individuals disqualified for intentional program violation set forth in 7 CFR 273.16.

(13) "Federal fiscal year" means a period of twelve (12) calendar months beginning with each October 1 and ending with September 30 of the following calendar year.

(14) "FNS" means the Food and Nutrition Service of the United States Department of Agriculture.

(15) "Food Stamp Act" means the Food Stamp Act of 1977 (Pub. L. 95-113) including any subsequent amendments thereto.

(16) "Group living arrangement" means a public

or private nonprofit residential setting that serves no more than sixteen (16) residents and is appropriately certified. Residents must be blind or disabled and receiving benefits under Title II or Title XVI of the Social Security Act to be eligible for food stamps.

(17) "Head of household" is the person in whose name the application for participation is made.

(18) "Household" means an individual(s) living alone or with others or a group of individuals living together where living quarters are shared.

(a) A household may be composed of any of the following individuals or groups of individuals, provided that such individuals or groups of individuals are not residents of an institution, residents of a commercial boarding house, or living with others and paying compensation to others for meals and lodging except as otherwise specified in subsection (4) [(24)(b)] of this section:

1. An individual living alone;

2. An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from the others;

3. A group of individuals living together for whom food is customarily purchased in common and for whom meals are prepared together for home consumption;

4. An individual who is sixty (60) years of age or older living with others (and the spouse of such individual) who is unable to purchase and prepare meals because he/she suffers from a disability considered permanent under the Social Security Act or suffers from a nondisease-related, severe, permanent disability, provided that the income of the others, excluding the income of said individual's spouse, with whom said individual resides does not exceed 165 percent of the federal income poverty guidelines.

(b) In no event shall separate household status or nonhousehold member status be granted to:

1. Parents and natural, adopted or stepchildren, unless at least one (1) parent is elderly or disabled as defined in subsection (10) [(9)] of this section;

2. Children under eighteen (18) years of age under the parental control of an adult member of the household;

3. A spouse of a member of the household;

4. Siblings (natural, adopted, half or stepbrothers and sisters), unless at least one (1) sibling is elderly or disabled as defined in subsection (10) [(9)] of this section.

(19) "Identification (ID) card" means a card which identifies the bearer as eligible to receive and use food coupons.

(20) "Immigration and Naturalization Service (INS)" means the Immigration and Naturalization Service, United States Department of Justice.

(21) "Institution of higher education" means any institution providing post high school education, which normally requires a high school diploma or equivalency certificate for a student to enroll, including but not limited to colleges, universities, and vocational or technical schools.

(22) "Meal delivery service" means a political subdivision, a private nonprofit organization, or a private establishment with which the cabinet has contracted for the preparation of meals at concessional prices to elderly persons

and their spouses, and to the physically or mentally handicapped and persons otherwise disabled, and their spouses, such that they are unable to adequately prepare all of their meals.

(23) "Medicaid" means medical assistance under Title XIX of the Social Security Act, as amended.

(24) "Non-assistance household" hereinafter referred to as NA, means a household containing members who are not included in a public assistance household, hereinafter referred to as PA, grant.

(25) "Nonprofit cooperative food purchasing venture" means any private nonprofit association of consumers whose members pool their resources to buy food.

(26) "Nonhousehold member" means individuals residing with a household but not considered household members in determining the household's eligibility or allotment. The following are considered nonhousehold members and if otherwise eligible, may participate in the program as separate households:

(a) Roomers. Individuals to whom a household furnishes lodging, but not meals, for compensation.

(b) Live-in-attendants. Individuals who reside with a household to provide medical, housekeeping, child care or other similar personal services.

(c) Ineligible students. Students not meeting eligibility requirements as set forth in 7 CFR 273.5.

(d) Others. Other individuals who share living quarters with the household but who do not customarily purchase food and prepare meals with the household.

(27) "Overissuance" means the amount by which coupons issued to a household exceeds the amount such household was eligible to receive.

(28) "Public assistance" hereinafter referred to as PA, means any of the programs authorized by the Social Security Act of 1935, as amended; old age assistance, aid to families with dependent children (AFDC), including AFDC for children of unemployed parents, aid to the blind, aid to the permanently and totally disabled and aid to aged, blind or disabled.

(29) "Retrospective budgeting" means the computation of a household's food stamp allotment for an issuance month based on actual income and circumstances which existed in a previous month.

(30) "Shelter for battered women and children" means a public or private nonprofit residential facility that serves battered women and children. If such a facility serves other individuals, a portion of the facility must be set aside on a long-term basis to serve only battered women and children.

(31) "Sponsor" means a person who executed an affidavit(s) of support or similar agreement on behalf of an alien as a condition of the alien's entry/admission into the United States as a permanent resident.

(32) "Sponsored alien" means an alien lawfully admitted for permanent residence as an immigrant as defined in sections 101(a)(15) and 101(a)(20) of the Immigration and Nationality Act.

(33) "Spouse" refers to either of two (2) individuals:

(a) Who would be defined as married to each other under applicable state law; or

(b) Who are living together and are holding themselves out to the community as husband and wife by representing themselves as such to

relatives, friends, neighbors, or tradespeople.

(34) "Striker" means anyone involved in a strike or other concerted stoppage of work by employees (including a stoppage by reason of expiration of a collective-bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees, unless otherwise exempt from work registration for reasons other than employment. Said exemption must have existed on the day prior to the strike in order for an individual to not be considered a striker.

(35) "Supplemental security income (SSI)" means monthly cash payments made under the authority of:

(a) Title XVI of the Social Security Act, as amended, to the aged, blind and disabled;

(b) Section 1616(a) of the Social Security Act; or

(c) Section 212(a) of Public Law 93-66.

(36) "Thrifty food plan" means the diet required to feed a family of four (4) persons consisting of a man and a woman twenty (20) through fifty (50) [fifty-four (54)], a child six (6) through eight (8), and a child nine (9) through eleven (11) years of age, determined in accordance with the Secretary of United States Department of Agriculture's calculations. The cost of such diet shall be the basis for uniform allotments for all households regardless of their actual composition, except that the Secretary of the United States Department of Agriculture shall make household-size adjustment in the thrifty food plan taking into account economies of scale.

(37) "Underissuance" means the amount by which the allotment to which the household was entitled exceeds the allotment which the household received.

Section 2. Provisions contained in this regulation shall become effective August 1, 1986 [April 1, 1983].

MIKE ROBINSON, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: July 1, 1986

FILED WITH LRC: July 22, 1986 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for September 22, 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 September 17, 1986 of their desire to appear and testify at the hearing: Ryan Halloran, Acting General Counsel, Cabinet for Human Resources, 275 East Main Street, - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Janie Miller

(1) Type and number of entities affected: This regulation will increase the number of participants considered disabled for food stamp purposes and, therefore, will slightly increase the number of households eligible for benefits.

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

1. First year: Minimal.

2. Continuing costs or savings: Minimal.

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: Minimal. This change merely incorporates federal material.

(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: No significant impact on state or local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Federal requirements do not allow for alternatives, so none considered.

(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. Tiering not applicable.

CABINET FOR HUMAN RESOURCES

Department for Social Insurance

Division of Management & Development

(Proposed Amendment)

904 KAR 3:090. Incorporation by reference of materials relating to the Food Stamp Program.

RELATES TO: KRS 194.030(6)

PURSUANT TO: KRS 194.050

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer a Food Stamp Program as prescribed by the Food Stamp Act of 1977 as amended, and 7 CFR Parts 251-282. KRS 194.050 authorizes the Secretary, Cabinet for Human Resources, to issue regulations necessary for the operation of the cabinet's programs. This regulation incorporates into regulatory form, by reference, materials used by the cabinet in the implementation of the Food Stamp Program.

Section 1. Incorporation by Reference. The cabinet shall incorporate by reference materials used in the implementation of the Food Stamp Program, subject to the provisions contained in 904 KAR 2:140, Section 1, Supplementary Policies for Programs Administered by the Department for Social Insurance.

Section 2. Listing of Incorporated Materials. The following materials are hereby incorporated by reference, effective on the date shown:

(1) Federal food stamp regulations at 7 CFR Parts 250, 251 and 271-282, which set forth the federal requirements and guidelines for the administration of the Food Stamp Program and federal food stamp general notices published through the Federal Register, effective August [May] 1, 1986;

(2) Department for Social Insurance Food Stamp Handbook, which provides operating instructions, procedural detail and technical clarification for use by the department's field staff in administering the Food Stamp Program, effective

August [May] 1, 1986; and

(3) Federal food stamp regional letters, which set forth federal clarification of federal food stamp regulations, as follows: 80-5, 80-5.1, 80-6, 80-7, 80-8, 80-9, 80-10, 80-11, 80-13, 80-15, 80-16, 80-17, 80-19, 80-21, 80-22.1, 80-23, 80-30, 80-31, 80-32, 80-33, 80-34, 80-36, 80-38, 80-39, 80-41.1, 80-42, 80-43, 80-44, 80-47, 80-48, 80-49, 80-50, 80-51, 80-52, 80-53, 80-54, 80-58, 80-58.1, 80-58.2, 80-59, 80-62, 80-67, 80-71, 80-72, 80-73, 80-76.1, 80-77, 80-78, 80-79, 80-80, 80-81, 80-82, 80-83, 80-85, 80-86, 80-87, 80-88, 80-89, 80-91, 80-92, 80-93, 80-96, 80-98, 80-99, 80-100, 80-101, 80-102, 80-103, 80-105, 80-106, 81-3, 81-3.1, 81-3.2, 81-4, 81-4.1, 81-4.2, 81-4.3, 81-5, 81-6, 81-8, 81-9, 81-10, 81-10.1, 81-10.2, 81-11, 81-12, 81-13, 81-14, 81-15, 81-16, 81-17, 81-18, 81-19, 81-20, 81-20.1, 81-20.2, 81-21, 81-22, 81-23, 81-24, 81-25, 81-26, 81-27, 81-28, 81-29, 81-30, 81-30.1, 81-33, 81-34, 81-34.1, 81-36, 81-37, 81-38, 81-39, 81-40, 81-41, 81-42, 81-43, 81-44, 81-45, 81-46, 81-46.1, 81-47, 81-48, 81-49, 81-50, 81-51, 81-52, 81-53, 81-54, 81-55, 81-57, 81-57.1, 81-58, 81-59, 81-60, 81-62, 81-64, 81-65, 81-66, 81-67, 81-68, 82-2, 82-3, 82-4, 82-5, 82-6, 82-7, 82-8, 82-9, 82-10, 82-11, 82-12, 82-13, 82-14, 82-15, 82-16, 82-17, 82-18, 82-18.1, 82-19, 82-20, 82-21, 82-23, 82-25, 82-25.1, 82-26, 82-27, 82-29, 82-29.1, 82-30, 82-31, 82-32, 82-35, 82-36, 82-37, 82-38, 82-39, 82-40, 83-1, 83-1.1, 83-1.2, 83-2, 83-2.1, 83-3, 83-4, 83-5, 83-6, 83-7, 83-9, 83-12, 83-14, 83-15, 83-17, 83-18, 83-19, 83-21, 83-22, 83-24, 83-25, 83-26, 83-27, 83-28, 83-30, 83-31, 83-33, 83-36, 84-1, 84-2, 84-3, 84-4, 84-5, 84-6, 84-7, 84-8, 84-9, 84-10, 84-11, 84-12, 84-13, 84-14, 84-15, 84-16, 84-17, 84-18, 84-19, 84-20, 84-21, 84-22, 84-23, 84-24, 84-26, 84-27, 84-28, 84-29, 84-30, 84-31, 84-32, 84-33, 84-34, 84-35, 84-36, 84-37, 84-38, 84-39, 84-40, 84-41, 84-42, 84-43, 84-45, 84-46, 84-47, 84-48, and 84-49, effective January 1, 1985.

(4) Federal Food and Nutrition Service South East Regional Office (SERO) regulations supplement which sets forth federal policy clearances of federal regulations specified in subsection (1) of this section, effective August [May] 1, 1986.

Section 3. All documents incorporated by reference herein may be reviewed during regular working hours in the Division of Management and Development, Department for Social Insurance, 275 East Main Street, Frankfort, Kentucky.

MIKE ROBINSON, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: July 30, 1986

FILED WITH LRC: August 8, 1986 at 9 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for September 22, 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 September 17, 1986 of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Janie Miller

(1) Type and number of entities affected: All households applying for or receiving food stamps.

(a) Direct and indirect costs or savings to those affected: Not significant.

1. First year: Unknown

2. Continuing costs or savings: Unknown

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

(b) Reporting and paperwork requirements: Minimal

(2) Effects on the promulgating administrative body: These revisions will keep the state's practices in compliance with federal regulations.

(a) Direct and indirect costs or savings:

1. First year: Minimal

2. Continuing costs or savings: Unknown

3. Additional factors increasing or decreasing costs: Unknown

(b) Reporting and paperwork requirements: Insignificant

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: Changes are in compliance with federal regulations.

(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. Not applicable to these changes as federal requirements mandate uniform statewide implementation/application of policies.

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services
(Proposed Amendment)

907 KAR 1:250. Incorporation by reference of materials relating to the Medical Assistance Program.

RELATES TO: KRS [194.030(6),] 205.520

PURSUANT TO: KRS 194.050

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the cabinet, by regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation incorporates into regulatory form, by reference, materials used by the cabinet in the implementation of the Medical Assistance Program and is applicable for both the categorically and medically needy.

Section 1. Incorporation by Reference. The cabinet shall incorporate by reference materials used in the implementation of the Medical Assistance Program[, subject to the provisions contained in 904 KAR 2:140, Section 1, Supplementary policies for programs administered by the Department for Social Insurance]. In the

event of a conflict between material incorporated by reference in this regulation and a specific regulation of the cabinet relating to a particular phase of the Medical Assistance Program the latter shall prevail.

Section 2. Listing of Incorporated Material. The following listed materials are hereby incorporated by reference, effective on the date shown:

(1) Federal Medicaid regulations at 42 CFR Parts 430-456, and interim final regulations at 42 CFR Parts 430-456, effective August [May] 1, 1986. The regulations contain federal supplementary policies, interpretations and implementing instructions for the Medical Assistance Program as authorized by Title XIX of the Social Security Act.

(2) Federal "State Medicaid Manual," effective August [May] 1, 1986. The "State Medicaid Manual" contains federal interpretations and clarifications of policy relating to implementation of the Medical Assistance Program.

(3) Federal action transmittals and program memoranda issued by the Health Care Financing Administration as follows: HCFA-AT-79-63, 79-72, 79-98, 80-9, 80-59, 81-23, 81-33, 81-35, 82-1, 82-2, 82-20, 83-1, 83-4, 83-7, 83-8, 83-11, 84-1, 84-2, 84-4, 84-5, 84-10, 84-16, 85-1, and HCFA PM-85-4, 85-10, [and] 85-13, 86-7, 86-8, 86-12 and 86-13 effective August 1, 1986 [October 1, 1985]. Action transmittals and program memoranda contain federal instructions relating to implementation of the Medical Assistance Program.

(4) Federal transmittal notices issued by the Health Care Financing Administration as follows: DQC-1-82, 10-82; DPO-76-81, 77-81, 78-81; MCD-46-81, 48-81, 55-81, 61-81, 62-81, 64-81, 67-81, 82-81, 86-81, 87-81, 89-81, 92-81, 1-82, 2-82, 6-82, 7-82, 10-82, 14-82, 16-82, 17-82, 18-82, 19-82, 25-82, 26-82, 28-82, 30-82, 33-82, 34-82, 35-82, 38-82, 41-82, 42-82, 50-82, 52-82, 2-83, 5-83, 9-83, 11-83, 12-83, 13-83, 14-83, 15-83, 19-83, 20-83, 26-83, 28-83, 29-83, 30-83, 35-83, 39-83, 40-83, 42-83, 1-84, 6-84, 7-84, 8-84, 9-84, 11-84, 13-84, 14-84, 15-84, 16-84, 18-84, 20-84, 23-84, 24-84, 25-84, 26-84, 27-84, 29-84, 34-84, 35-84, 36-84, 39-84, 48-84, 50-84, 51-84, 55-84, 2-85, 4-85, 5-85, 6-85, 8-85, 10-85, 11-85, 14-85, 18-85, 19-85, 21-85, 22-85, 23-85, 24-85, 25-85, 27-85, 28-85, 29-85, 30-85, 31-85, 32-85, 33-85, 34-85, 36-85, 37-85, 38-85, 39-85, 41-85, 42-85, 43-85, 44-85, 46-85, 47-85, 01-86, 03-86, 04-86, 05-86, 07-86, [and] 10-86, 11-86, 14-86, 16-86, 17-86, 18-86, 20-86, 21-86 (May 9, 1986), 21-86 (May 27, 1986), 24-86, 25-86, 26-86, 27-86 and 33-86, effective August [May] 1, 1986. Transmittal notices contain federal clarifications of policy relating to implementation of the Medical Assistance Program.

(5) Medicare and Medicaid Guide, Volumes I, II, III, and IV, as published by the Commerce Clearing House, Inc., with the following related new developments transfer binders: 1981-1, 1981-2, 1982, 1983-1, 1983-2, and 1984-1, effective August [May] 1, 1986. The Medicare and Medicaid Guide contains reprints of federal laws and regulations relating to the Medicare and Medicaid programs; reprints of Medicare/Medicaid related court decisions; Medicare principles of reimbursement; summaries of state plan characteristics; and other items of general information relating to the Medicare and Medicaid programs. Although the cabinet is bound

by federal Medicaid law [and] regulations and notices in the implementation of the Medical Assistance Program, the Guide is used principally as supplementary material for reimbursement issues in situations where the cabinet's vendor reimbursement system uses the Medicare cost principles in unaddressed areas.

(6) State Medicaid Program policies and procedures manuals and letters issued by the cabinet, and which contain benefit descriptions and operating instructions used by agency staff and participating vendors in the provision of, and billing for, Medical Assistance benefits provided eligible program recipients, as follows:

(a) Home and Community Based Services Waiver Project Adult Day Health Care Services, effective October 1, 1985;

(b) Alternative Intermediate Services/Mental Retardation Project, effective October 1, 1985;

(c) Birthing Center Services, effective May 1, 1986;

(d) Community Mental Health Benefits, effective July 1, 1985;

(e) Dental Benefits, effective August [May] 1, 1986;

(f) Early and Periodic Screening, Diagnosis and Treatment Benefits, effective August 1, 1986 [July 1, 1985];

(g) Family Planning Benefits, effective May 1, 1986;

(h) Hearing Services Benefits, effective October 1, 1985;

(i) Home and Community Based Services Waiver Project, effective October 1, 1985;

(j) Home Health Benefits, effective August [May] 1, 1986;

(k) Hospital Services Benefits, effective October 1, 1985;

(l) Independent Laboratory Services Benefits, effective May 1, 1986;

(m) Intermediate Care Facility Benefits, effective August [May] 1, 1986;

(n) Mental Hospital Services Benefits, effective May 1, 1986;

(o) Nurse Anesthetist Services, effective May 1, 1986;

(p) Nurse Midwife, effective May 1, 1986;

(q) Pharmacy Services, effective August [May] 1, 1986 and updated Outpatient Drug List, including preauthorization list, effective July [April] 1, 1986;

(r) Physician Services Benefits, effective August [May] 1, 1986;

(s) Primary Care Benefits, effective May 1, 1986;

(t) Rural Health Clinic Benefits, effective May 1, 1986;

(u) Skilled Nursing Facility Benefits, effective August [May] 1, 1986;

(v) Ambulance Transportation Benefits, effective May 1, 1986, as revised;

(w) Vision Services Benefits, effective August 1, 1986 [November 1, 1985];

(x) Podiatry Services, effective October 1, 1985;

(y) Ambulatory Surgical Center Benefits, effective July 1, 1985;

(z) Renal Dialysis Center Benefits, effective October 1, 1985;

(aa) General Provider Letter A-8 and A-9, effective August 1, 1986 [July 1, 1985];

(bb) Medical Director's Letter dated April 26, 1985, effective July 1, 1985; [and]

(cc) EDS Federal Hospital Letter (as fiscal agent for the Medicaid Program) dated April 1,

1985, effective July 1, 1985;

(dd) Provider letters dated September 20 and 23, 1985 relating to KenPac, effective February 1, 1986; and

(ee) KenPAC Benefits, effective August 1, 1986.

Section 3. All documents included by reference herein may be reviewed during regular working hours in the Office of the Commissioner [Division of Management and Development], Department for Medicaid Services [Social Insurance], 275 East Main Street, Frankfort, Kentucky. Copies may be obtained from that office upon payment of an appropriate fee which will not exceed approximate cost.

R. HUGHES WALKER, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: August 12, 1986

FILED WITH LRC: August 15, 1986 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for September 22, 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 September 17, 1986, of their desire to appear and testify at hearing: Ryan Halloran, Acting General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: R. Hughes Walker

(1) Type and number of entities affected: Potentially all medicaid providers and recipients.

(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: 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: *Any cost impact is reflected in the specific program regulation relating to the particular issue.

TIERING: Was tiering applied? No. Not applicable for Medicaid regulations.

FEDERAL MANDATE COMPARISON

1. Compare proposed state compliance standards with minimum uniform standards suggested or contained in the federal mandate: This regulation is for the purpose of incorporating by reference various federal and state materials used in the implementation of the Medicaid program and is made to comply with KRS Chapter 13A. It does not, in itself, impose standards.

2. Does the proposed regulation impose stricter requirements or other responsibilities

on the regulated entities than those required by the federal mandate: The regulation does not impose standards.

3. If the proposed regulation imposes additional requirements or responsibilities, justify the imposition of these stricter standards, requirements or responsibilities: The regulation does not impose additional requirements or responsibilities, but simply incorporates policy materials as shown in Item 1, above.

PROPOSED REGULATIONS RECEIVED THROUGH AUGUST 15

KENTUCKY INFORMATION SYSTEMS COMMISSION

14 KAR 1:010. Statewide strategic plan for information processing.

RELATES TO: KRS 61.940, 61.945, 61.950

PURSUANT TO: KRS 61.945, 61.950

NECESSITY AND FUNCTION: KRS 61.940 designates an information systems commission to develop and implement plans for the effective and efficient use of computers and related systems in state government. KRS 61.945 makes the Kentucky Information Systems Commission responsible for the coordination of strategic planning for computerized information systems. KRS 61.950 requires the commission to formulate a statewide electronic data processing plan and authorizes the commission to promulgate regulations to that end. This regulation establishes procedures to be followed in the formulation of a statewide electronic data processing plan for state government.

Section 1. Applicability. This regulation provides for participation by all agencies within the three (3) branches of state government and the constitutional offices of state government, with the exception of the universities, in the formulation of a long-range statewide electronic data processing plan to be developed, published and monitored by the Kentucky Information Systems Commission. While each agency has primary responsibility for the management, planning and operation of its information resources, the commission has the responsibility to ensure that the information resource needs of the Commonwealth are considered along with, and not made subordinate to, the needs of an individual agency.

Section 2. Definitions. (1) "Agency" means all departments, boards, councils, commissions, independent offices and other organizations (exclusive of the universities) within the three (3) branches and the constitutional offices.

(2) "Application" means a total, discrete automated process, consisting of interrelated computer programs, that performs the informational requirement of an agency.

(3) "Automated informational need" means an informational requirement of an agency that is needed to accomplish an essential function and can be produced most effectively and economically through the use of electronic information processing equipment. For the

purpose of this regulation, an automated informational need also includes instruction, research, production, and control process requirements that are dependent upon the use of electronic information processing equipment.

(4) "Chairman" means the chairman of the Kentucky Information Systems Commission.

(5) "Commission" means the Kentucky Information Systems Commission as created by KRS 61.945.

(6) "Communication costs" means the costs of circuits (dedicated lines and dial-up lines) and modems or digital service units.

(7) "DIS" means the Department of Information Systems.

(8) "First year" means the first fiscal year of the fiscal biennium.

(9) "Information processing hardware" means information technology equipment designed for the automated storage, manipulation, and retrieval of data by electronic or mechanical means, or both, and includes, but is not limited to:

(a) Central processors, including mainframe, mini-processors and micro-processors;

(b) Auxiliary or peripheral equipment such as data storage devices, data input devices or data output devices;

(c) Data transmission or data communications equipment;

(d) Word processors whether supported by a computer or self-standing (electronic office machines with removable storage and/or fixed storage capacity upgradable beyond 3000 characters); and

(e) Automatic typewriters if supported by a computer (electronic office machines with no removable storage and a maximum fixed storage capacity of 3000 characters or less).

(10) "Information processing resources" means information processing hardware, software and services, supplies, personnel, facility resources, maintenance, training, or other related resources necessary to fulfill an automated informational need.

(11) "Information processing software" means the programs and routines used to employ and control the capabilities of information processing hardware, including, but not limited to:

(a) Operating systems;

(b) Compilers;

(c) Assemblers;

(d) Utilities;

(e) Library routines;

- (f) Maintenance routines;
- (g) Applications; and
- (h) Computer networking programs.

(12) "Information resources plan" means a plan which presents an agency's automated informational needs for each of two (2) years and an estimate of information processing resources and funds which are necessary to support those needs.

(13) "Manager" means the information resource manager appointed by each agency.

(14) "Personnel costs" mean the cost of personnel salaries (including step increases) and fringe benefits.

(15) "Second year" means the second fiscal year of the fiscal biennium.

(16) "Statewide strategic plan" or "long-range statewide strategic plan" means a document, updated biennially, that examines the current automated informational needs and information processing resources in state government, recommends information processing hardware and software to support the individual mission of agencies, and establishes guidelines for future information systems development.

Section 3. Commission Responsibility. The commission shall determine the statewide information processing needs of state government based upon the automated informational needs of the agencies reported in agency information resources plans, and shall design, implement and perpetuate a long-range statewide strategic plan for information processing.

Section 4. Agencies to Submit Information Resources Plan. Each agency shall submit to the commission a plan that addresses the projected automated informational needs of the agency for the upcoming fiscal biennium, in a format prescribed by the commission, no later than July 1 of the second year of the current biennium. The plan shall include at a minimum:

(1) The strategic objectives of the agency relating to information processing resources for the upcoming fiscal biennium;

(2) The existing information processing resources within the agency and the costs associated with the use of these resources;

(3) A brief description of how the existing resources are used to meet the duties and functions of the agency;

(4) A brief description of the methodology used to evaluate both the efficiency of resource utilization and the impact of those resources;

(5) The proposed information processing resource projects, acquisitions, and conversions or enhancements for the upcoming fiscal biennium; the anticipated results to be achieved by these projects, acquisitions, and conversions; and the measureable benefits to be derived from same;

(6) The personnel, information processing hardware, software and services, facility resources, and other related equipment, services or resources which will be necessary to meet the projected automated informational needs of the agency together with the estimated cost of the resources described;

(7) Alternative information processing resources that would meet the needs of the agency, together with the estimated cost of each alternative;

(8) A general description of the existing physical and data security programs and future

plans for assuring the security and integrity of data and information processing resources;

(9) A general description of the anticipated growth of automated informational needs within the agency the two (2) years immediately following the two (2) fiscal years included in the plan, including the strategy the agency will employ to manage that growth;

(10) A brief statement on how proposed automation plans will impact the overall records keeping and processing systems (manual as well as automated) of the agency, to be produced in cooperation with the agency's records officer; and

(11) Other planning components that the commission may prescribe.

The agency may submit additional information as it feels necessary to competely present its plan.

Section 5. Statewide Strategic Plan Development. Pursuant to its responsibility, the commission shall:

(1) In consultation with DIS, develop and publish instructions and guidelines no later than April 15 of every first year that describe the planning components, specify format, and specify the criteria upon which agency information resources plans will be evaluated. At a minimum, the criteria shall include:

(a) The technical feasibility of the plan;

(b) The cost estimates provided for each resource and the methodology employed by the agency to determine such cost;

(c) The measureable benefits to be derived by the agency and the Commonwealth as a whole;

(d) The extent to which the plan complies with the stated direction of the Commonwealth's Statewide Strategic Plan for Information Processing.

(2) In consultation with DIS, review and approve or disapprove each agency plan no later than September 1 of every second year. Upon approval, the commission shall forward copies of the plan with recommendations to the Legislative Research Commission and to DIS. Upon disapproval, the basis for disapproval shall be presented to the information resources manager of the agency in writing. The manager shall have fifteen (15) days to resolve the problem. If resolution is not possible within fifteen (15) days, the manager shall notify the commission in writing of the reasons why the agency is unable to resolve the identified problems. The commission may re-evaluate the plan or work with the agency to resolve the problem at its discretion;

(3) In consultation with DIS, review and approve or disapprove changes in or supplements to the plans as they are presented by the agencies;

(4) Identify and assess opportunities for multi-agency development and use of information resources and, when deemed appropriate by the commission, require agencies to include these opportunities as alternatives in their plans. Those opportunities for shared development and use of information resources shall include, but shall not be limited to the following areas: common data bases, networking, security and disaster recovery. Opportunities for multi-agency development and use of information resources shall be reported to the Legislative Research Commission in a format prescribed by the chairman.

Section 6. Supplements or Changes to Agency Information Resource Plans. An agency may, at any time, submit to the commission for approval supplements or changes to an information resources plan. The reasons for such supplements or changes must be adequately explained and should reflect one (1) of the following conditions:

(1) A change in the duties or functions of the agency;

(2) A response to technological advancements; or

(3) A reassessment of the appropriateness of specific information resources cited in the plan.

Upon approval of the plan supplement or change, the commission shall forward copies to the Legislative Research Commission and to DIS. A change to the current plan should identify the paragraphs, subparagraphs and appendices that are being amended. If the change is extensive, an entire revised plan should be submitted. Changes or supplements to the plan must be signed as approved by agency heads or their designees. The commission may delegate to the chairman authority to certify resources as being a part of approved information resources plans, or approved supplements or changes to those plans.

Section 7. Statewide Strategic Plan and Budget Process. Beginning with the biennial budget cycle for the 1988-90 biennium, the statewide strategic plan shall be developed to assist the heads of the constitutional offices, the executive, judicial and legislative branches, and the General Assembly in preparation and enactment of the biennial budget. To this end, copies of the statewide strategic plan shall be provided by the commission to the heads of the constitutional offices, the heads of the respective branches, the heads of the respective branch budget offices, and to the Legislative Research Commission before November 15, of each second year.

Section 8. Information Resources Manager. Each agency head, or designee, shall serve as the information resource manager and shall:

(1) Be responsible for preparation of the agency information resources plan;

(2) Act as liaison with the commission; and

(3) Possess a thorough knowledge of all aspects of the agency's information resources plan and be able to provide specific reference indicating where an information resource is provided for in an approved plan or supplement.

STEPHEN N. DOOLEY, Chairman

APPROVED BY AGENCY: August 14, 1986

FILED WITH LRC: August 14, 1986 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on September 23, 1986, at 10 a.m. in Room 107 of the Capitol Annex. Those interested in attending this hearing shall contact: Linda Pittenger, Kentucky Information Systems Commission, 101 Cold Harbor Drive, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Linda Pittenger

(1) Type and number of entities affected: All agencies within the executive, judicial and legislative branches (including statewide constitutional offices, but excluding the state

universities).

(a) Direct and indirect costs or savings to those affected: Agencies need not incur costs for additional personnel or equipment in order to comply with this regulation. Depending upon the extent to which an agency's information processing is automated, the agency will incur costs for preparation and administration of the Information Resources Plan.

1. First year: No additional

2. Continuing: No additional

3. Additional factors increasing or decreasing costs (Note any effects upon competition): It is anticipated that as a result of long-range strategic planning, agencies will realize a decrease in costs resulting from redundant systems, incompatible resources and duplicate file maintenance. Multi-agency systems development and resource sharing will facilitate distribution of information processing expenditures, thereby decreasing fiscal impact of a new system or resource acquisition on an individual agency.

(b) Reporting and paperwork requirements: Agencies are required to submit Information Resources Plans to the Commission for each fiscal biennium in the manner format prescribed by the Commission. Agencies may, at their discretion, submit additions or changes to the plan during the biennium.

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings:

1. First year: No additional

2. Continuing costs or savings: No additional

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: The Commission is required to develop a statewide strategic plan to be distributed to the heads of the Constitutional Offices, the Executive, Judicial and Legislative Branches, the respective branch budget offices, and to the Legislative Research Commission.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: The Department of Information Systems is responsible for planning, design, development, and implementation of government information systems, but only within the Executive Branch.

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

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(6) Any additional information or comments: None

TIERING: Was Tiering applied? No. Requirements are the same for all agencies.

STATE BOARD OF ELECTIONS

31 KAR 3:010. Current address of Kentucky registered voters.

RELATES TO: KRS 116.085, 116.155, 117.025, 117.225

PURSUANT TO: KRS 117.015

NECESSITY AND FUNCTION: This regulation exists

to assure that all information listed upon the Statewide Voter Registration Roster is accurate, current, and up-to-date.

Section 1. Each county clerk shall instruct the precinct election officers of the necessity for informing each voter that he or she must correct any error existing in his or her address as it appears upon the precinct roster.

Section 2. Each precinct election officer shall instruct each voter to correct any error existing in his or her address as it appears upon the precinct roster.

Section 3. Each voter shall, at the time he or she signs the precinct roster, correct any error existing in his or her address as it appears upon the precinct roster.

Section 4. Each county clerk shall take whatever steps are necessary to correct and update each voter's address upon the Statewide Master Voter Registration Roster.

CHARLOTTE G. MULLINS, Director

APPROVED BY AGENCY: August 14, 1986

FILED WITH LRC: August 14, 1986 at noon

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on Monday, September 22, 1986, at 10 a.m. in the offices of the Kentucky State Board of Elections, Room 71, Capitol Building. Those interested in attending this hearing shall contact: Charlotte G. Mullins, Director, Kentucky State Board of Elections, Room 71, State Capitol, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Ann Z. Stewart, Charlotte G. Mullins

(1) Type and number of entities affected:

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

1. First year: Whenever a voter notes any change in his address upon the precinct roster, this change will be entered by the county clerk into the Statewide Voter Registration Roster. No additional personnel will be needed to implement this regulation. Precinct election officers already at the polls will instruct voters in the proper way to enter correct addresses, and employees of county clerk's offices will enter this information upon the Statewide Voter Registration Roster, as they are currently doing for all voter registration information.

This regulation will mean substantial savings of money to candidates who purchase mailing lists and labels from the Kentucky State Board of Elections. At present a large proportion of campaign literature which is sent first class mail is returned by the post office because of improper addresses.

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

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

(b) Reporting and paperwork requirements: None not presently required by law.

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

(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: No reasonable alternative method exists.

(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. Tiering was not used in this administrative regulation because the impact of the regulation is the same upon each Kentucky registered voter and each county clerk.

LOCAL MANDATE IMPACT STATEMENT

Regulation No.: 31 KAR 3:010

SUBJECT/TITLE: Regulation to assure accuracy of information listed upon Statewide Voter Registration Roster.

SPONSOR: Kentucky State Board of Elections.

NOTE SUMMARY

LOCAL GOVERNMENT MANDATE: Yes

TYPE OF MANDATE: Statewide Voter Registration Roster.

LEVEL(S) OF IMPACT: County

BUDGET UNIT(S) IMPACT: Not applicable.

FISCAL SUMMARY: Not applicable.

MEASURE'S PURPOSE: To ensure accuracy of all information listed upon the Statewide Voter Registration Roster.

PROVISION/MECHANICS: County clerks will enter information regarding current addresses of Kentucky registered voters upon the Statewide Voter Registration Roster.

FISCAL EXPLANATION: Not applicable.

BOARD OF EXAMINERS FOR SPEECH PATHOLOGY AND AUDIOLOGY

201 KAR 17:011. Requirements for interim licensure.

RELATES TO: KRS 334A.050

PURSUANT TO: KRS 334A.080

NECESSITY AND FUNCTION: This regulation establishes criteria for interim licensure for speech-language pathologists and audiologists as authorized by KRS 334A.050, as amended.

Section 1. Education and Experience. In addition to the citizenship requirements of KRS 334A.050, each applicant for interim licensure in speech-language pathology or audiology in Kentucky shall hold the following qualifications:

(1)(a) A master's degree or equivalent with major emphasis in speech-language pathology, audiology, or speech-language and hearing science.

(b) "Equivalent" is defined as holding a bachelor's degree from a regionally accredited college or university, and at least forty-two (42) post baccalaureate semester hours from a regionally accredited college or university

toward a master's degree, of which at least thirty (30) semester hours must be in the areas of speech-language pathology, audiology, or speech-language and hearing science. At least twenty-one (21) of these forty-two (42) semester hours must be obtained from a single college or university, none may have been completed more than ten (10) years prior to the date of application and no more than six (6) semester hours may be credit offered for clinical practicum.

(2) In evaluation of credits to be used in the computation of an applicant's educational requirements, one-quarter (1/4) hour will be considered the equivalent of two-thirds (2/3) of a semester hour. Transcripts that do not report credit in terms of semester or quarter hours should be submitted for special evaluation.

(3) A total of sixty (60) semester hours of academic credit must have been accumulated from accredited colleges or universities that demonstrate that the applicant has obtained a well-integrated program of course study dealing with the normal aspects of human communication, development thereof, disorders thereof, and clinical techniques for evaluation and management of such disorders. Twelve (12) of these sixty (60) semester hours must be obtained in courses that provide information that pertains to normal development and use in speech, language, and hearing. Thirty (30) of these sixty (60) semester hours must be obtained in courses that provide information relative to communication disorders, and information about and training in evaluation and management of speech, language, and hearing disorders. At least twenty-four (24) of these thirty (30) semester hours must be in courses in the professional area (speech-language pathology or audiology) for which licensure is requested, and at least six (6) must be in audiology for licensure in speech-language pathology or in audiology. Moreover, no more than six (6) semester hours may be in courses that provide credit for clinical practicum obtained during academic training. Credit for study of information pertaining to related fields that augment the work of the clinical practitioner of speech-language pathology and/or audiology may also apply toward the total sixty (60) semester hours. Thirty (30) of the total sixty (60) semester hours that are required for licensure must be in courses that are acceptable toward a graduate degree by the college or university in which they are taken. This requirement may be met by courses completed as an undergraduate providing the college or university in which they are taken specifies that these courses would be acceptable toward a graduate degree if they were taken at the graduate level. Moreover, twenty-one (21) of these thirty (30) semester hours must be within the twenty-four (24) semester hours required in the professional area (speech-language pathology or audiology) for which interim licensure is requested or within the six (6) semester hours required in the other area.

(4) The applicant must have completed a minimum of 300 clock hours of supervised clinical experience with individuals who present a variety of communication disorders, and this experience must have been obtained with the training institution or in one of its cooperating programs.

(5) The applicant shall submit to the board a written description verifying his completion of the required academic coursework and supervised clinical experience on the form provided for that purpose. No credit may be allowed for courses listed on the application unless satisfactory completion is verified by an official transcript. Satisfactory completion is defined as the applicant's having received academic credit (i.e., semester hours, quarter hours, or other unit of credit) with a passing grade as defined by the training institution.

(6) Application for approval of academic coursework and supervised clinical experience shall be made as soon as possible after completion of these experiences, and either before or within thirty (30) days after the post-graduate professional experience is begun.

(7) A written plan for the post-graduate professional experience must be submitted with the application for interim licensure on forms provided for that purpose within thirty (30) days after initiating the post-graduate professional experience. The applicant must proceed to obtain post-graduate professional experience under a supervisor who is a speech-language pathologist or audiologist licensed in Kentucky.

DAVID NICHOLAS, Executive Director

APPROVED BY AGENCY: August 15, 1986

FILED WITH LRC: August 15, 1986 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on September 23, 1986, at 10 a.m. in the conference room, Berry Hill Annex, Frankfort, Kentucky 40601. Those interested in attending this hearing should contact: David Nicholas, Division of Occupations and Professions, Berry Hill Annex, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Dave Nicholas

(1) Type and number of entities affected: Persons seeking interim licensure prior to completion of post-graduate professional experience required for full licensure.

(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: A slight increase in the amount of reporting, though most of the information is identical to that already required by the American Speech Hearing Association, the professional association of speech-language pathologists and audiologists. Number unknown.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: There should be an increase in administrative workload but the increased revenue generated by incoming licensees should more than offset this added burden.

1. First year: Unknown

2. Continuing costs or savings: Unknown

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: There should be a

substantial increase in state 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: 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. N/A

BOARD OF EXAMINERS FOR SPEECH PATHOLOGY AND AUDIOLOGY

201 KAR 17:012. Requirements for licensure.

RELATES TO: KRS 334A.050

PURSUANT TO: KRS 334A.080

NECESSITY AND FUNCTION: This regulation establishes criteria for licensure for speech-language pathologists and audiologists as authorized by KRS 334A.050, as amended.

Section 1. Education and Experience. In addition to the citizenship requirements of KRS 334A.050, each applicant for licensure in speech-language pathology or audiology in Kentucky shall hold the following qualifications:

(1)(a) A master's degree or equivalent with major emphasis in speech-language pathology, audiology, or speech-language and hearing science.

(b) "Equivalent" is defined as holding a bachelor's degree from a regionally accredited college or university, and at least forty-two (42) post baccalaureate semester hours from a regionally accredited college or university toward a master's degree, of which at least thirty (30) semester hours must be in the areas of speech-language pathology, audiology, or speech-language and hearing science. At least twenty-one (21) of these forty-two (42) semester hours must be obtained from a single college or university, none may have been completed more than ten (10) years prior to the date of application and no more than six (6) semester hours may be credit offered for clinical practicum.

(2) In evaluation of credits to be used in the computation of an applicant's educational requirements, one-quarter (1/4) hour will be considered the equivalent of two-thirds (2/3) of a semester hour. Transcripts that do not report credit in terms of semester or quarter hours should be submitted for special evaluation.

(3) A total of sixty (60) semester hours of academic credit must have been accumulated from accredited colleges or universities that demonstrate that the applicant has obtained a well-integrated program of course study dealing with the normal aspects of human communication, development thereof, disorders thereof, and clinical techniques for evaluation and management of such disorders. Twelve (12) of these sixty (60) semester hours must be obtained in courses that provide information that pertains to normal development and use in speech, language, and hearing. Thirty (30) of these sixty (60) semester hours must be obtained in courses that provide information relative to communication disorders, and information about

and training in evaluation and management of speech, language, and hearing disorders. At least twenty-four (24) of these thirty (30) semester hours must be in courses in the professional area (speech-language pathology or audiology) for which licensure is requested, and at least six (6) must be in audiology for licensure in speech-language pathology or in speech-language pathology for licensure in audiology. Moreover, no more than six (6) semester hours may be in courses that provide credit for clinical practicum obtained during academic training. Credit for study of information pertaining to related fields that augment the work of the clinical practitioner of speech-language pathology and/or audiology may also apply toward the total sixty (60) semester hours. Thirty (30) of the total sixty (60) semester hours that are required for licensure must be in courses that are acceptable toward a graduate degree by the college or university in which they are taken. This requirement may be met by courses completed as an undergraduate providing the college or university in which they are taken specifies that these courses would be acceptable toward a graduate degree if they were taken at the graduate level. Moreover, twenty-one (21) of these thirty (30) semester hours must be within the twenty-four (24) semester hours required in the professional area (speech-language pathology or audiology) for which licensure is requested or within the six (6) semester hours required in the other area.

(4) The applicant must have completed a minimum of 300 clock hours of supervised clinical experience with individuals who present a variety of communication disorders, and this experience must have been obtained with the training institution or in one of its cooperating programs.

(5) The applicant must have obtained the equivalent of not less than nine (9) months of full-time professional experience with full-time employment defined as a minimum of thirty (30) clock hours of work a week. This requirement also may be fulfilled by part-time employment as follows:

(a) Work of fifteen (15) through nineteen (19) hours per week over eighteen (18) months;

(b) Work of twenty (20) through twenty-four (24) hours per week over fifteen (15) months; or

(c) Work of twenty-five (25) through twenty-nine (29) hours per week over twelve (12) months.

In the event that part-time employment is used to fulfill a part of the post-graduate professional experience, 100% of the minimum hours of the part-time work per week requirement must be spent in direct professional experience. The post-graduate professional experience must be completed within a maximum period of thirty-six (36) consecutive months. If the experience is not initiated within two (2) years of the date the academic coursework and supervised clinical experience is completed, the applicant must meet the academic and practicum requirements when the experience is begun.

(6) The applicant must have passed one of the national examinations in speech-language pathology and audiology which are approved by the American-Speech-Language-Hearing Association and in effect at the time of application for licensure, either the national examination in speech-language pathology or the national examination in audiology.

(7) The applicant shall submit to the board a written description verifying his completion of the required academic coursework and supervised clinical experience on the form provided for that purpose. No credit may be allowed for courses listed on the application unless satisfactory completion is verified by an official transcript. Satisfactory completion is defined as the applicant's having received academic credit (i.e., semester hours, quarter hours, or other unit of credit) with a passing grade as defined by the training institution.

(8) Application for approval of academic coursework and supervised clinical experience shall be made as soon as possible after completion of these experiences, and either before or within thirty (30) days after the professional post-graduate experience is begun.

(9) Within thirty (30) days after completion of the post-graduate professional experience, the applicant and his supervisor, who shall be a speech-language pathologist or audiologist licensed in Kentucky, must submit a written report to the board verifying the successful completion of post-graduate professional experience on forms provided for that purpose.

(10) Any applicant for licensure who has not previously held a license or an interim license in speech-language pathology or audiology in this state, must submit to the board proof of his successful completion of acceptable post-graduate professional experience on forms provided for that purpose.

DAVID NICHOLAS, Executive Director

APPROVED BY AGENCY: August 15, 1986

FILED WITH LRC: August 15, 1986 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on September 23, 1986, at 10 a.m. in the conference room, Berry Hill Annex, Frankfort, Kentucky 40601. Those interested in attending this hearing should contact: David Nicholas, Division of Occupations and Professions, Berry Hill Annex, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Dave Nicholas

(1) Type and number of entities affected: Applicants for full licensure under KRS Chapter 334A, number unknown.

(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: There should be an increase in administrative workload but the increased revenue generated by incoming licensees should more than offset this added burden.

(a) Direct and indirect costs or savings:

1. First year: Unknown

2. Continuing costs or savings: Unknown

3. Additional factors increasing or decreasing costs: Unknown

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

(3) Assessment of anticipated effect on state and local revenues: Substantial increase in state 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: 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.

BOARD OF EXAMINERS FOR SPEECH PATHOLOGY AND AUDIOLOGY

201 KAR 17:015. Board members, expenses.

RELATES TO: KRS 334A.100

PURSUANT TO: KRS 334A.080

NECESSITY AND FUNCTION: This regulation authorizes board members to receive a per diem and travel expenses when conducting board-related business.

Section 1. The board members shall receive no compensation for their services, but may receive a per diem in the amount of fifty (50) dollars per day or fraction thereof devoted to board service and travel expenses to the extent authorized by 200 KAR Chapter 2.

DAVID NICHOLAS, Executive Director

APPROVED BY AGENCY: August 15, 1986

FILED WITH LRC: August 15, 1986 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on September 23, 1986, at 10 a.m. in the conference room, Berry Hill Annex, Frankfort, Kentucky 40601. Those interested in attending this hearing should contact: David Nicholas, Division of Occupations and Professions, Berry Hill Annex, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Dave Nicholas

(1) Type and number of entities affected: Members of the Kentucky Board of Speech-Language Pathology and Audiology, 8.

(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: N/A

(a) Direct and indirect costs or savings: Approximately \$4,000 to \$5,000 per year in additional costs which should be more than offset by licensing revenues.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Negligible

(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.

BOARD OF EXAMINERS FOR SPEECH PATHOLOGY AND AUDIOLOGY

201 KAR 17:061. Audiology and speech pathology aides, repealed.

RELATES TO: KRS 334A.020

PURSUANT TO: KRS 334A.080

NECESSITY AND FUNCTION: This regulation implements the statutory elimination of audiology and speech pathology aides.

Section 1. 201 KAR 17:050, Audiology aide, and 201 KAR 17:060, Speech pathology aide are hereby repealed.

DAVID NICHOLAS, Executive Director

APPROVED BY AGENCY: August 15, 1986

FILED WITH LRC: August 15, 1986 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on September 23, 1986, at 10 a.m. in the conference room, Berry Hill Annex, Frankfort, Kentucky 40601. Those interested in attending this hearing should contact: David Nicholas, Division of Occupations and Professions, Berry Hill Annex, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Dave Nicholas

(1) Type and number of entities affected: N/A

(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: 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: N/A

TIERING: Was tiering applied? No. Not applicable.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET Department for Environmental Protection Division of Air Pollution

401 KAR 63:021. Existing sources emitting toxic air pollutants.

RELATES TO: KRS 224.320, 224.330, 224.340

PURSUANT TO: KRS 224.033, 224.877

NECESSITY AND FUNCTION: KRS 224.033 requires the Natural Resources and Environmental Protection Cabinet to prescribe regulations for the prevention, abatement, and control of air pollution. This regulation provides for the control of emissions of toxic air pollutants.

Section 1. Applicability. (1) The provisions of this regulation shall apply to each affected facility commenced before the effective date of this regulation which emits toxic air pollutants as defined in Section 2 of this regulation.

(2) The provisions of this regulation shall not apply to the following facilities:

(a) Facilities which are subject to the regulations of Title 401, Chapter 57, or 40 CFR 61 (National Emission Standards for Hazardous Air Pollutants).

(b) Laboratory equipment used for chemical or physical analysis or experimentation.

(c) Dry cleaning facilities that use petroleum distillates.

(d) Dry cleaning facilities that use perchloroethylene at a make-up rate of less than seventy (70) gallons per year or are subject to 401 KAR 61:160.

(e) Sources which emit less than the significant levels specified in Appendix B, adjusted for height of release and hours of operation per week pursuant to Appendix C to this regulation.

(f) Indirect heat exchangers using fossil fuel.

(g) Gasoline dispensing facilities.

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

(1) "Toxic air pollutant" means a substance which is listed in Appendix B of this regulation.

(2) "Affected facility" means an apparatus, building, operation or other entity or series of entities which emits or may emit any toxic air pollutant into the outdoor atmosphere.

(3) "Acceptable ambient limit (AAL)" means the concentration in the ambient air of a toxic air pollutant, listed in Appendix B to this regulation.

(4) "Reasonably available control technology" means the lowest emission limit that a particular affected facility is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

Section 3. Control of Toxic Air Pollutants.

(1) Except as provided in subsection (2) of this section, no owner or operator shall allow any source to exceed the allowable emission limit determined by the formula specified in Appendix A to this regulation.

(2) Where an acceptable ambient limit for a toxic air pollutant is not specified in Appendix B to this regulation, or where the owner or operator can demonstrate to the satisfaction of the cabinet that the allowable emission limit

referenced in subsection (1) of this section cannot be met even after the application of reasonably available control technology, then reasonably available control technology shall be required.

(3) As used in this regulation, allowable emission limit is applicable to each toxic air pollutant and applied to the source as a whole. The provisions of 401 KAR 50:042 shall not apply when determining an allowable emission limit of a toxic air pollutant.

(4) The maximum ground level concentration as applied in Appendix A is determined for the affected facility, or a series of affected facilities within the source, through the application of an approved dispersion model specified in "Guideline for Air Quality Modeling," filed by reference in 401 KAR 50:015. For the purpose of this regulation, no additive effect or interaction among sources is presumed in determining maximum ground level concentration.

(5) Demonstration of compliance with emission limits may be made through calculations. Continued compliance shall be demonstrated through production and throughput records, maintenance schedules and operating practices, and/or as specified as a permit condition.

(6) The cabinet may upon request assist the owner or operator in determining the applicable emission limits for the source.

Section 4. Public Participation. (1) Except as provided in subsection (2) of this section, the cabinet shall notify the public through prominent advertisement in a newspaper of general circulation in the region in which the source is located, of the cabinet's intention to accept a compliance schedule or demonstration of reasonably available control technology as a part of an operating permit issued pursuant to this regulation. The cabinet shall afford the public the opportunity to submit written comments on the cabinet's intended action within thirty (30) days following the publication of said advertisement. The cabinet shall consider these comments in its decision to issue the operating permit.

(2) The following affected facilities are not subject to this section:

- (a) Dry cleaning facilities.
- (b) Fertilizer dispensing facilities.

Section 5. Compliance Timetable. (1) The owner or operator of an affected facility which constructed or received a permit to construct or operate before the effective date of this regulation shall within twelve (12) months following the effective date of this regulation submit either:

(a) A permit application to operate the affected facility(ies) which ensures compliance with the provisions of this regulation; or

(b) A permit application to operate the affected facility(ies) with a compliance schedule that will enable the source to achieve compliance with the provisions of this regulation as expeditiously as possible but not later than two and a half (2 1/2) years following the effective date of this regulation.

(2) A compliance schedule identified in subsection (1)(b) of this section shall contain the following elements:

(a) A commitment for submission of a control plan for achieving compliance with this

regulation. Submission of control plan shall not be more than six (6) months following the submission date of the compliance schedule.

(b) The date by which the control system installation contract will be awarded.

(c) The date by which construction or installation of the emission control equipment or implementation of control measures will be initiated.

(d) The date by which on-site construction or installation of emission control equipment or implementation of control measures will be completed.

(e) The date by which final compliance will be demonstrated and which is within sixty (60) days following completion of installation of the control system or implementation of the control measures.

(3) The cabinet shall issue an operating permit contingent upon an acceptable compliance schedule.

(4) Requests for extension of the timetable presented in this section may be made to the director in writing. Extensions may be granted upon the demonstration to the cabinet's satisfaction that strict compliance with the timetable is unattainable for reasons beyond the reasonable control of the source.

Section 6. Failure of the owner or operator to comply with the provisions of this regulation may result in the denial or revocation of an operating permit for the noncomplying affected facility.

(See Appendices following
Federal Mandate Comparison)

CHARLOTTE E. BALDWIN, Secretary

APPROVED BY AGENCY: August 14, 1986

FILED WITH LRC: August 15, 1986 at 9 a.m.

PUBLIC HEARING SCHEDULED: A public hearing to receive comments on this proposed regulation will be conducted on September 30, 1986, at 10 a.m. (EDT) in the Auditorium of the Capital Plaza Tower, Frankfort, Kentucky. Those persons interested in attending this public hearing shall contact, in writing at least five days prior to the hearing, Mr. Hisham M. Sa'aid, Assistant Director, Division of Air Pollution Control, 18 Reilly Road, Fort Boone Plaza, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Roger B. McCann, Director

(1) Type and number of entities affected: The sources that will be affected by this proposed regulation are those which potentially emit any of the 92 substances listed in Appendix E of the regulation. These sources include primarily chemical manufacturing and distribution industries, surface coating operations using hydrocarbon-based paint thinners and certain pigments, electroplating operations, metal manufacturing processes, paper mills, petroleum refineries, and large volume dry cleaning services which do not use petroleum distillates.

A number of industrial categories are specifically exempt from this regulation. These include facilities that are regulated by National Emissions Standards for Hazardous Air Pollutants. In addition, pollutants with ambient air quality standards are not regulated by this proposed regulation. Power plants and boilers

using fossil fuel (coal, oil, or natural gas), laboratory equipment, gasoline dispensing facilities, and dry cleaners using petroleum distillates are all exempt from this regulation. In addition, sources emitting regulated pollutants are exempt from this regulation if their emissions of these substances are below specified significant levels.

The number of sources that are potentially subject to this regulation is estimated to be 475. Many of these sources emit toxic substances at a magnitude either below the significant levels or they are already in compliance with the provisions of this regulation. This is especially true for the 119 counties of the Commonwealth where this cabinet has previously (prior to 1984) regulated toxic substances through the enforcement of a policy interpreting 401 KAR 63:020 "Potentially hazardous matter or toxic substances." That policy, which became null and void as a result of House Bill 334, enacted during the 1984 Legislative Session of the Kentucky General Assembly, required sources to be reviewed and permitted in a manner which is similar to the way in which this regulation will be implemented. Therefore, it is estimated that those sources which were permitted prior to 1984 (about 70% of the estimated 475) are already in compliance with provisions of this regulation. Those sources would still be required to apply for and obtain new operating permits pursuant to this regulation, however, it is expected that most of those sources would not be required to add control equipment or modify their operations.

The air pollution control activities in the remaining county (Jefferson), are managed by the Air Pollution Control District of Jefferson County, authorized by KRS Chapter 77. The District has no policy nor a specific regulation for the control of toxic air pollutants. Therefore, the compliance status of a large number of sources (estimated to be 250) in Jefferson County is unknown at this time. It is estimated, however, that nearly half of these sources have toxic substance emissions below the significant level, and therefore would be exempt from this regulation.

(a) Direct and indirect costs or savings to those affected: Four types of costs may be incurred by the affected sources, depending on their status with respect to this regulation.

First - The affected sources will have to report whether or not they in fact emit any of the regulated chemicals in their operations. Since the toxic air pollutants of interest are listed in this regulation, the task is focused on only these compounds. The cost of identifying these compounds is relatively low for the majority of the sources since it is reasonable to expect that these sources know what chemicals are used and produced in their plants. The process could terminate at this stage if it is determined that no regulated substance is emitted by the source.

Second - Once the compounds are identified they require quantification. The proposed regulation states "Demonstration of compliance with emission limits may be made through calculations." Hence, quantification involves making a material balance, taking into consideration the quantities of materials used in the process, the efficiency of the air pollution control equipment in use, and the typical emission factors of pollutants from

different processes. Although it is not required, a source may elect to measure the emissions if a method of measurement with adequate sensitivity is available and is approved by the cabinet. The cost of this task may already be a part of operating the plant, or if internal expertise does not exist, the cost may include the hiring of a consultant for this task. The associated cost in this case may run as little as \$800 or possibly as high as \$3,500 per source. It is expected, however, that complex chemical plants may incur higher costs. If the emissions are found to be below the significant levels, the regulation no longer applies to these sources.

Third - Once it is determined that a source is emitting toxic air pollutants at a rate above the significant level, an analysis shall be made, where applicable, to determine the ambient air impacts for comparison with the acceptable ambient levels. This analysis involves atmospheric dispersion modeling. This type of analysis is generally costly as it requires specialized training. The cost of modeling of a single emission point may be less than \$500, while a multiple point emission modeling may cost upward of \$20,000. To alleviate this cost to industry, the cabinet offers its assistance in this proposed regulation (Section 3(6)) to perform this analysis, if requested, especially to those sources which do not have the capability of performing their own analysis.

Where an acceptable ambient limit is not specified for the toxic air pollutant in question, the source is required to apply reasonable available control technology (RACT), taking into consideration the technological and economic feasibility of such controls. A source must demonstrate to the cabinet's satisfaction that the source is already applying this type of control (i.e., RACT). Thus, there will be costs associated with this determination and demonstration. If the ambient impact is found to be below the specified acceptable limits, or if it is found that RACT is already in place, the source will be issued an operating permit and will be charged the usual permit fee as prescribed in 401 KAR 50:036. If the ambient impact is above the acceptable ambient limit or if RACT is not in place, the source will be required to follow the procedures in the fourth and final step.

Fourth - A commitment for a control plan for a facility that cannot show compliance with the provisions of this regulation must be submitted in a compliance schedule filed with the permit application. The cost associated with this stage varies considerably and is dependent on the amount of work required to bring the source into compliance. That cost could be to cover measures as simple as improving dispersion parameters by increasing stack height, reheating the exhaust gases, or increasing gas exit velocity. Other more costly measures may include the design, fabrication, and installation of control equipment. The cost of these measures may be high but the source is protected from expending an unreasonable amount of capital. This protection stems from the language in Section 3(2) of this proposed regulation, which states that if a source cannot meet the allowable emission limits then reasonably available control technology shall be required. Reasonably available control technology is defined to mean the lowest emission limit that a particular

facility is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

1. First year: The costs during the first year following the effective date of this regulation will be limited to those costs associated with identifying and quantifying emitted toxic air pollutants, and, if necessary, estimating the impact on ambient air quality. Design and installation of control equipment or physical modification of the facility is not required in the first year. Considering the circumstances of each source potentially affected by this regulation, the cost during the first year may vary considerably from one source to another. It is estimated that the cost could range between \$800 to \$23,500 per source. The cost during the following year, which is estimated to affect less than 100 sources that may require some degree of control measures, may vary between \$800 for a small source to as much as \$200,000 for a major source.

2. Continuing costs or savings: Continuing costs include operating costs for control equipment, costs for education and training of employees, and maintenance costs to prevent malfunctions of control equipment. These, as expected, may vary considerably from one source to another, as the cost will be minimal for a small source but may be substantial for others.

3. Additional factors increasing or decreasing costs (note any effects upon competition): This regulation attempts to achieve consistency in controlling toxic air pollutants among sources in all of the 120 counties of the Commonwealth. Consequently, no economic advantage of one source over a competitor is foreseen. The national goal of establishing toxic air pollutant control programs for each state will eventually put the majority of sources emitting any one particular pollutant on an equal footing with each other. The intent of Kentucky's program is to strike a prudent balance between providing adequate protection to the health of its citizens and fostering economic growth of its industries and the jobs they provide.

(b) Reporting and paperwork requirements: Sources which are subject to this regulation must file permit applications with this cabinet. Sources are required to maintain production and throughput records, and maintain records of air pollution control equipment. The types of records required to be maintained will be specifically tailored for the source and will be stated as permit conditions.

All affected sources are required to report any changes in their operating practices or intended modification of the facilities that will cause an increase in emissions or an exceedance of the allowable limits.

(2) Effects on the promulgating administrative body: There will be a measurable impact on the Division of Air Pollution Control. This impact will be in the resources required to review permit applications, perform air quality impact analyses, and determine emission limitations, maintain recordkeeping, and determine continued compliance. There will also be an initial increase in the number of sources being inspected.

(a) Direct and indirect costs or savings:

1. First year: It is expected that the total cost to the cabinet for implementing the air toxics program will be \$143,500. Of this amount,

\$79,000 has been granted to Kentucky under the U.S. EPA grant for federal FY 1986, and \$64,500 has been appropriated to the cabinet under the state budget for FY 1987.

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

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: The cabinet will be required to prepare permit review reports, issue permits, collect permit fees, update data base, and write inspection reports.

(3) Assessment of anticipated effect on state and local revenues: Permit fees generated by the issuance of permits under this regulation are estimated to be \$62,000 during the second year following promulgation. This revenue will help offset the loss in revenue due to reduction in fees from changes in other permit requirements promulgated elsewhere (401 KAR 50:035).

(4) Assessment of alternative methods; reasons why alternatives were rejected: Several alternatives were examined; seven were analyzed closely as follows:

1. Adopt the U.S. EPA's risk assessment model. This model is based on a linear non-threshold hypothesis. This hypothesis assumes that the greater the exposure to a substance the greater the risk, which increases linearly with concentration. This straight line relationship is extrapolated to zero, which means that there is absolutely no safe level of some selected toxic substances. Other assumptions are also made in the risk assessment, including the assumption that the maximum emission rate occurs continuously, 24 hours a day, 365 days a year; and that the estimated risk is for an individual who is exposed to a maximum ground level concentration at one location continuously for 70 years and absorbs 100% of the inhaled compound.

This alternative was rejected because it is highly unlikely that the conditions of these assumptions would ever occur. The resultant control strategy would then be unrealistically conservative. Such a model, if selected, would affect the economic health of this Commonwealth as it may lead to the complete shutdown of some facilities, which is an untenable situation considering the extra-conservative approach to this subject.

2. Specify ambient air quality standards that must be met. This approach requires that the selected numerical standards developed be based on extensive concentration/effect studies and be subjected to peer review to weigh the evidence.

This alternative was rejected because the process is more resource intensive than this agency is equipped to handle at this time.

3. Copy one of the lists adopted by many states specifying the acceptable ambient limits that must be met. The safety factors used to develop these limits vary widely from one state to another with no explanation of the rationale behind the selection. Some of these safety factors were extremely conservative.

This alternative was rejected because these states have developed their own lists based on their particular conditions, problems, and other economic considerations.

4. Specify emission standards for toxic air pollutants based on health effects and the available technology for each type of industry, taking into consideration the impact on the type

of industry as a whole. This approach is being used in the U.S. EPA in issuing National Emission Standards for Hazardous Air Pollutants (NESHAP).

This alternative, although preferred, was rejected because it is very slow. The U.S. EPA has regulated only six hazardous pollutants in the last sixteen years. This is totally inadequate in view of the existence of hundreds of compounds that need to be addressed.

5. Do not regulate those compounds that are listed for study by the U.S. EPA as candidates for issuance of National Emission Standards for Hazardous Air Pollutants.

This alternative was rejected because EPA is painfully slow in issuing these standards. At this rate it would take virtually decades before standards are promulgated for these compounds.

6. Limit the number of regulated substances to only those EPA has intended to regulate.

Although this alternative is the opposite of alternative 5 above, it was also rejected because EPA's list is not extensive enough. That list was developed from a national perspective and does not address localized emissions.

7. Do nothing.

This alternative was rejected because it does not support the intent of Kentucky's statutes. "The Kentucky general assembly hereby finds that it is necessary to the health and welfare of the citizens of Kentucky that there be maintained at all times both now and in the future a reasonable degree of purity of the air resources of this Commonwealth consistent with maximum employment and full industrial development necessary for the protection of the public health, the general welfare, and the property and people in this Commonwealth; and foster the comfort and convenience of its inhabitants and facilitate the enjoyment of the natural attractions of the state." (KRS 224.320)

(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: This regulation is being developed as part of a national effort to establish a toxic air pollutant program in each state. Each program is intended to be so designated to address each state's particular circumstances.

TIERING: Was tiering applied? Yes. This proposed regulation uses tiering extensively. Examples where tiering is applied are listed below.

1. The regulation applies to sources that exceed specified significant levels.

2. Acceptable ambient levels are less stringent for sources with taller stacks, or other favorable dispersion parameters (gas exit temperature and velocity, or terrain).

3. Sources which demonstrate to the cabinet's satisfaction that they cannot meet the emission limitations are allowed to use reasonably available control measures, which would be less stringent than meeting the emission limitations.

4. Public participation procedures are required only for sources where a permit contains a compliance schedule, however, dry cleaners and fertilizer dispensing facilities are exempt from this requirement.

FEDERAL MANDATE COMPARISON

1. Compare proposed state compliance standards with minimum uniform standards suggested or contained in the federal mandate: Where the U.S. EPA has standards for hazardous air pollutants (in 40 CFR 61, pursuant to Section 112 of the Clean Air Act), this cabinet has adopted these standards in 401 KAR Chapter 57, and received delegation of authority for the federal program. These standards are limited to asbestos, beryllium, mercury (from chlor-alkali plants and sludge incinerators), vinyl chloride, and benzene (equipment leaks).

The U.S. EPA is advocating in its air toxics strategy, to have each state develop its own toxic air program. (A Strategy to Reduce Risks to Public Health from Air Toxics, U.S. Environmental Protection Agency, Washington, D.C., June 1985.) This cabinet's federal grant for FY 1986 contains the requirement for developing a toxic air pollutant program in Kentucky.

2. Does the proposed regulation impose stricter requirements or other responsibilities on the regulated entities than those required by the federal mandate: This regulation imposes more responsibilities on the affected sources than the federal agency requires now, in that the U.S. EPA does not address the substances listed in this regulation. However, it is not EPA's intent that these substances not be regulated. Rather it is EPA's intent that each state regulate those toxic compounds that have a local effect. Therefore, this regulation and the entire toxic program are in strict harmony with EPA's goal of providing for a strong state air toxics control program and is in fulfillment of the federal grant condition for commitment to develop this program.

3. If the proposed regulation imposes additional requirements or responsibilities, justify the imposition of these stricter standards, requirements or responsibilities: The U.S. EPA has regulated only six hazardous air pollutants in the last sixteen years and has plans to regulate about 36 other pollutants that have national impact. This slow pace has not fulfilled the mandates of Section 112 of the Clean Air Act. Nonetheless, the federal program addresses problems of national proportion and stays clear of solving local problems. This was declared by EPA in its July 1985 Air Toxics Strategy that "The air-toxics problem is not limited to problems of national concern. In some cases areas of locally elevated risk may require targeted action by state or local agencies. EPA will help states to build strong air-toxics programs of their own and, when appropriate, refer problems of specifically local concern to states for evaluation and appropriate action."

This cabinet has examined the nature and magnitude of air pollutants in Kentucky and has condensed a large number of toxic compounds into a list of 92 compounds that have varying degrees of toxic effects on public health in the Commonwealth. These substances were grouped by the seriousness of their health effects. Standards and control strategies were devised to afford, in this cabinet's judgement, a safe and health environment for Kentucky's citizens. Without such a program the public is provided no protection since the federal program has fallen short of its goal. The cabinet feels that steps have to be taken to prevent disasters of the

type seen in Bhopal, India, and Institute, West Virginia. This conscious action is one step toward that goal.

APPENDIX A TO 401 KAR 63:021 Allowable Emission Limit

The following equation shall be used to determine the allowable emission limit for a toxic air pollutant.

$$E_{\text{Allowable}} = \frac{E_{\text{Actual}} \times \text{AAL}}{C}$$

Where:

$E_{\text{Allowable}}$ = Allowable emission limit in pounds per hour, expressed as an average for a time averaging period corresponding to the AAL time average.

E_{Actual} = Actual emission rate in pounds per hour.

AAL = Acceptable ambient limit determined using the formula in Appendix B to this regulation.

C = Maximum ground level concentration in the ambient air estimated through the use of a dispersion model specified in the "Guideline on Air Quality Models."

(See Appendices B & C on following pages)

APPENDIX B TO 401 KAR 63:021

Acceptable Ambient Limits and Significant Emission Levels
of Toxic Air Pollutants

Substance	Y*	Average Time	Significant Levels (M)** Pounds Per Hour
1,1,1-Trichloroethane (Methyl chloroform)	7600.00	8-hour	4.848E-01
1,1,2-Trichloroethane	180.00	8-hour	1.148E-02
1,3-Butadiene	88.00	8-hour	5.613E-03
4,4'-Methylenebis(2-chloro- aniline) (MOCA)	RACT		5.613E-05
Acetaldehyde	720.00	8-hour	4.593E-02
Acetic acid	100.00	8-hour	6.379E-03
Acetone	7120.00	8-hour	4.542E-01
Acrolein	1.00	8-hour	6.379E-05
Acrylic acid	120.00	8-hour	7.655E-03
Acrylonitrile	RACT		1.148E-03
Allyl chloride	12.00	8-hour	7.654E-04
Ammonia	72.00	8-hour	4.593E-03
Ammonium chloride	40.00	8-hour	2.551E-03
Antimony and compounds, as Sb	2.00	8-hour	1.276E-04
Arsenic and Arsenic cmpds.	RACT		5.103E-05
Barium, soluble compounds, as Ba	2.00	8-hour	1.276E-04
Benzene	RACT		7.654E-03
Benzo(a)anthracene	RACT		5.100E-07
Benzo(a)pyrene	RACT		5.100E-07
Cadmium	RACT		1.276E-05
Calcium hydroxide	20.00	8-hour	1.276E-03
Carbon disulfide	120.00	8-hour	7.655E-03
Carbon tetrachloride	RACT		7.654E-03
Chlorine	12.00	8-hour	7.654E-04
Chlorine dioxide	1.20	8-hour	7.654E-05
Chloroform	RACT		1.276E-02
Chlorophenols	RACT		5.100E-07
Chromium VI	RACT		1.276E-05
Cumene	980.00	8-hour	6.251E-02
Cyanides, as CN	20.00	8-hour	1.276E-03
Diacetone alcohol	960.00	8-hour	6.124E-02
Dimethylamine	72.00	8-hour	4.593E-03
Dioxin (2,3,7,8- tetrachlorodibenzo-p-dioxin)	RACT		5.100E-07

APPENDIX B TO 401 KAR 63:021
(Continued)

Acceptable Ambient Limits and Significant Emission Levels
of Toxic Air Pollutants

Substance	Y*	Average Time	Significant Levels (M)** Pounds Per Hour
Ethyl benzene	1740.00	8-hour	1.110E-01
Ethylene dibromide	RACT		5.100E-07
Ethylene dichloride (1,2-Dichloroethane)	RACT		1.021E-02
Ethylene oxide	RACT		5.103E-04
Formaldehyde	RACT		3.827E-04
Formic acid	36.00	8-hour	2.296E-03
Hexylene glycol	500.00	1-hour	2.240E-02
Hydrogen bromide	40.00	8-hour	2.551E-03
Hydrogen chloride	28.00	1-hour	1.254E-03
Maleic anhydride	4.00	8-hour	2.551E-04
Manganese dust and compounds as Mn	20.00	1-hour	8.959E-04
Manganese fume, as Mn	4.00	8-hour	2.551E-04
Mercury, alkyl compounds, as Hg	0.04	8-hour	2.551E-06
Mercury, as Hg, All forms except alkyl vapor	0.20	8-hour	1.276E-05
Mercury, as Hg, Aryl and inorganic compounds	0.40	8-hour	2.551E-05
Methanol	1040.00	8-hour	6.634E-02
Methyl bromide	80.00	8-hour	5.103E-03
Methyl chloride	420.00	8-hour	2.679E-02
Methyl ethyl ketone	2360.00	8-hour	1.505E-01
Methylamine	48.00	8-hour	3.062E-03
Methylene bisphenyl isocyanate (MDI)	0.80	1-hour	3.583E-05
Methylene chloride (Dichloromethane)	1400.00	8-hour	8.930E-02
Nickel carbonate	RACT		2.551E-05
Nickel carbonyl	RACT		8.930E-05
Nickel metal	RACT		2.551E-04
Nickel oxide	RACT		2.551E-05
Nickel subsulfide	RACT		2.551E-04
Nickel, soluble compounds, as Ni	RACT		2.551E-05
Nitric acid	20.00	8-hour	1.276E-03
Nonane	4200.00	8-hour	2.679E-01
n-Butanol	600.00	1-hour	2.688E-02
n-Hexane	720.00	8-hour	4.593E-02

APPENDIX B TO 401 KAR 63:021
(Continued)

Acceptable Ambient Limits and Significant Emission Levels
of Toxic Air Pollutants

Substance	Y*	Average Time	Significant Levels (M)** Pounds Per Hour
Pentachlorophenol	2.00	8-hour	1.276E-04
Perchloroethylene	1340.00	8-hour	8.548E-02
Phenol	76.00	8-hour	4.848E-03
Phosphoric acid	4.00	8-hour	2.551E-04
Potassium hydroxide	8.00	1-hour	3.583E-04
Propargyl alcohol	8.00	8-hour	5.103E-04
Propylene dichloride	1400.00	8-hour	8.930E-02
Propylene oxide	200.00	8-hour	1.276E-02
Selenium compounds, as Se	0.80	8-hour	5.103E-05
Silver, metal	0.40	8-hour	2.551E-05
Silver, soluble compounds, as Ag	0.04	8-hour	2.551E-06
Sodium hydroxide	8.00	1-hour	3.583E-04
Styrene, monomer	860.00	8-hour	5.486E-02
Sulfuric acid	4.00	8-hour	2.551E-04
Tetrahydrofuran	2360.00	8-hour	1.505E-01
Tetrasodium pyrophosphate	20.00	8-hour	1.276E-03
Tin, organic compound, as Sn	0.40	8-hour	2.551E-05
Tin, oxide, metal and inorganic compounds except SnH ₄ , as Sn	8.00	8-hour	5.103E-04
Titanium dioxide	20.00	8-hour	1.276E-03
Toluene	1500.00	8-hour	9.568E-02
Toluene 2,4-Diisocyanate (TDI)	0.16	8-hour	1.021E-05
Trichloroethylene	1080.00	8-hour	6.889E-02
Trimethylamine	96.00	8-hour	6.124E-03
Vinyl acetate	120.00	8-hour	7.654E-03
Xylene (o-, m-, p-isomers)	1740.00	8-hour	1.110E-01
Zinc chloride fume	4.00	8-hour	2.551E-04
Zinc oxide fume	20.00	8-hour	1.276E-03

* Acceptable Ambient Limit, AAL, mg/m³ = $\frac{Y}{T}$

where T = Hours of emission of the substance per week from the source, except that
T = 40 if the hours per week of emission are less than 40.

**The Significant Levels (M) may be adjusted for the height of release, H, and hours
of emission, T, using the procedures in Appendix C.

APPENDIX C TO 401 KAR 63:021

Correction Factors for Height of Release
and Hours of Emission

Minimum Height of Release (H)		Height of Release Correction Factor (K)
(meters)	(feet)	
1	3.3	1
2	6.6	4
3	9.9	12
4	13.1	24
5	16.4	41
6	19.7	62
7	23.0	89
8	26.2	121
9	29.5	159
10	32.8	204
15	49.2	489
20	65.6	901
25	82.0	1429
30	98.4	2037
35	114.8	2738
40	131.2	3535
45	147.6	4418
50	164.0	5394
55	180.4	6405
60	196.9	7494
65	213.3	8622

The Significant Level (L) in Section 1 (2) (e) shall be calculated from the formula:

$$L = M \times K \times \left(\frac{168}{T} \right)$$

Where:

L = Adjusted significant level (lbs/hr)

M = Significant level (lbs/hr) for the substance as listed in Appendix B.

K = Height of release correction factor from the table above. H is the minimum height of release of the substance from the source. When H is between two values, the lower number shall be used.

T = Hours of emission of the substance per week from the source, except that T = 40 if the hours per week of emission are less than 40.

**NATURAL RESOURCES AND ENVIRONMENTAL
PROTECTION CABINET**
Department for Environmental Protection
Division of Air Pollution

401 KAR 63:022. New or modified sources emitting toxic air pollutants.

RELATES TO: KRS 224.320, 224.330, 224.340

PURSUANT TO: KRS 224.033, 224.877

NECESSITY AND FUNCTION: KRS 224.033 requires the Natural Resources and Environmental Protection Cabinet to prescribe regulations for the prevention, abatement, and control of air pollution. This regulation provides for the control of emissions of toxic air pollutants.

Section 1. Applicability. (1) The provisions of this regulation shall apply to each affected facility commenced before the effective date of this regulation which emits toxic air pollutants as defined in Section 2 of this regulation.

(2) The provisions of this regulation shall not apply to the following facilities:

(a) Facilities which are subject to the regulations of Title 401, Chapter 57, or 40 CFR 61 (National Emission Standards for Hazardous Air Pollutants).

(b) Laboratory equipment used for chemical or physical analysis or experimentation.

(c) Dry cleaning facilities that use petroleum distillates.

(d) Dry cleaning facilities that use perchloroethylene at a make-up rate of less than seventy (70) gallons per year or are subject to 401 KAR 59:240.

(e) Sources which emit less than the significant levels specified in Appendix B, adjusted for height of release and hours of operation per week pursuant to Appendix C to this regulation.

(f) Indirect heat exchangers using fossil fuel.

(g) Gasoline dispensing facilities.

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

(1) "Toxic air pollutant" means a substance which is listed in Appendix B of this regulation.

(2) "Affected facility" means an apparatus, building, operation, or other entity or series of entities which emits or may emit any toxic air pollutant into the outdoor atmosphere.

(3) "Acceptable ambient limit (AAL)" means the maximum concentration in the ambient air of a toxic air pollutant listed in Appendix B to this regulation.

(4) "Best available control technology" means emissions limitation based on the maximum degree of reduction for each pollutant listed in Appendix B to this regulation which would be emitted from any proposed affected facility which the cabinet, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determined to be achievable for such facility through application of production processes or available methods, systems, and techniques for control of such pollutant. In no event shall application of best available control technology result in the emission of an air pollutant which would exceed the emissions allowed by any applicable standard under Title 401, Chapters 57 and 59, or 40 CFR Parts 60 and 61.

Section 3. Control of Toxic Air Pollutants. (1) Except as provided in subsection (2) of this section, no owner or operator shall allow any source to exceed the allowable emission limit determined by the formula specified in Appendix A to this regulation.

(2) Where an acceptable ambient limit for a toxic air pollutant is not specified in Appendix B to this regulation, or where the owner or operator can demonstrate to the satisfaction of the cabinet that the allowable emission limit referenced in subsection (1) of this section cannot be met even after the application of best available control technology, then best available control technology shall be required.

(3) As used in this regulation, allowable emission limit is applicable to each toxic air pollutant and applied to the source as a whole. The provisions of 401 KAR 50:042 shall not apply when determining an allowable emission limit of a toxic air pollutant.

(4) The maximum ground level concentration as applied in Appendix A is determined for the affected facility, or a series of affected facilities within the source, through the application of an approved dispersion model specified in "Guideline for Air Quality Modeling," filed by reference in 401 KAR 50:015. For the purpose of this regulation, no additive effect or interaction among sources is presumed in determining maximum ground level concentration.

(5) Demonstration of compliance with emission limits may be made through calculations. Continued compliance shall be demonstrated through production and throughput records, maintenance schedules and operating practices, and/or as specified as a permit condition.

(6) The cabinet may upon request assist the owner or operator in determining the applicable emission limits for the source.

Section 4. Public Participation. (1) Except as provided in subsection (2) of this section, the cabinet shall notify the public through prominent advertisement in a newspaper of general circulation in the region in which the source is located, of the cabinet's intention to accept best available control technology as a means for compliance with this regulation. The cabinet shall afford the public the opportunity to submit written comments on the cabinet's intended action within thirty (30) days following the publication of said advertisement. The cabinet shall consider these comments in its decision to issue the construction permit.

(2) The following affected facilities are not subject to this section:

(a) Dry cleaning facilities.

(b) Fertilizer dispensing facilities.

Section 5. Failure of the owner or operator to comply with the provisions of this regulation may result in the denial or revocation of an operating permit for the non-complying affected facility.

(See Appendices following
Federal Mandate Comparison)

CHARLOTTE E. BALDWIN, Secretary

APPROVED BY AGENCY: August 14, 1986

FILED WITH LRC: August 15, 1986 at 9 a.m.

PUBLIC HEARING SCHEDULED: A public hearing to receive comments on this proposed regulation

will be conducted on September 30, 1986, at 10 a.m. (EDT) in the Auditorium of the Capital Plaza Tower, Frankfort, Kentucky. Those persons interested in attending this public hearing shall contact, in writing at least five days prior to the hearing, Mr. Hisham M. Sa'aid, Assistant Director, Division of Air Pollution Control, 18 Reilly Road, Fort Boone Plaza, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Roger B. McCann, Director

(1) Type and number of entities affected: The sources that will be affected by this proposed regulation are those new or modified existing sources which potentially emit any of the 736 substances listed in Appendix B of the regulation. These sources primarily include chemical manufacturing and distribution industries, surface coating operations using hydrocarbon-based paint thinners and certain pigments, electroplating operations, metal manufacturing processes, paper mills, petroleum refineries, and large volume dry cleaning services which do not use petroleum distillates.

A number of industrial categories are specifically exempt from this regulation. These include facilities that are regulated by National Emissions Standards for Hazardous Air Pollutants. In addition, pollutants with ambient air quality standards are not regulated by this proposed regulation. Power plants and boilers using fossil fuel (coal, oil, or natural gas), laboratory equipment, gasoline dispensing facilities, and dry cleaners using petroleum distillates are all exempt from this regulation. In addition, sources that will emit regulated pollutants are exempt from this regulation if their emissions of these substances are below specified significant levels.

The number of sources that will be affected by this regulation is dependent on Kentucky's future industrial development. Based on this cabinet's past experience, this number is estimated to be 35-40 sources per year.

(a) Direct and indirect costs or savings to those affected: Three types of costs may be incurred by the affected sources depending on their compliance status with respect to this regulation.

First - The affected sources determine whether or not they will be emitting any of the regulated chemicals. Since the toxic air pollutants of interest are listed in this regulation, the task is narrowed to only these compounds. The cost of identifying these compounds is relatively low for the majority of the sources since it is reasonable to expect that these sources know what chemicals will be used and produced in their plants. The process could terminate at this stage if it is determined that no regulated substance will be emitted by the source.

Second - Once the compounds are identified, they require quantification. The proposed regulation states "Demonstration of compliance with emission limits may be made through calculations." Hence, quantification involves making a material balance, taking into consideration the quantities of materials used in the process, the efficiency of the planned air pollution control equipment, and the typical emission factors of pollutants from different processes. The associated cost in this case may

run as little as \$800 and possibly as high as \$3,500 per source. It is expected, however, that complex chemical plants may incur higher costs. If the emissions are found to be below the significant levels, the regulation no longer applies to these sources.

Third - Once it was determined that a source will be emitting toxic air pollutants at a rate above the significant level, an analysis shall be made, where applicable, to determine the ambient air impacts for comparison with the acceptable ambient levels. This analysis involves atmospheric dispersion modeling. This type of analysis is generally costly as it requires specialized training. The cost of modeling of a single emission point may be less than \$500, while a multiple point emission modeling may cost upward of \$20,000. To alleviate this cost to industry, the cabinet offers its assistance in this proposed regulation (Section 3(6)) to perform this analysis, if requested, especially to those sources which do not have the capability of performing their own analysis.

Where an acceptable ambient limit is not specified for the toxic air pollutant in question, or the source can demonstrate to the satisfaction of the cabinet that the allowable emission limits cannot be met even after the application of best available control technology (BACT), the source is required to apply BACT which takes into consideration the technological and economic feasibility of such controls. Thus, there will be cost associated with this determination and demonstration. If the ambient impact is found to be below the specified acceptable limits, or if it is found that BACT is the required control method, a construction permit and the usual fee prescribed in 401 KAR 50:036 will be required.

1. First year: The cost of complying with this regulation includes those costs associated with identifying and quantifying toxic air pollutants which will be emitted, estimating the impact on ambient air quality where required, and designing and installing control equipment. Considering the circumstances of each source potentially affected by this regulation, the cost during the first year may vary considerably from one source to another. It is estimated that the cost could range between \$800 to \$200,000 per source.

2. Continuing costs or savings: Continuing costs include operating costs for control equipment, costs for education and training of employees, and maintenance costs to prevent malfunctions of control equipment. These, as expected, may vary considerably from one source to another, as the cost will be minimal for a small source but may be substantial for others.

3. Additional factors increasing or decreasing costs (note any effects upon competition): This regulation attempts to achieve consistency in controlling toxic air pollutants among sources in all of the 120 counties of the Commonwealth. Consequently, no economic advantage of one source over a competitor is foreseen. The national goal of establishing toxic air pollutant control programs for each state will eventually put the majority of sources emitting any one particular pollutant on an equal footing with each other. The intent of Kentucky's program is to strike a prudent balance between providing adequate protection to the health of its citizens and fostering economic growth of

its industries and the jobs they provide.

(b) Reporting and paperwork requirements: Sources which are subject to this regulation must file permit applications with this cabinet. Sources are required to maintain production and throughput records, and maintain records of air pollution control equipment. The types of records required to be maintained will be specifically tailored for the source and will be stated as permit conditions.

All affected sources are required to report any changes in their operating practices or intended modifications of the facilities that will cause an increase in emissions or an exceedance of the allowable limits.

(2) Effects on the promulgating administrative body: There will be a measurable impact on the Division of Air Pollution Control. This impact will be in the resources required to review permit applications, performing air quality impact analyses and determining emission limitations, recordkeeping, and an initial increase in inspection of sources and determining continued compliance.

(a) Direct and indirect costs or savings:

1. First year: It is expected that the total cost to the cabinet for implementing the air toxics program will be \$143,500. Of this amount, \$79,000 has been granted to Kentucky under the U.S. EPA grant for federal FY 1986, and \$64,500 has been appropriated to the cabinet under the state budget for FY 1987.

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

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: The cabinet will be required to prepare permit review reports, issue permits, collect permit fees, update data base, and write inspection reports.

(3) Assessment of anticipated effect on state and local revenues: No effect.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Several alternatives were examined; seven were analyzed closely as follows:

1. Adopt the U.S. EPA's risk assessment model. This model is based on a linear non-threshold hypothesis. This hypothesis assumes that the greater the exposure to a substance the greater the risk, which increases linearly with concentration. This straight line relationship is extrapolated to zero, which means that there is absolutely no safe level of some selected toxic substances. Other assumptions are also made in the risk assessment, including the assumption that the maximum emission rate occurs continuously, 24 hours a day, 365 days a year; and that the estimated risk is for an individual who is exposed to a maximum ground level concentration at one location continuously for 70 years and absorbs 100% of the inhaled compound.

This alternative was rejected because it is highly unlikely that the conditions of these assumptions would ever occur. The resultant control strategy would then be unrealistically conservative. Such a model, if selected, would affect the economic health of this Commonwealth as it may lead to preventing some facilities from locating in Kentucky which is an untenable situation considering the extra-conservative approach of this alternative.

2. Specify ambient air quality standards that

must be met. This approach requires that the selected numerical standards developed be based on extensive concentration/effect studies and be subjected to peer review to weigh the evidence.

This alternative was rejected because the process is more resource intensive than this agency is equipped to handle at this time.

3. Copy one of the lists of acceptable ambient limits adopted by other states. The safety factors used to develop these limits vary widely from one state to another, with no explanation of the rationale behind the selection. Some of these safety factors were extremely conservative.

This alternative was rejected because these states have developed their own lists based on their particular conditions, problems, and other economic considerations.

4. Specify emission standards for toxic air pollutants based on health effects and the available technology for each type of industry, taking into consideration the impact on the type of industry as a whole. This approach is being used in the U.S. EPA in issuing National Emission Standards for Hazardous Air Pollutants (NESHAP).

This alternative, although preferred, was rejected because it is very slow. The U.S. EPA has regulated only six hazardous air pollutants in the last sixteen years. This is totally inadequate in view of the existence of hundreds of compounds that need to be addressed.

5. Do not regulate those compounds that are listed for study by the U.S. EPA as candidates for issuance of National Emission Standards for Hazardous Air Pollutants.

This alternative was rejected because EPA is painfully slow in issuing these standards. At this rate it would take virtually decades before standards are promulgated for these compounds.

6. Limit the number of regulated substances to only those EPA has intended to regulate.

Although this alternative is the opposite of alternative 5 above, it was also rejected because EPA's list is not extensive enough. That list was developed from a national perspective.

7. Do nothing.

This alternative was rejected because it does not support the intent of Kentucky's statutes. "The Kentucky general assembly hereby finds that it is necessary to the health and welfare of the citizens of Kentucky that there be maintained at all times both now and in the future a reasonable degree of purity of the air resources of this Commonwealth consistent with maximum employment and full industrial development necessary for the protection of the public health, the general welfare, and the property and people in this Commonwealth; and foster the comfort and convenience of its inhabitants and facilitate the enjoyment of the natural attractions of the state." (KRS 224.320)

(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: This regulation is being developed as part of a national effort to establish a toxic air pollutant program in each state. Each program is intended to be so designed to address each state's particular circumstances.

TIERING: Was tiering applied? Yes. This proposed regulation uses tiering extensively. Examples where tiering is applied are listed below.

1. The regulation applies to sources that exceed specified significant levels.
2. Acceptable ambient levels are less stringent for sources with taller stacks, or other favorable dispersion parameters (gas exit temperature and velocity, or terrain).
3. Sources which demonstrate to the cabinet's satisfaction that they cannot meet the emission limitations are allowed to use best available control measures, which would be less stringent than meeting the emission limitations.
4. Public participation procedures are required only for sources that employ best available control technology, and exclude dry cleaners and fertilizer dispensing facilities from this requirement.

FEDERAL MANDATE COMPARISON

1. Compare proposed state compliance standards with minimum uniform standards suggested or contained in the federal mandate: Where the U.S. EPA has standards for hazardous air pollutants (in 40 CFR 61, pursuant to Section 112 of the Clean Air Act), this cabinet has adopted these standards in 401 KAR Chapter 57, and received delegation of authority for the federal program. These standards are limited to asbestos, beryllium, mercury (from chlor-alkali plants and sludge incinerators), vinyl chloride, and benzene (equipment leaks).

The U.S. EPA is advocating in its air toxics strategy, to have each state develop its own toxic air program. (A Strategy to Reduce Risks to Public Health from Air Toxics, U.S. Environmental Protection Agency, Washington, D.C., June 1985.) This cabinet's federal grant for FY 1986 contains the requirement for developing a toxic air pollutant program in Kentucky.

2. Does the proposed regulation impose stricter requirements or other responsibilities on the regulated entities than those required by the federal mandate: This regulation imposes more responsibilities on the affected sources than the federal agency requires now, in that the U.S. EPA does not address the substances listed in this regulation. However, it is not EPA's intent that these substances not be regulated. Rather, it is EPA's intent that each state regulate those toxic compounds that have a local effect. Therefore, this regulation and the entire toxic program are in strict harmony with EPA's goal of providing for a strong state air toxics control program and is in fulfillment of the federal grant condition for commitment to develop this program.

3. If the proposed regulation imposes additional requirements or responsibilities, justify the imposition of these stricter standards, requirements or responsibilities: The U.S. EPA has regulated only six hazardous air pollutants in the last sixteen years and has plans to regulate about 36 other pollutants that have national impact. This slow pace has not fulfilled the mandates of Section 112 of the Clean Air Act. Nonetheless, the federal program addresses problems of national proportion and stays clear of solving local problems. This was declared by EPA in its July 1985 Air Toxics Strategy that "The air-toxics problem is not

limited to problems of national concern. In some cases areas of locally elevated risk may require targeted action by state or local agencies. EPA will help states to build strong air-toxics programs of their own and, when appropriate, refer problems of specifically local concern to states for evaluation and appropriate action."

This cabinet has examined several sources of information on toxic substances and has constructed a list of 736 compounds that have varying degrees of toxic effects on public health in the Commonwealth. These substances were grouped by the seriousness of their health effects. Standards and control strategies were devised to afford, in this cabinet's judgement, a safe and health environment for Kentucky's citizens. Without such a program the public is provided no protection since the federal program has fallen short of its goals. The cabinet feels that steps have to be taken to prevent disasters of the type seen in Bhopal, India, and Institute, West Virginia. This conscious action is one step toward that goal.

APPENDIX A TO 401 KAR 63:022 Allowable Emission Limit

The following equation shall be used to determine the allowable emission limit for a toxic air pollutant.

$$E_{\text{Allowable}} = E_{\text{Actual}} \times \frac{AAL}{C}$$

Where:

$E_{\text{Allowable}}$ = Allowable emission limit in pounds per hour, expressed as an average for a time averaging period corresponding to the AAL time average.

E_{Actual} = Actual emission rate in pounds per hour.

AAL = Acceptable ambient limit determined using the formula in Appendix B to this regulation.

C = Maximum ground level concentration in the ambient air estimated through the use of a dispersion model specified in the "Guideline on Air Quality Models."

(See Appendices B & C on following pages)

APPENDIX B TO 401 KAR 63:022

Acceptable Ambient Limits and Significant Emission Levels
of Toxic Air Pollutants

Substance	Y*	Average Time	Significant Levels (M)** Pounds Per Hour
1,1,2,2-Tetrachloroethane	28.00	8-hour	1.786E-03
1,1,2-Trichloroethane	180.00	8-hour	1.148E-02
1,1-Dichloroethane	3240.00	8-hour	2.067E-01
1,1-Dichloro-1-nitroethane	40.00	8-hour	2.551E-03
1,1-Dimethylhydrazine	BACT		2.551E-04
1,2,3-Trichloropropane	1200.00	8-hour	7.654E-02
1,2,4-Trichlorobenzene	160.00	1-hour	7.167E-03
1,2-Dibromo-3-chloropropane (DBCP)	BACT		5.100E-07
1,2-Dichloroethane (EDC)	BACT		1.021E-02
1,2-Dichloroethylene	3160.00	8-hour	2.016E-01
1,2-Diethylhydrazine	BACT		2.551E-05
1,2-Dimethylhydrazine	BACT		2.551E-04
1,3-Butadiene	88.00	8-hour	5.613E-03
1,3-Dichloro-5,5-dimethylhydantoin	0.80	8-hour	5.103E-05
1,3-Propane sultone	BACT		5.100E-07
1,4-Butanediol dimethanesulphonate (Myleran)	BACT		5.100E-07
1,4-Dioxane	BACT		2.296E-02
1-Amino-2-Methylantraquinone	BACT		1.021E-04
1-Chloro-1-nitropropane	40.00	8-hour	2.551E-03
1-Nitropropane	360.00	8-hour	2.296E-02
1-(2-Chloroethyl)-3-cyclohexyl- 1-nitrosourea (CCNU)	BACT		5.100E-07
1-[(5-Nitrofurfurylidene)amino] - 2-imidazolidinone	BACT		5.100E-07
2,2-Dichloropropionic acid	24.00	8-hour	1.531E-03
2,4,5-Trichlorophenoxyacetic acid (2,4,5-T)	40.00	8-hour	2.551E-03
2,4,6-Trichlorophenol	BACT		5.100E-07
2,4,6-Trinitrotoluene (TNT)	2.00	8-hour	1.276E-04
2,4-D	40.00	8-hour	2.551E-03
2,4-Diaminoanisoie sulfate	BACT		5.100E-07
2,4-Dinitrotoluene	BACT		3.827E-04
2,6-Ditert. butyl-p-cresol	40.00	8-hour	2.551E-03
2-Acetylaminofluorene	BACT		5.100E-07
2-Aminoanthraquinone	BACT		1.021E-04
2-Aminopyridine	8.00	8-hour	5.103E-04
2-Amino-5-(5-Nitro-2-furyl)- 1,3,4-thiadiazole	BACT		5.100E-07

APPENDIX B TO 401 KAR 63:022
(Continued)

Acceptable Ambient Limits and Significant Emission Levels
of Toxic Air Pollutants

Substance	Y*	Average Time	Significant Levels (M)** Pounds Per Hour
2-Butoxyethanol	480.00	8-hour	3.062E-02
2-Ethoxyethanol	76.00	8-hour	4.848E-03
2-Ethoxyethyl acetate	108.00	8-hour	6.889E-03
2-Hydroxypropyl acrylate	12.00	8-hour	7.654E-04
2-Methylaziridine	BACT		5.100E-07
2-Methyl-1-nitroanthraquinone	BACT		1.021E-04
2-Naphthylamine	BACT		5.100E-07
2-Nitropropane	BACT		1.613E-02
2-N-Dibutylaminoethanol	56.00	8-hour	3.572E-03
2-(2-Formylhydrazine)-4- (5-nitro-2-furyl)thiazole	BACT		5.100E-07
3,3'-Dichlorobenzidine	BACT		5.100E-07
3,3'-Dichloro-4,4'-diaminodiphenyl ether	BACT		5.100E-07
3,3'-Dimethoxybenzidine	BACT		5.100E-07
3,3'-Dimethylbenzidine	BACT		5.100E-07
4,4'-Diaminodiphenyl ether	BACT		5.100E-07
4,4'-Methylene bis (2-chloroaniline) (MOCA)	BACT		5.613E-05
4,4'-Methylene bis (2-methylaniline)	BACT		5.103E-04
4,4'-Methylene bis (N,N-dimethyl) benzenamine	BACT		5.100E-07
4,4'-Methylene dianiline	3.20	8-hour	2.041E-04
4,4'-Thiobis (6-tert, butyl-m-cresol)	40.00	8-hour	2.551E-03
4,4'-Thiodianiline	BACT		5.100E-07
4,4'-Methylene dianiline	3.20	8-hour	2.041E-04
4-Aminobiphenyl	BACT		5.100E-07
4-Chloro-ortho-phenylenediamine	BACT		7.654E-04
4-Dimethylaminoazobenzene	BACT		5.100E-07
4-Methoxyphenol	20.00	8-hour	1.276E-03
5-Nitroacenaphthene	BACT		5.100E-07
5-Nitro-o-anisidine	BACT		5.100E-07
5-(Morpholinomethyl)-3[(5- nitrofurfurylidene)amino] - 2-oxazolidinone	BACT		5.100E-07

APPENDIX B TO 401 KAR 63:022
(Continued)

Acceptable Ambient Limits and Significant Emission Levels
of Toxic Air Pollutants

Substance	Y*	Average Time	Significant Levels (M)** Pounds Per Hour
Acetaldehyde	720.00	8-hour	4.593E-02
Acetic acid	100.00	8-hour	6.379E-03
Acetic anhydride	80.00	1-hour	3.583E-03
Acetone	7120.00	8-hour	4.542E-01
Acetonitrile	BACT		1.786E-02
Acetylene tetrabromide	60.00	8-hour	3.827E-03
Acetylsalicylic acid	20.00	8-hour	1.276E-03
Acrolein	1.00	8-hour	6.379E-05
Acrylamide	1.20	8-hour	7.654E-05
Acrylic acid	120.00	8-hour	7.654E-03
Acrylonitrile	BACT		1.148E-03
Actinomycin D	BACT		5.100E-07
Adriamycin	BACT		5.100E-07
Aflatoxins	BACT		5.100E-07
Aldrin	10.00	8-hour	6.379E-04
Allyl alcohol	20.00	8-hour	1.276E-03
Allyl chloride	12.00	8-hour	7.654E-04
Allyl glycidyl ether	88.00	8-hour	5.613E-03
Allyl propyl disulfide	48.00	8-hour	3.062E-03
alpha-Chloroacetophenone	1.20	8-hour	7.654E-05
Aluminum Metal and oxide	40.00	8-hour	2.551E-03
Alkyls (NOC)	8.00	8-hour	5.103E-04
Pyro powders	20.00	8-hour	1.276E-03
Soluble salts	8.00	8-hour	5.103E-04
Welding fumes	20.00	8-hour	1.276E-03
Amitrole	BACT		5.103E-05
Ammonia	72.00	8-hour	4.593E-03
Ammonium chloride	40.00	8-hour	2.551E-03
Ammonium sulfamate	40.00	8-hour	2.551E-03
Aniline	40.00	8-hour	2.551E-03
Antimony Trioxide Production	2.00	8-hour	1.276E-04
Antimony and compounds, as Sb	2.00	8-hour	1.276E-04
ANTU	1.20	8-hour	7.654E-05
Aramite	BACT		5.100E-07
Arsenic and arsenic compounds	BACT		5.103E-05
Arsenic Trioxide Production	BACT		5.103E-05
Arsine	0.80	8-hour	5.103E-05

APPENDIX B TO 401 KAR 63:022
(Continued)

Acceptable Ambient Limits and Significant Emission Levels
of Toxic Air Pollutants

Substance	Y*	Average Time	Significant Levels (M)** Pounds Per Hour
Atrazine	20.00	8-hour	1.276E-03
Auramine	BACT		5.100E-07
Azaserine	BACT		5.100E-07
Azathioprine	BACT		5.100E-07
Azinphos-methyl	0.80	8-hour	5.103E-05
a-Methyl styrene	960.00	8-hour	6.124E-02
Barium soluble compounds, as Ba	2.00	8-hour	1.276E-04
Benomyl	40.00	8-hour	2.551E-03
Benzal chloride	1000.00	8-hour	6.379E-02
Benzene	BACT		7.654E-03
Benzidine	BACT		5.100E-07
Benzotrichloride	BACT		1.276E-03
Benzoyl chloride	20.00	8-hour	1.276E-03
Benzoyl peroxide	20.00	8-hour	1.276E-03
Benzo(a)pyrene	BACT		5.100E-07
Benzo(b)fluoranthene	BACT		5.100E-07
Benzyl chloride	BACT		1.276E-03
Benzyl violet 4B	BACT		5.100E-07
Benz(a)anthracene	BACT		5.100E-07
Beryl ore	BACT		5.103E-07
Beryllium	BACT		5.103E-07
Beryllium carbonate	BACT		5.103E-07
Beryllium chloride	BACT		5.103E-07
Beryllium fluoride	BACT		5.103E-07
Beryllium hydroxide	BACT		5.103E-07
Beryllium oxide	BACT		5.103E-07
Beryllium phosphate	BACT		5.103E-07
Beryllium silicate	BACT		5.103E-07
Beryllium sulfate	BACT		5.103E-07
Beryllium-aluminum alloy	BACT		5.103E-07
beta-Chloroprene	140.00	8-hour	8.930E-03
Biphenyl	6.00	8-hour	3.827E-04
bis Chloromethyl ether	0.02	8-hour	1.276E-06
Bischloroethyl nitrosourea (BCNU)	BACT		5.100E-07
Bismuth telluride	40.00	8-hour	2.551E-03
Bis(2-chloroethyl) ether	120.00	8-hour	7.654E-03
Bis(chloromethyl) ether (BCME)	BACT		1.276E-06

APPENDIX B TO 401 KAR 63:022
(Continued)

Acceptable Ambient Limits and Significant Emission Levels
of Toxic Air Pollutants

Substance	Y*	Average Time	Significant Levels (M)** Pounds Per Hour
Borates, tetra, sodium salts, Anhydrous	4.00	8-hour	2.551E-04
Borates, tetra, sodium salts, Decahydrate	20.00	8-hour	1.276E-03
Borates, tetra, sodium salts, Pentahydrate	4.00	8-hour	2.551E-04
Boron oxide	40.00	8-hour	2.551E-03
Boron tribromide	40.00	1-hour	1.792E-03
Boron trifluoride	12.00	1-hour	5.375E-04
Bromacil	40.00	8-hour	2.551E-03
Bromine pentafluoride	2.80	8-hour	1.786E-04
Bromine	2.80	8-hour	1.786E-04
Bromoform	20.00	8-hour	1.276E-03
Butyl acrylate	220.00	8-hour	1.403E-02
Butyl mercaptan	6.00	8-hour	3.827E-04
Butylamine	60.00	1-hour	2.688E-03
b-Butyrolactone	BACT		5.100E-07
b-Propiolactone	BACT		3.827E-04
Cadmium	BACT		1.276E-05
Cadmium oxide	BACT		8.959E-06
Cadmium sulfate	BACT		1.276E-05
Cadmium sulfide	BACT		1.276E-05
Calcium chromate	0.20	8-hour	1.276E-05
Calcium cyanamide	2.00	8-hour	1.276E-04
Calcium hydroxide	20.00	8-hour	1.276E-03
Calcium oxide	8.00	8-hour	5.103E-04
Camphor, synthetic	48.00	8-hour	3.062E-03
Caprolactam dust	4.00	8-hour	2.551E-04
Caprolactam vapor	80.00	8-hour	5.103E-03
Captafol	0.40	8-hour	2.551E-05
Captan	20.00	8-hour	1.276E-03
Carbaryl	20.00	8-hour	1.276E-03
Carbofuran	0.40	8-hour	2.551E-05
Carbon black	14.00	8-hour	8.930E-04
Carbon disulfide	120.00	8-hour	7.654E-03
Carbon tetrabromide	5.60	8-hour	3.572E-04
Carbon tetrachloride	BACT		7.654E-03

APPENDIX B TO 401 KAR 63:022
(Continued)

Acceptable Ambient Limits and Significant Emission Levels
of Toxic Air Pollutants

Substance	Y*	Average Time	Significant Levels (M)** Pounds Per Hour
Carbonyl fluoride	20.00	8-hour	1.276E-03
Catechol	80.00	8-hour	5.103E-03
Cesium hydroxide	8.00	8-hour	5.103E-04
Chlorambucil	BACT		5.100E-07
Chloramphenicol	BACT		5.100E-07
Chlordane	2.00	8-hour	1.276E-04
Chlordecone (Kepone)	BACT		5.100E-07
Chlorinated camphene	2.00	8-hour	1.276E-04
Chlorinated diphenyl oxide	2.00	8-hour	1.276E-04
Chlorine	12.00	8-hour	7.654E-04
Chlorine dioxide	1.20	8-hour	7.654E-05
Chlorine trifluoride	1.60	1-hour	7.167E-05
Chloroacetaldehyde	12.00	1-hour	5.375E-04
Chloroacetyl chloride	0.80	8-hour	5.103E-05
Chlorobenzene	1400.00	8-hour	8.930E-02
Chlorobromomethane	4200.00	8-hour	2.679E-01
Chlorodiphenyl	2.00	8-hour	1.276E-04
Chloroform	BACT		1.276E-02
Chloromethyl methyl ether (CMME)	BACT		5.100E-07
Chlorophenols	BACT		5.100E-07
Chloropicrin	2.80	8-hour	1.786E-04
Chloroprene	140.00	8-hour	8.930E-03
Chlorpyrifos	0.80	8-hour	5.103E-05
Chromium Metal	2.00	8-hour	1.276E-04
Chromium VI cmpds, certain water insoluble, as Cr	BACT		1.276E-05
Chromium (III) compounds as Cr	2.00	8-hour	1.276E-04
Chromium (II) compounds as Cr	2.00	8-hour	1.276E-04
Chromly chloride	0.60	8-hour	3.827E-05
Chrysene	0.80	8-hour	5.103E-05
Cisplatin	BACT		5.100E-07
Citrus Red No. 2	BACT		5.100E-07
Clopidol	40.00	8-hour	2.551E-03
Coal Tar Pitch Volatiles	0.80	8-hour	5.103E-05
Cobalt carbonyl as Co	0.40	8-hour	2.551E-05
Cobalt hydrocarbonyl as Co	0.40	8-hour	2.551E-05
Cobalt	0.40	8-hour	2.551E-05
Cobalt-chromium alloy	0.20	0.05	1.276E-05

APPENDIX B TO 401 KAR 63:022
(Continued)

Acceptable Ambient Limits and Significant Emission Levels
of Toxic Air Pollutants

Substance	Y*	Average Time	Significant Levels (M)** Pounds Per Hour
Coke oven emissions	BACT		5.103E-05
Copper	0.80	8-hour	5.103E-05
Dusts and mists, as Cu	4.00	8-hour	2.551E-04
Cresol all isomers	88.00	8-hour	5.613E-03
Crotonaldehyde	24.00	8-hour	1.531E-03
Cruformate	20.00	8-hour	1.276E-03
Cumene	980.00	8-hour	6.251E-02
Cupferron	BACT		5.100E-07
Cyanamide	8.00	8-hour	5.103E-04
Cyanides, as CN	20.00	8-hour	1.276E-03
Cyanogen chloride	2.40	1-hour	1.075E-04
Cyanogen	80.00	8-hour	5.103E-03
Cycasin	BACT		5.100E-07
Cyclohexane	4200.00	8-hour	2.679E-01
Cyclohexanol	800.00	8-hour	5.103E-02
Cyclohexanone	400.00	8-hour	2.551E-02
Cyclohexene	4060.00	8-hour	2.590E-01
Cyclohexylamine	160.00	8-hour	1.021E-02
Cyclonite	6.00	8-hour	3.827E-04
Cyclopentadiene	800.00	8-hour	5.103E-02
Cyclopentane	6880.00	8-hour	4.389E-01
Cyclophosphamide	BACT		5.100E-07
Cyhexatin	20.00	8-hour	1.276E-03
Dacarbazine	BACT		5.100E-07
Daunomycin	BACT		5.100E-07
DDT	BACT		2.551E-04
Decaborane	1.20	8-hour	7.654E-05
Demeton	0.40	8-hour	2.551E-05
Diacetone alcohol	960.00	8-hour	6.124E-02
2,4-Diaminotoluene	BACT		5.100E-07
Diazinon	0.40	8-hour	2.551E-05
Diazomethane	1.60	8-hour	1.021E-04
7H-Dibenzo(c,g)carbazole	BACT		5.100E-07
Dibenzo(a,h)pyrene	BACT		5.100E-07
Dibenzo(a,i)pyrene	BACT		5.100E-07
Dibenz(a,h)acridine	BACT		5.100E-07
Dibenz(a,h)anthracene	BACT		5.100E-07

APPENDIX B TO 401 KAR 63:022
(Continued)

Acceptable Ambient Limits and Significant Emission Levels
of Toxic Air Pollutants

Substance	Y*	Average Time	Significant Levels (M)** Pounds Per Hour
Dibenz(a,j)acridine	BACT		5.100E-07
Diborane	0.40	8-hour	2.551E-05
1,2-Dibromoehtane (EDB)	BACT		5.100E-07
Dibutyl phosphate	20.00	8-hour	1.276E-03
Dibutyl phthalate	20.00	8-hour	1.276E-03
Dichloroacetylene	1.60	1-hour	7.167E-05
Dichlorobenzene - ortho	1200.00	1-hour	5.375E-02
Dichlorobenzene - para	1800.00	8-hour	1.148E-01
Dichloroethyl ether	120.00	8-hour	7.654E-03
Dichlorofluoromethane	160.00	8-hour	1.021E-02
Dichloromethane (Methylene chloride)	1400.00	8-hour	8.930E-02
Dichloropropene	20.00	8-hour	1.276E-03
Dichlorvos	4.00	8-hour	2.551E-04
Dicrotophos	1.00	8-hour	6.379E-05
Dicyclopentadiene	120.00	8-hour	7.654E-03
Dicyclopentadienyl iron	40.00	8-hour	2.551E-03
Dieldrin	1.00	8-hour	6.379E-05
Dienoestrol	BACT		5.100E-07
Diepoxybutane	BACT		5.100E-07
Diethanolamine	60.00	8-hour	3.827E-03
Diethyl ketone	2820.00	8-hour	1.799E-01
Diethyl sulfate	BACT		5.100E-07
Diethylamine	120.00	8-hour	7.654E-03
Diethylaminoethanol	200.00	8-hour	1.276E-02
Diethylene triamine	16.00	8-hour	1.021E-03
Diethylstilbestrol (DES)	BACT		5.100E-07
Difluorodibromomethane	3440.00	8-hour	2.194E-01
Diglycidyl ether	2.00	8-hour	1.276E-04
Dihydrosafrole	BACT		5.100E-07
Diisobutyl ketone	1000.00	8-hour	6.379E-02
Diisopropylamine	80.00	8-hour	5.103E-03
Dimethyl acetamide	140.00	8-hour	8.930E-03
Dimethyl sulfate	BACT		1.276E-04
Dimethylamine	72.00	8-hour	4.593E-03
Dimethylaniline	100.00	8-hour	6.379E-03
Dimethylcarbamoyl chloride	BACT		5.100E-07
Dimethylformamide	120.00	8-hour	7.654E-03

APPENDIX B TO 401 KAR 63:022
(Continued)

Acceptable Ambient Limits and Significant Emission Levels
of Toxic Air Pollutants

Substance	Y*	Average Time	Significant Levels (M)** Pounds Per Hour
Dimethylphthalate	20.00	8-hour	1.276E-03
Dinitolmide	20.00	8-hour	1.276E-03
Dinitrobenzene	4.00	8-hour	2.551E-04
Dinitrotoluene	6.00	8-hour	3.827E-04
Dinitro-o-cresol	0.80	8-hour	5.103E-05
Dioxane	360.00	8-hour	2.296E-02
Dioxathion	0.80	8-hour	5.103E-05
Dioxin (2,3,7,8- Tetrachlorodibenzo-p-dioxin)	BACT		5.100E-07
Diphenylamine	40.00	8-hour	2.551E-03
Diphenylhydrazine	0.40	8-hour	2.551E-05
Dipropyl ketone	940.00	8-hour	5.996E-02
Dipropylene glycol methyl ether	2400.00	8-hour	1.531E-01
Diquat	2.00	8-hour	1.276E-04
Direct Black 38	BACT		5.103E-05
Direct Blue 6	BACT		5.103E-05
Direct Brown 95	BACT		5.103E-05
Di-sec, octyl phthalate	20.00	8-hour	1.276E-03
Disulfiram	8.00	8-hour	5.103E-04
Disulfoton	0.40	8-hour	2.551E-05
Diuron	40.00	8-hour	2.551E-03
Divinyl benzene	200.00	8-hour	1.276E-02
Di(2-ethylhexyl)phthalate	BACT		1.276E-03
Endosulfan	0.40	8-hour	2.551E-05
Endrin	0.40	8-hour	2.551E-05
Epichlorohydrin	BACT		2.551E-03
EPN	2.00	8-hour	1.276E-04
Ethanolamine	32.00	8-hour	2.041E-03
Ethinylestradiol	BACT		5.100E-07
Ethion	1.60	8-hour	1.021E-04
Ethyl acetate	5600.00	8-hour	3.572E-01
Ethyl acrylate	80.00	8-hour	5.103E-03
Ethyl amyl ketone	520.00	8-hour	3.317E-02
Ethyl benzene	1740.00	8-hour	1.110E-01
Ethyl bromide	3560.00	8-hour	2.271E-01
Ethyl butyl ketone	920.00	8-hour	5.868E-02
Ethyl chloride	10400.00	8-hour	6.634E-01

APPENDIX B TO 401 KAR 63:022
(Continued)

Acceptable Ambient Limits and Significant Emission Levels
of Toxic Air Pollutants

Substance	Y*	Average Time	Significant Levels (M)** Pounds Per Hour
Ethyl ether	4800.00	8-hour	3.062E-01
Ethyl formate	1200.00	8-hour	7.654E-02
Ethyl mercaptan	4.00	8-hour	2.551E-04
Ethyl methanesulphonate	BACT		5.100E-07
Ethyl silicate	340.00	8-hour	2.169E-02
Ethylamine	72.00	8-hour	4.593E-03
Ethylene chlorohydrin	12.00	1-hour	5.375E-04
Ethylene dibromide (EDB)	BACT		5.100E-07
Ethylene glycol dinitrate	1.20	8-hour	7.654E-05
Ethylene glycol vapor	500.00	1-hour	2.240E-02
Ethylene oxide	BACT		5.103E-04
Ethylene thiourea	BACT		5.100E-07
Ethylenediamine	100.00	8-hour	6.379E-03
Ethylenimine	4.00	8-hour	2.551E-04
Ethylidene norbornene	100.00	1-hour	4.479E-03
Fenamiphos	0.40	8-hour	2.551E-05
Fensulfothion	0.40	8-hour	2.551E-05
Fenthion	0.80	8-hour	5.103E-05
Ferbam	40.00	8-hour	2.551E-03
Ferrovandium dust	4.00	8-hour	2.551E-04
Fonofos	0.40	8-hour	2.551E-05
Formaldehyde	BACT		3.827E-04
Formamide	120.00	8-hour	7.654E-03
Formic acid	36.00	8-hour	2.296E-03
Furfural	32.00	8-hour	2.041E-03
Furfuryl alcohol	160.00	8-hour	1.021E-02
Germanium tetrahydride	2.40	8-hour	1.531E-04
Glutaraldehyde	2.80	1-hour	1.254E-04
Glycidaldehyde	BACT		5.100E-07
Glycidol	300.00	8-hour	1.914E-02
Hafnium	2.00	8-hour	1.276E-04
Hematite underground mining	BACT		1.276E-03
Heptachlor	2.00	8-hour	1.276E-04
Hexachlorobenzene	BACT		7.654E-03
Hexachlorobutadiene	0.96	8-hour	6.124E-05

APPENDIX B TO 401 KAR 63:022
(Continued)

Acceptable Ambient Limits and Significant Emission Levels
of Toxic Air Pollutants

Substance	Y*	Average Time	Significant Levels (M)** Pounds Per Hour
Hexachlorocyclohexane	2.00	8-hour	1.276E-04
Hexachlorocyclopentadiene	0.40	8-hour	2.551E-05
Hexachlorodibenzodioxin	BACT		5.100E-07
Hexachloroethane	BACT		2.551E-02
Hexachloronaphthalene	0.80	8-hour	5.103E-05
Hexafluoroacetone	2.80	8-hour	1.786E-04
Hexamethylphosphoramide	BACT		5.100E-07
Hexylene glycol	500.00	1-hour	2.240E-02
Hydrazine	BACT		2.551E-05
Hydrazine sulfate	BACT		2.551E-05
Hydrazobenzene (1,2- diphenylhydrazine)	BACT		2.551E-05
Hydrogen bromide	40.00	8-hour	2.551E-03
Hydrogen chloride	28.00	1-hour	1.254E-03
Hydrogen cyanide	40.00	1-hour	1.792E-03
Hydrogen peroxide	6.00	8-hour	3.827E-04
Hydrogen selenide as Se	0.80	8-hour	5.103E-05
Hydrogenated terphenyls	20.00	8-hour	1.276E-03
Hydroquinone	8.00	8-hour	5.103E-04
Indene	180.00	8-hour	1.148E-02
Indeno(1,2,3-cd)pyrene	BACT		5.100E-07
Indium and compounds, as In	0.40	8-hour	2.551E-05
Iodine	4.00	1-hour	1.792E-04
Iodoform	40.00	8-hour	2.551E-03
Iron dextran complex	BACT		2.551E-04
Iron pentacarbonyl, as Fe	3.20	8-hour	2.041E-04
Iron salts, soluble, as Fe	4.00	8-hour	2.551E-04
Isoamyl acetate	2100.00	8-hour	1.340E-01
Isoamyl alcohol	1440.00	8-hour	9.185E-02
Isobutyl acetate	2800.00	8-hour	1.786E-01
Isobutyl alcohol	600.00	8-hour	3.827E-02
Isooctyl alcohol	1080.00	8-hour	6.889E-02
Isophorone diisocyanate	0.36	8-hour	2.296E-05
Isophorone	100.00	1-hour	4.479E-03
Isopropoxyethanol	420.00	8-hour	2.679E-02
Isopropyl acetate	3800.00	8-hour	2.424E-01

APPENDIX B TO 401 KAR 63:022
(Continued)

Acceptable Ambient Limits and Significant Emission Levels
of Toxic Air Pollutants

Substance	Y*	Average Time	Significant Levels (M)** Pounds Per Hour
Isopropyl alcohol manufacturing (strong acid process)	BACT		5.100E-07
Isopropyl ether	4200.00	8-hour	2.679E-01
Isopropyl glycidyl ether	960.00	8-hour	6.124E-02
Isopropylamine	48.00	8-hour	3.062E-03
Isosafrole	BACT		5.100E-07
Ketene	3.60	8-hour	2.296E-04
Lasiocarpine	BACT		5.100E-07
Lead, inorg. dusts and fumes, as Pb	0.60	8-hour	3.827E-05
Lead acetate	BACT		3.827E-05
Lead arsenate, as Pb3(AsO4)2	0.60	8-hour	3.827E-05
Lead chromate, as Cr	BACT		1.276E-05
Lead chromate oxide	BACT		1.276E-05
Lead phosphate	BACT		3.827E-05
Lindane (all isomers)	BACT		1.276E-04
Lithium hydride	0.10	8-hour	6.379E-06
Magenta	BACT		5.100E-07
Magnesium oxide fume	40.00	8-hour	2.551E-03
Malathion	40.00	8-hour	2.551E-03
Maleic anhydride	4.00	8-hour	2.551E-04
Manganese cyclopentadienyl tricarbonyl, as Mn	0.40	8-hour	2.551E-05
Manganese tetroxide	4.00	8-hour	2.551E-04
Manganese, Dust and compounds as Mn	20.00	1-hour	8.959E-04
Manganese, Fume, as Mn	4.00	8-hour	2.551E-04
Melphalan	BACT		5.100E-07
Mercury, alkyl compounds, as Hg	0.04	8-hour	2.551E-06
Mercury, as Hg, All forms except alkyl vapor	0.20	8-hour	1.276E-05
Mercury, as Hg, Aryl and inorganic compounds	0.40	8-hour	2.551E-05
Merphalan	BACT		5.100E-07
Mesityl oxide	240.00	8-hour	1.531E-02
Mestranol	BACT		5.100E-07
Methacrylic acid	280.00	8-hour	1.786E-02

APPENDIX B TO 401 KAR 63:022
(Continued)

Acceptable Ambient Limits and Significant Emission Levels
of Toxic Air Pollutants

Substance	Y*	Average Time	Significant Levels (M)** Pounds Per Hour
Methomyl	10.00	8-hour	6.379E-04
Methoxychlor	40.00	8-hour	2.551E-03
2-Methoxyethanol	64.00	8-hour	4.082E-03
2-Methoxyethyl acetate	96.00	8-hour	6.124E-03
4-Methoxyphenol	20.00	8-hour	1.276E-03
Methyl 2-cyanoacrylate	32.00	8-hour	2.041E-03
Methyl acetate	2440.00	8-hour	1.556E-01
Methyl acetylene	6600.00	8-hour	4.210E-01
Methyl acetylene-propadiene mixture	7200.00	8-hour	4.593E-01
Methyl acrylate	140.00	8-hour	8.930E-03
Methyl alcohol	1040.00	8-hour	6.634E-02
Methyl bromide	80.00	8-hour	5.103E-03
Methyl chloride	420.00	8-hour	2.679E-02
Methyl chloroform	7600.00	8-hour	4.848E-01
Methyl demeton	2.00	8-hour	1.276E-04
Methyl ether	4800.00	8-hour	3.062E-01
Methyl ethyl ketone peroxide	6.00	1-hour	2.688E-04
Methyl ethyl ketone	2360.00	8-hour	1.505E-01
Methyl formate	1000.00	8-hour	6.379E-02
Methyl hydrazine	1.40	8-hour	6.271E-05
Methyl iodide	BACT		2.551E-03
Methyl isoamyl ketone	960.00	8-hour	6.124E-02
Methyl isobutyl carbinol	400.00	8-hour	2.551E-02
Methyl isobutyl ketone	820.00	8-hour	5.231E-02
Methyl isocyanate	0.20	8-hour	1.276E-05
Methyl isopropyl ketone	2820.00	8-hour	1.799E-01
Methyl mercaptan	4.00	8-hour	2.551E-04
Methyl methacrylate	1640.00	8-hour	1.046E-01
Methyl methanesulphonate	BACT		5.100E-07
Methyl n-amyl ketone	80.00	8-hour	5.103E-03
Methyl n-butyl ketone	80.00	8-hour	5.103E-03
Methyl parathion	0.80	8-hour	5.103E-05
Methyl propyl ketone	2800.00	8-hour	1.786E-01
Methyl silicate	24.00	8-hour	1.531E-03
Methylacrylonitrile	12.00	8-hour	7.654E-04
Methylal	12400.00	8-hour	7.910E-01
Methylamine	48.00	8-hour	3.062E-03

APPENDIX B TO 401 KAR 63:022
(Continued)

Acceptable Ambient Limits and Significant Emission Levels
of Toxic Air Pollutants

Substance	Y*	Average Time	Significant Levels (M)** Pounds Per Hour
Methylazoxymethanol and its acetate	BACT		5.100E-07
Methylcyclohexane	6400.00	8-hour	4.082E-01
Methylcyclohexanol	940.00	8-hour	5.996E-02
Methylcyclopentadienyl manganese tricarbonyl as Mn	0.80	8-hour	5.103E-05
Methylene bis (4- cyclohexylisocyanate)	0.44	1-hour	1.971E-05
Methylene bisphenyl isocyanate (MDI)	0.80	1-hour	3.583E-05
Methylthiouracil	BACT		5.100E-07
Metribuzin	20.00	8-hour	1.276E-03
Metronidazole	BACT		5.100E-07
Mevinphos	0.40	8-hour	2.551E-05
Michler's ketone (Tetramethyl- diaminobenzophenone)	BACT		5.100E-07
Mirex	BACT		5.100E-07
Mitromycin C	BACT		5.100E-07
Molybdenum, as Mo, Insoluble compounds	40.00	8-hour	2.551E-03
Molybdenum, as Mo, Soluble compounds	20.00	8-hour	1.276E-03
Monocrotaline	BACT		5.100E-07
Monocrotophos	1.00	8-hour	6.379E-05
Morpholine	280.00	8-hour	1.786E-02
Mustard gas (2,2-Dichlorodiethyl sulfide)	BACT		5.100E-07
m-Phthalodinitrile	20.00	8-hour	1.276E-03
m-Xylene alpha,alpha'-diamine	0.40	1-hour	1.792E-05
Nafenopin (perfluorosulfonic acid)	BACT		5.100E-07
Naled	12.00	8-hour	7.654E-04
Naphthalene	200.00	8-hour	1.276E-02
Nickel carbonate	BACT		2.551E-05
Nickel carbonyl	BACT		8.930E-05
Nickel oxide	BACT		2.551E-05
Nickel subsulfide	BACT		2.551E-04
Nickel - metal	BACT		2.551E-04

APPENDIX B TO 401 KAR 63:022
(Continued)

Acceptable Ambient Limits and Significant Emission Levels
of Toxic Air Pollutants

Substance	Y*	Average Time	Significant Levels (M)** Pounds Per Hour
Nickel - soluble compounds, as Ni	BACT		2.551E-05
Nickelocene (dicyclopentadienylnickel)	BACT		2.551E-05
Niridazole	BACT		5.100E-07
Nitrapyrin	40.00	8-hour	2.551E-03
Nitric acid	20.00	8-hour	1.276E-03
Nitriloacetic acid	BACT		5.100E-07
Nitrilotriacetic acid	BACT		5.100E-07
Nitrobenzene	20.00	8-hour	1.276E-03
Nitroethane	1240.00	8-hour	7.910E-02
Nitrofen (2,4-dichlorophenyl-p- nitrophenylether)	BACT		5.100E-07
Nitrogen mustard N-oxide	BACT		5.100E-07
Nitrogen mustard (Mechlorethamine hydrochloride)	BACT		5.100E-07
Nitrogen trifluoride	120.00	8-hour	7.654E-03
Nitroglycerin (NG)	2.00	8-hour	1.276E-04
Nitromethane	1000.00	8-hour	6.379E-02
Nitrotoluene	44.00	8-hour	2.807E-03
Nonane	4200.00	8-hour	2.679E-01
Norethisterone	BACT		5.100E-07
N,N-bis(2-chloroethyl)-2- naphthylamine (Chlornaphazine)	BACT		5.100E-07
N,N-Diacetylbenzidine	BACT		5.100E-07
n-Amyl acetate	2120.00	8-hour	1.352E-01
n-Butyl acetate	2840.00	8-hour	1.812E-01
n-Butyl alcohol	600.00	1-hour	2.688E-02
n-Butyl glycidyl ether	540.00	8-hour	3.444E-02
n-Butyl lactate	100.00	8-hour	6.379E-03
N-Ethylmorpholine	92.00	8-hour	5.868E-03
n-Hexane	720.00	8-hour	4.593E-02
N-Isopropylaniline	40.00	8-hour	2.551E-03
N-Methyl aniline	8.00	8-hour	5.103E-04
N-Methyl-N'-nitro-n- nitrosoguanidine	BACT		5.100E-07
N-Nitrosodiethanolamine	BACT		5.100E-07
N-Nitrosodiethylamine	BACT		5.100E-07
N-Nitrosodimethylamine	BACT		5.100E-07

APPENDIX B TO 401 KAR 63:022
(Continued)

Acceptable Ambient Limits and Significant Emission Levels
of Toxic Air Pollutants

Substance	Y*	Average Time	Significant Levels (M)** Pounds Per Hour
N-Nitrosodi-n-butylamine	BACT		5.100E-07
N-Nitrosodi-n-propylamine	BACT		5.100E-07
N-Nitrosomethylethylamine	BACT		5.100E-07
N-Nitrosomethylvinylamine	BACT		5.100E-07
N-Nitrosomorpholine	BACT		1.786E-02
N-Nitrosornicotine (Nicotine)	BACT		1.276E-04
N-Nitrosopiperidine	BACT		5.100E-07
N-Nitrosopyrrolidine	BACT		5.100E-07
N-Nitrososarcosine	BACT		5.100E-07
N-Nitroso-n-ethylurea	BACT		5.100E-07
N-Nitroso-n-methylurea	BACT		5.100E-07
N-Nitroso-n-methylurethane	BACT		5.100E-07
N-Nitroso-n-propylamine	BACT		5.100E-07
N-Phenyl-2-naphthylamine	BACT		5.100E-07
N-Phenyl-beta-naphthylamine	BACT		5.100E-07
n-Propyl acetate	3360.00	8-hour	2.143E-01
n-Propyl nitrate	420.00	8-hour	2.679E-02
N-[4-(5-Nitro-2-furyl)-2-thiazolyl] acetamide	BACT		5.100E-07
Octachloronaphthalene	0.40	8-hour	2.551E-05
Oestradiol-17 beta	BACT		5.100E-07
Oestrone	BACT		5.100E-07
Oil orange SS (phenylazo-2-naphthol)	BACT		5.100E-07
Osmium tetroxide, as Os	0.01	8-hour	5.103E-07
Oxalic acid	4.00	8-hour	2.551E-04
Oxymetholone	BACT		5.100E-07
o-Aminoazotoluene	BACT		5.100E-07
o-Anisidine	BACT		1.276E-04
o-Anisidine Hydrochloride	BACT		1.276E-04
o-Chlorobenzylidene malononitrile	1.60	1-hour	7.167E-05
o-Chlorostyrene	1140.00	8-hour	7.272E-02
o-Chlorotoluene	1000.00	8-hour	6.379E-02
o-Methylcyclohexanone	920.00	8-hour	5.868E-02
o-sec-Butylphenol	120.00	8-hour	7.654E-03
o-Tolidine	BACT		5.100E-07
o-Toluidine	BACT		2.296E-03

APPENDIX B TO 401 KAR 63:022
(Continued)

Acceptable Ambient Limits and Significant Emission Levels
of Toxic Air Pollutants

Substance	Y*	Average Time	Significant Levels (M)** Pounds Per Hour
o-Toluidine hydrochloride	BACT		2.296E-03
Panfuran S (Dihydroxymethyl- furatrizine)	BACT		5.100E-07
Paraffin wax fume	8.00	8-hour	5.103E-04
Paraquat	0.40	8-hour	2.551E-05
Parathion	0.40	8-hour	2.551E-05
Pentaborane	0.04	8-hour	2.551E-06
Pentachloronaphthalene	2.00	8-hour	1.276E-04
Pentachlorophenol	2.00	8-hour	1.276E-04
Perchloroethylene	1340.00	8-hour	8.548E-02
Perchloromethyl mercaptan	3.20	8-hour	2.041E-04
Perchloryl fluoride	56.00	8-hour	3.572E-03
Phenacetin	BACT		5.100E-07
Phenazopyridine	BACT		5.100E-07
Phenazopyridine hydrochloride	BACT		5.100E-07
Phenol	76.00	8-hour	4.848E-03
Phenothiazine	20.00	8-hour	1.276E-03
Phenoxyacetic acid Herbicides	BACT		5.100E-07
Phenoxybenzamine and its hydrochloride	BACT		5.100E-07
Phenyl ether	28.00	8-hour	1.786E-03
Phenyl glycidyl ether	24.00	8-hour	1.531E-03
Phenyl mercaptan	8.00	8-hour	5.103E-04
Phenylhydrazine	80.00	8-hour	5.103E-03
Phenylphosphine	1.00	1-hour	4.479E-05
Phenytol and sodium salt of phenytol	BACT		5.100E-07
Phorate	0.20	8-hour	1.276E-05
Phosgene	1.60	8-hour	1.021E-04
Phosphine	1.60	8-hour	1.021E-04
Phosphoric acid	4.00	8-hour	2.551E-04
Phosphorus oxychloride	2.40	8-hour	1.531E-04
Phosphorus pentachloride	4.00	8-hour	2.551E-04
Phosphorus pentasulfide	4.00	8-hour	2.551E-04
Phosphorus trichloride	6.00	8-hour	3.827E-04
Phosphorus	0.40	8-hour	2.551E-05
Phthalic anhydride	24.00	8-hour	1.531E-03

APPENDIX B TO 401 KAR 63:022
(Continued)

Acceptable Ambient Limits and Significant Emission Levels
of Toxic Air Pollutants

Substance	Y*	Average Time	Significant Levels (M)** Pounds Per Hour
Picloram	40.00	8-hour	2.551E-03
Picric acid	0.40	8-hour	2.551E-05
Pindone	0.40	8-hour	2.551E-05
Piperazine dihydrochloride	20.00	8-hour	1.276E-03
Platinum Metal	4.00	8-hour	2.551E-04
Platinum Soluble salts, as Pt	0.01	8-hour	5.103E-07
Polybrominated biphenyls (PBBs)	BACT		1.276E-04
Polychlorinated biphenyls (PCBs)	BACT		1.276E-04
Ponceau 3R	BACT		5.100E-07
Ponceau MX	BACT		5.100E-07
Potassium hydroxide	8.00	1-hour	3.583E-04
Procarbazine	BACT		5.100E-07
Procarbazine hydrochloride	BACT		5.100E-07
Progesterone	BACT		5.100E-07
Propargyl alcohol	8.00	8-hour	5.103E-04
Propionic acid	120.00	8-hour	7.654E-03
Propoxur	2.00	8-hour	1.276E-04
Propyl alcohol	2000.00	8-hour	1.276E-01
Propylene dichloride	1400.00	8-hour	8.930E-02
Propylene glycol dinitrate	1.20	8-hour	7.654E-05
Propylene glycol monomethyl ether	1440.00	8-hour	9.185E-02
Propylene imine	20.00	8-hour	1.276E-03
Propylene oxide	200.00	8-hour	1.276E-02
Propylthiouracil	BACT		5.100E-07
Pyrethrum	20.00	8-hour	1.276E-03
Pyridine	60.00	8-hour	3.827E-03
p-Cresidine	BACT		5.100E-07
p-Nitroaniline	12.00	8-hour	7.654E-04
p-Nitrochlorobenzene	12.00	8-hour	7.654E-04
p-Nitrosodiphenylamine	BACT		5.100E-07
p-Phenylene diamine	0.40	8-hour	2.551E-05
p-tert-Butyltoluene	240.00	8-hour	1.531E-02
p-Toluidine	36.00	8-hour	2.296E-03
Quinone	1.60	8-hour	1.021E-04
Reserpine	BACT		5.100E-07
Resorcinol	180.00	8-hour	1.148E-02

APPENDIX B TO 401 KAR 63:022
(Continued)

Acceptable Ambient Limits and Significant Emission Levels
of Toxic Air Pollutants

Substance	Y*	Average Time	Significant Levels (M)** Pounds Per Hour
Rhodium Metal and Insoluble compounds, as Rh	4.00	8-hour	2.551E-04
Rhodium, Soluble compounds, as Rh	0.04	8-hour	2.551E-06
Ronnel	40.00	8-hour	2.551E-03
Rosin core solder pyrolysis products, as formaldehyde	0.40	8-hour	2.551E-05
Rotenone	20.00	8-hour	1.276E-03
Saccharin	BACT		5.100E-07
Safrole	BACT		5.100E-07
sec-Amyl acetate	2660.00	8-hour	1.697E-01
sec-Butyl acetate	3800.00	8-hour	2.424E-01
sec-Butyl alcohol	1220.00	8-hour	7.782E-02
sec-Hexyl acetate	1200.00	8-hour	7.654E-02
Selenium compounds, as Se	0.80	8-hour	5.103E-05
Selenium hexafluoride	0.80	8-hour	5.103E-05
Selenium sulfide	BACT		5.103E-05
Sesone	40.00	8-hour	2.551E-03
Silicon tetrahydride	28.00	8-hour	1.786E-03
Silver Metal	0.40	8-hour	2.551E-05
Silver Soluble compounds, as Ag	0.04	8-hour	2.551E-06
Sintered calcium chromate	BACT		1.276E-05
Sintered chromium trioxide	BACT		1.276E-05
Sodium arsenate	0.80	8-hour	5.103E-05
Sodium arsenite	0.80	8-hour	5.103E-05
Sodium azide	1.20	1-hour	5.375E-05
Sodium bisulfite	20.00	8-hour	1.276E-03
Sodium dichromate	BACT		1.276E-05
Sodium fluoroacetate	0.20	8-hour	1.276E-05
Sodium hydroxide	8.00	1-hour	3.583E-04
Sodium metabisulfite	20.00	8-hour	1.276E-03
Sodium saccharin	BACT		5.100E-07
Spironolactone	BACT		5.100E-07
Sterigmatocystin	BACT		5.100E-07
Stibine	2.00	8-hour	1.276E-04
Streptozotocin	BACT		5.100E-07
Strontium chromate	BACT		1.276E-05
Strychnine	0.60	8-hour	3.827E-05

APPENDIX B TO 401 KAR 63:022
(Continued)

Acceptable Ambient Limits and Significant Emission Levels
of Toxic Air Pollutants

Substance	Y*	Average Time	Significant Levels (M)** Pounds Per Hour
Styrene, monomer	860.00	8-hour	5.486E-02
Styrene oxide	860.00	8-hour	5.486E-02
Subtilisins (Proteolytic enzymes as 100% pure crystalline enzyme)	2.40E-04	1-hour	1.075E-08
Sulfallate	BACT		5.100E-07
Sulfotep	0.80	8-hour	5.103E-05
Sulfur monochloride	24.00	8-hour	1.531E-03
Sulfur pentafluoride	1.00	8-hour	6.379E-05
Sulfur tetrafluoride	1.60	8-hour	1.021E-04
Sulfuric acid	4.00	8-hour	2.551E-04
Sulfuryl fluoride	80.00	8-hour	5.103E-03
Sulprofos	4.00	8-hour	2.551E-04
Tantalum	20.00	8-hour	1.276E-03
Tellurium hexafluoride, as Te	0.80	8-hour	5.103E-05
Tellurium and compounds, as Te	0.40	8-hour	2.551E-05
Temephos	40.00	8-hour	2.551E-03
TEPP	0.20	8-hour	1.276E-05
Terphenyls	20.00	1-hour	8.959E-04
tert-Butyl acetate	3800.00	8-hour	2.424E-01
tert-Butyl alcohol	1200.00	8-hour	7.654E-02
tert-Butyl chromate as Cr	0.40	1-hour	1.792E-05
Testosterone and its esters	BACT		5.100E-07
Tetrachloronaphthalene	8.00	8-hour	5.103E-04
Tetraethyl lead, as Pb	0.40	8-hour	2.551E-05
Tetrahydrofuran	2360.00	8-hour	1.505E-01
Tetramethyl lead, as Pb	0.60	8-hour	3.827E-05
Tetramethyl succinonitrile	12.00	8-hour	7.654E-04
Tetranitromethane	32.00	8-hour	2.041E-03
Tetrasodium pyrophosphate	20.00	8-hour	1.276E-03
Tetryl	6.00	8-hour	3.827E-04
Thallium Soluble compounds, as Tl	0.40	8-hour	2.551E-05
Thioacetamide	BACT		5.100E-07
Thioglycolic acid	16.00	8-hour	1.021E-03
Thiourea	BACT		5.100E-07
Thiram	20.00	8-hour	1.276E-03
Thorium dioxide	BACT		5.100E-07
Tin, organic compounds, as Sn	0.40	8-hour	2.551E-05

APPENDIX B TO 401 KAR 63:022
(Continued)

Acceptable Ambient Limits and Significant Emission Levels
of Toxic Air Pollutants

Substance	Y*	Average Time	Significant Levels (M)** Pounds Per Hour
Tin, oxide, metal and inorganic cmpds. except SnH ₄ , as Sn	8.00	8-hour	5.103E-04
Titanium dioxide	20.00	8-hour	1.276E-03
Toluene 2,4-Diisocyanate (TDI)	0.16	8-hour	1.021E-05
Toluene	1500.00	8-hour	9.568E-02
Toxaphene (Polychlorinated camphenes)	BACT		1.276E-04
Trans-2[(Dimethylamino)- methyliminol]-5-[2-(5-nitro- 2furyl)vinyl]-1,3,4-oxadiazole	BACT		5.100E-07
Treosulphan	BACT		5.100E-07
Tributyl phosphate	10.00	8-hour	6.379E-04
Trichloroacetic acid	28.00	8-hour	1.786E-03
Trichloroethylene	1080.00	8-hour	6.889E-02
Trichloronaphthalene	20.00	8-hour	1.276E-03
Triethylamine	160.00	8-hour	1.021E-02
Trimellitic anhydride	0.16	8-hour	1.021E-05
Trimethyl benzene	500.00	8-hour	3.189E-02
Trimethyl phosphite	40.00	8-hour	2.551E-03
Trimethylamine	96.00	8-hour	6.124E-03
Triorthocresyl phosphate	0.40	8-hour	2.551E-05
Triphenyl amine	20.00	8-hour	1.276E-03
Triphenyl phosphate	12.00	8-hour	7.654E-04
Tris (2,3-dibromopropyl) phosphite	BACT		5.100E-07
Tris (2,3-dibromopropyl)phosphate	BACT		5.100E-07
Tris(1-aziridinyl)phosphine sulfide (Thiotepa)	BACT		5.100E-07
Tris(aziridinyl)-para-benzoquinone (Triaziquone)	BACT		5.100E-07
Trypan blue (commercial grade)	BACT		5.100E-07
Tungsten, as W, Insoluble compounds	20.00	8-hour	1.276E-03
Tungsten, as W, Soluble compounds	4.00	8-hour	2.551E-04
Uracil mustard	BACT		5.100E-07
Uranium Compounds, as U	0.80	8-hour	5.103E-05
Urethane	BACT		5.100E-07

APPENDIX B TO 401 KAR 63:022
(Continued)

Acceptable Ambient Limits and Significant Emission Levels
of Toxic Air Pollutants

Substance	Y*	Average Time	Significant Levels (M)** Pounds Per Hour
Valeraldehyde	700.00	8-hour	4.465E-02
Vanadium, as V ₂ O ₅ , Respirable dust and fume	0.20	8-hour	1.276E-05
Vinyl acetate	120.00	8-hour	7.654E-03
Vinyl bromide	80.00	8-hour	5.103E-03
Vinyl cyclohexene dioxide	240.00	8-hour	1.531E-02
Vinyl toluene	960.00	8-hour	6.124E-02
Vinylidene chloride	80.00	8-hour	5.103E-03
Warfarin	0.40	8-hour	2.551E-05
Welding fumes	20.00	8-hour	1.276E-03
Xylene (o-, m-, p-isomers)	1740.00	8-hour	1.110E-01
Xylidine	40.00	8-hour	2.551E-03
Yttrium	4.00	8-hour	2.551E-04
Zinc beryllium silicate	BACT		5.103E-07
Zinc chloride fume	4.00	8-hour	2.551E-04
Zinc chromate	BACT		1.276E-05
Zinc oxide Fume	20.00	8-hour	1.276E-03
Zirconium compounds, as Zr	20.00	8-hour	1.276E-03

*Acceptable Ambient Limit, AAL, (mg/m³) = $\frac{Y}{T}$

Where T = Hours of emission of the substance per week from the source, except that T = 40 if the hours per week of emission are less than 40.

**The Significant Levels (M) may be adjusted for the height of release (H) and hours of emission (T), using the procedures in Appendix C.

APPENDIX C TO 401 KAR 63:022

Correction Factors for Height of Release
and Hours of Emission

Minimum Height of Release (H)		Height of Release Correction Factor (K)
(meters)	(feet)	
1	3.3	1
2	6.6	4
3	9.9	12
4	13.1	24
5	16.4	41
6	19.7	62
7	23.0	89
8	26.2	121
9	29.5	159
10	32.8	204
15	49.2	489
20	65.6	901
25	82.0	1429
30	98.4	2037
35	114.8	2738
40	131.2	3535
45	147.6	4418
50	164.0	5394
55	180.4	6405
60	196.9	7494
65	213.3	8622

The Significant Level (L) in Section 1 (2) (e) shall be calculated from the formula:

$$L = M \times K \times \left(\frac{168}{T} \right)$$

Where:

L = Adjusted significant level (lbs/hr)

M = Significant level (lbs/hr) for the substance as listed in Appendix B.

K = Height of release correction factor from the table above. H is the minimum height of release of the substance from the source. When H is between two values, the lower number shall be used.

T = Hours of emission of the substance per week from the source, except that T = 40 if the hours per week of emission are less than 40.

JUSTICE CABINET
Department of State Police

502 KAR 15:020. Abandoned vehicles;
definitions.

RELATES TO: KRS 189.450, 189.752, 189.753

PURSUANT TO: KRS 189.753(3)

NECESSITY AND FUNCTION: KRS 189.753(3) directs the Department of State Police to locate abandoned vehicles, order their removal from the rights-of-way of state highways, and notify the owners of vehicles. This regulation is adopted to define the procedures for location, removal, notification of owners and sale of abandoned vehicles.

Section 1. The department shall locate, order removal of, and send notification to the owner of vehicles which are abandoned on the rights-of-way of state highways. This regulation will not affect vehicles abandoned on toll roads, interstate highways or other fully controlled access highways as defined in 603 KAR 5:020.

Section 2. Definitions. (1) "Presumed abandoned" means it has been determined that a vehicle has been left upon the rights-of-way of a state highway for fifteen (15) consecutive days.

(2) "Rights-of-way" means in addition to the actual width of a state highway and the area between any separated highway, those areas lying outside the shoulders and ditch lines and within any landmarks such as fences, fence posts, cornerstones or other similar monuments indicating the boundary line.

Section 3. Location of Abandoned Vehicles. When the Department of State Police observes a vehicle that is apparently abandoned on a state highway, a stalled vehicle check form shall be affixed to the vehicle noting the date and location. Notwithstanding the provisions of KRS 189.450, the vehicle shall be presumed abandoned if it remains at the location for fifteen (15) consecutive days.

Section 4. Removal and Storage of Abandoned Vehicles. (1) When a vehicle is presumed abandoned, the Department of State Police may order any person engaged in the business of storing or towing motor vehicles to remove the abandoned vehicle to a site chosen by such person.

(2) As soon as practicable, the Department of State Police shall if possible notify the owner by certified mail that the vehicle was illegally upon public property; the present location of the vehicle; that retrieval will require payment of towing and storage charges; and that the vehicle may be sold if not claimed within sixty (60) days.

(3) No notification shall be required if ownership cannot be determined.

(4) Notice by the Department of State Police shall constitute substantial compliance of the notice requirement by the towing and storing business.

Section 5. Sale of Abandoned Vehicles. (1) If after a period of sixty (60) days the reasonable charges for towing and storing the vehicle have not been paid, the vehicle may be sold by the

owner of the towing or storing facility to pay the charges.

(2) Prior to setting any date for sale, the towing or storage facility shall contact the state police and determine if the vehicle is part of an ongoing investigation which would preclude sale, and to inform the state police of any anticipated date of sale.

(3) Ten (10) days prior to the sale, the towing or storing facility shall send a certified letter to the owner stating the time and place of the sale.

(4) If the owner fails to respond to this second notice or make provisions to pay the towing and storage charges, the vehicle may be sold pursuant to KRS 376.275.

(5) In the event of such sale, the state shall receive any proceeds after the satisfaction of all liens placed on the vehicle.

(6) The towing or storage facility selling any vehicle shall by affidavit inform the Department of State Police of the towing and storage charges, the proceeds of the sale, and transmit any excess funds which shall be deposited in the state police agency fund account.

MORGAN T. ELKINS, Commissioner

APPROVED BY AGENCY: July 24, 1986

FILED WITH LRC: July 24, 1986 at 2:30 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on Monday, September 22, 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: Lt. Colonel James Evans, Director, Operations Division, Kentucky State Police, 919 Versailles Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Lt. Colonel Evans

(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: N/A

(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: KRS 376.275

(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. N/A

JUSTICE CABINET
Department of State Police

502 KAR 50:010. Admissibility of evidence.

RELATES TO: KRS 16.140

PURSUANT TO: KRS 16.140(8)

NECESSITY AND FUNCTION: KRS 16.140 establishes a trial board within the Department of State Police to hear charges against officers. KRS 16.140(8) provides that the commissioner may promulgate reasonable rules and regulations governing the procedure before the trial board. This regulation is necessary to define the standards for the admissibility of evidence in proceedings before the trial board.

Section 1. Presiding Officer. The Commissioner of the Kentucky State Police shall preside over all trial board proceedings and shall rule on all motions and objections. The presiding officer may, if he so desires, have assistance of counsel to rule on evidentiary or procedural matters. If for any reason the commissioner is unable to preside, the members of the trial board shall select one of their number to preside. The commissioner or other presiding member shall not vote or otherwise participate in the trial board's determination of guilt or innocence or in the setting of the punishment.

Section 2. Strict Rules of Evidence not to Apply. 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 trial board; 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. Irrelevant, immaterial, or unduly repetitious evidence may be excluded and the presiding officer shall give effect to the rules of privilege recognized by the laws of the Commonwealth of Kentucky.

Section 3. Judicial Notice. The presiding officer may take judicial notice of matters of common knowledge that are beyond reasonable dispute, statutes, and official court records.

Section 4. Interrogation of Witnesses. The rules of law that apply to state court proceedings concerning the manner and scope of examination and cross-examination of witnesses shall apply to trial board proceedings.

Section 5. Impeachment of Witnesses. The rules of law concerning the impeachment of witnesses that apply to state court proceedings shall apply to trial board proceedings.

MORGAN T. ELKINS, Commissioner

APPROVED BY AGENCY: August 13, 1986

FILED WITH LRC: August 14, 1986 at 9 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled on September 22, 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: Christopher W. Johnson, Kentucky State Police, Legal Office, 919

Versailles Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Christopher W. Johnson

(1) Type and number of entities affected: The Department's Trial Board.

(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: N/A

(2) Effects on the promulgating administrative body: Promulgates evidentiary rules for administrative proceedings.

(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: 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. Not applicable.

TRANSPORTATION CABINET
Department of Highways

603 KAR 5:190. Vehicles prohibited on I-75 and I-71.

RELATES TO: KRS 189.231

PURSUANT TO: KRS 189.231

NECESSITY AND FUNCTION: KRS 189.231 authorizes the Secretary of Transportation to restrict or regulate traffic on state-maintained highways in such manner as is reasonably necessary to promote the safety and convenience of the traveling public. The purpose of this administrative regulation is to promote public safety by restricting and regulating the use of a specific portion of a state-maintained highway from certain types of vehicles.

Section 1. Definitions. As used in this regulation, the hereinafter set forth terms shall have the following meaning:

(1) "Truck tractor" means any self-propelled vehicle designed to support and/or to draw the front end of a trailer, semitrailer or mobile home.

(2) "Semitrailer" means a vehicle designed to be attached to and/or have its front end supported by a truck tractor. It is intended to be used for the carrying of freight, cargo, or merchandise and has a load capacity in excess of 1,000 pounds.

(3) "Mobile home" means a movable or portable dwelling in excess of 102 inches, constructed to be towed on its own chassis by a truck tractor,

connected to utilities, and designed without a permanent foundation for year-round living.

(4) "Trailer" means any vehicle designed for carrying persons or property and being drawn by a motor vehicle and being so constructed that no part of its weight rests upon the towing vehicle.

Section 2. Prohibition. All truck tractor-mobile home combinations in excess of 102 inches in length, truck tractor-semitrailer combinations, and truck tractor-semitrailer-trailer combinations except as identified in Section 3 of this regulation, are prohibited from operating in a northbound direction on that portion of Interstate Highway 75 and 71 (I-75 and I-71) in Kenton County from the junction of I-75 and I-71 and Interstate Highway 275 (I-275) to the Ohio state line located on the I-75 Brent-Spence Bridge, a distance of seven and one-tenth (7.1) miles.

Section 3. Exceptions. Those truck tractor-mobile home combinations, truck tractor-semitrailer combinations, and truck tractor-semitrailer-trailer combinations having local trips in that portion of the Cincinnati-Northern Kentucky urbanized area located within the perimeter of I-275 may travel upon the restricted-use section of I-75 and I-71 northbound for the purpose of such local trips. Such a vehicle operator shall have in his possession a bill of lading, manifest or other proof showing the necessity for the local trip within the perimeter of I-275. Such proof is subject to inspection by Transportation Cabinet Vehicle Enforcement Officers and other local and state law enforcement officers.

C. LESLIE DAWSON, Secretary

APPROVED BY AGENCY: July 24, 1986

FILED WITH LRC: July 24, 1986 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public comment hearing will be held on this proposed administrative regulation on September 25, 1986 at 10 a.m., local prevailing time. The hearing will be held in the 4th floor hearing room of the State Office Building. The State Office Building is located at the corner of High and Clinton Streets in Frankfort, Kentucky. Any person who intends to attend this hearing must, in writing by September 20, 1986 so notify: Sandra G. Pullen, Executive's Staff Advisor, Transportation Cabinet, 1003 State Office Building, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sandra G. Pullen

(1) Type and number of entities affected: Up to 33,000 motor carriers.

(a) Direct and indirect costs or savings to those affected: Possible additional cost of fuel and time due to the added length of trips around the Cincinnati-Northern Kentucky metropolitan area.

1. First year: Cost to each company will depend upon how many longer trips must be made.

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

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: Same as above
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: The only alternative was to continue to allow truck traffic to operate on a dangerous stretch of highway. This alternative was rejected in the interest of public safety.

(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? Yes.

TRANSPORTATION CABINET Department of Highways

603 KAR 5:200. Vehicles prohibited on I-471.

RELATES TO: KRS 189.231

PURSUANT TO: KRS 189.231

NECESSITY AND FUNCTION: KRS 189.231 authorizes the Secretary of Transportation to restrict or regulate traffic on state-maintained highways in such manner as is reasonably necessary to promote the safety and convenience of the traveling public. The purpose of this administrative regulation is to promote public safety by restricting and regulating the use of a specific portion of a state-maintained highway from certain types of vehicles.

Section 1. Definitions. As used in this regulation, the hereinafter set forth terms shall have the following meaning:

(1) "Truck tractor" means any self-propelled vehicle designed to support and/or to draw the front end of a trailer, semitrailer or mobile home.

(2) "Semitrailer" means a vehicle designed to be attached to and/or have its front end supported by a truck tractor. It is intended to be used for the carrying of freight, cargo, or merchandise and has a load capacity in excess of 1,000 pounds.

(3) "Mobile home" means a movable or portable dwelling in excess of 102 inches, constructed to be towed on its own chassis by a truck tractor, connected to utilities, and designed without a permanent foundation for year-round living.

(4) "Trailer" means any vehicle designed for carrying persons or property and being drawn by a motor vehicle and being so constructed that no part of its weight rests upon the towing vehicle.

Section 2. Prohibition. All truck tractor-mobile home combinations in excess of 102 inches in length, truck tractor-semitrailer combinations, and truck tractor-semitrailer-trailer combinations except as identified in Section 3 of this regulation, are prohibited from operating in a northbound direction on that portion of Interstate Highway 471 (I-471) in Campbell County from the junction of Interstate

Highway 275 (I-275) to the Ohio state line located on the I-471 Daniel Carter Beard Bridge.

Section 3. Exceptions. Those truck tractor-mobile home combinations, truck tractor-semitrailer combinations, and truck tractor-semitrailer-trailer combinations having local trips in that portion of the Cincinnati-Northern Kentucky urbanized area located within the perimeter of I-275 may travel upon the restricted-use section of I-471 northbound for the purpose of such local trips. Such a vehicle operator shall have in his possession a bill of lading, manifest or other proof showing the necessity for the local trip within the perimeter of I-275. Such proof is subject to inspection by Transportation Cabinet Vehicle Enforcement Officers and other local and state law enforcement officers.

C. LESLIE DAWSON, Secretary

APPROVED BY AGENCY: July 24, 1986

FILED WITH LRC: July 24, 1986 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public comment hearing will be held on this proposed administrative regulation on September 25, 1986 at 10 a.m., local prevailing time. The hearing will be held in the 4th floor hearing room of the State Office Building. The State Office Building is located at the corner of High and Clinton Streets in Frankfort, Kentucky. Any person who intends to attend this hearing must, in writing by September 20, 1986 so notify: Sandra G. Pullen, Executive's Staff Advisor, Transportation Cabinet, 1003 State Office Building, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sandra G. Pullen

(1) Type and number of entities affected: Up to 33,000 motor carriers.

(a) Direct and indirect costs or savings to those affected: Possible additional cost of fuel and time due to the added length of trips around the Cincinnati-Northern Kentucky metropolitan area.

1. First year: Cost to each company will depend upon how many longer trips must be made.

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

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: Same as above

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: The only alternative was to continue to allow truck traffic to operate on the stretch of highway. With the additional traffic caused by the restriction of traffic on I-75 and 71 this highway could potentially be dangerous. This alternative was rejected in the interest of public safety.

(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? Yes.

EDUCATION AND HUMANITIES CABINET Department for Libraries and Archives

725 KAR 1:050. Records management program.

RELATES TO: KRS Chapter 171

PURSUANT TO: KRS 171.450(2), 171.520

NECESSITY AND FUNCTION: KRS 171.450(2)

requires that the department shall enforce the provisions of KRS 171.410 to 171.740 by appropriate rules and regulations. KRS 171.520 requires the department to prescribe the policies and principles to be followed by state and local agencies in the conduct of their records management programs; to ensure the maintenance and security of records deemed appropriate for preservation; to facilitate the segregation and disposal of records of temporary value and to promote the effective and economical use of space, equipment and supplies needed for the purpose of creating, maintaining, and servicing records. KRS 171.520 also authorizes the department to administer and grant any money appropriated to it for providing and improving records management programs of state and local agencies. This proposed administrative regulation is to assure uniform policies in the administration of grants to local governments for the improvement of records management programs.

Section 1. Eligibility of Applicants. Any local government office interested in improving the management and preservation of its public records may apply for a grant under the local records program by completing application forms available through the department. For the purposes of this program, a local government office should conform to the definition of "public agency" as cited in KRS 61.870(1).

Section 2. Application Procedures. All applications must be submitted on the official application form and include a detailed project description, plan of work, and budget request. Entries on the application form and any required supporting documents should be typed and completed as fully as possible, with additional sheets attached if necessary. In signing the application and in accepting a grant award, applicants agree, in carrying out their projects, to abide by specific conditions set by the department.

Section 3. Categories for Funding. Any project which seeks to improve the management and preservation of local public records will be considered. Categories for funding include, but are not limited to:

(1) Security microfilming vital (critical for the functioning of the office) or historically significant records using Public Records Division standards. Security microfilming carried out with local records grant funds must be done through a micrographics laboratory or

service bureau certified by the department and officially recognized by the State Archives and Records Commission. A list of the names of currently certified laboratories can be obtained from the department.

(2) Rerecording projects, for rerecording damaged records or records originally recorded with a non-permanent process and now losing their image, using archivally acceptable methods of recording on paper or microfilm.

(3) Document preservation projects, to carry out preservation or conservation measures on endangered records of major historical significance.

(4) Purchasing document conservation supplies.

(5) Establishing a local government records management program or archives. This could include hiring or partially subsidizing the salary of a qualified archivist who will work with department personnel in initiating a specific, time-limited project according to department standards. Requests for salary support will be evaluated on a case-by-case basis. Such funds are not designed for ongoing support, and they cannot be used to replace salary funds already being expended by the local government. They can be used as short term salary supplements.

(6) Arranging and describing archival holdings, according to standards and/or formats approved by the department.

(7) Purchasing supplies and equipment which promote preservation of or access to archival materials, including acid-free boxes and folders, shelving, cabinets, and equipment to read microfilm.

(8) Improving storage conditions, rehabilitating storage areas, installing physical security systems, or providing for adequate environmental conditions in areas where records are stored.

(9) Codification of ordinances for cities and counties, using a codification services vendor approved by the department. Funds are available for production of initial codes but not for code supplements.

Section 4. Grant Award Periods. Grants are awarded on a state fiscal year basis, and applicants are encouraged to design projects which can be completed during that period. Applicants with longer term needs are encouraged to identify phases into which their projects can conveniently be divided, and they are urged to carry out their work in stages, each of which could be eligible for grant support in future grant cycles, pending satisfactory completion of each stage.

Section 5. Grant Review and Evaluation. Applications are reviewed by the Local Records Grant Review Committee and the State Archives and Records Commission. Recommendations of these groups are forwarded to the commissioner of the department, who makes the final decision on grant awards.

Section 6. Grant Review Criteria. In reviewing applications and recommending the funding of specific projects, reviewers judge the projects by criteria which may include the following:

(1) Urgency of the problem, significance and age of the records. The commission and other evaluation groups will pay special attention to those local government applicants with critical

records problems and to those with older records and with chronologically complete groupings of records.

(2) Value as a model and type for size and geographical location of the local government. The program strives to assure equity in the geographic distribution of grant projects. The program includes projects in various types and sizes of local governments, and a major goal is to provide model projects in all areas of the state.

(3) Soundness of the proposed methods. The methods of handling the records should conform to generally accepted professional standards of records management and archival theory and practice.

(4) Commitment of local government resources to the project. The commission and other evaluation groups will give preference to local governments which commit some local resources to the proposed projects. Such support might take the form of adequate office, storage, or working space; personnel; supplies; equipment; or a monetary contribution. Evidence of previous concern or commitment of support to improved local records management and preservation will also be important factors in the reviewers' evaluation.

(5) Commitment by the local government to maintain the program or the lasting benefit of a specific project. This could include provisions for maintaining the accuracy and currency of a grant-funded code of ordinances with annual supplements, providing adequate storage space, designating of a person or persons responsible for maintaining and adding to a local archives, adhering to all standards for archival microfilming, or being willing to assume the cost of future security microfilming of relevant records.

(6) Adequate security and protection of records. Local governments should house records in secure, fire resistant facilities, or should state how the proposed project will safeguard the records in question. Applicants should take into account the requirements of KR 171.710 regarding the safeguarding of public records.

(7) Compliance with all legal requirements regarding custody and public access. This would include complying with the requirements of the state's Open Records Law (KRS 61.870-876) and providing access to the general public in an area with proper security and supervision.

(8) Commitment by the local government to a comprehensive records management program. This would include regular legal disposition of obsolete records in accord with the records control schedules covering the records of a local government agency, and might also include files control, segregation of inactive or noncurrent material from active files, selective microfilming (where appropriate), and training of records personnel in records management techniques.

Section 7. Local governments which are awarded grants shall enter into a grant agreement with the department which shall specify performance and reporting requirements. Failure to fulfill the requirements can result in the return of the grant to the department.

Section 8. Selection of Codification Services Vendors. The department, in approving established codification services vendors to

participate in codification work funded with local records grants, wants to insure that basic criteria and professional standards are met. Criteria which may include, but are not limited to, the following are used as essential measures to approve prospective codification services vendors:

(1) Corporate stability and/or a history of reliable service, preferably to client governments in Kentucky.

(2) Experienced legal and editorial staff conversant with local government law and the technical and editorial requirements which must be met in producing accurate, usable codes of ordinances.

(3) Access to on-line statutory data bases.

(4) Modern word processing or computer assisted composition and typesetting capacity.

(5) The ability to provide code supplement services on a continuing basis, through the use of subsection (4) of this section.

Applications from prospective codification services vendors are reviewed by an ad hoc advisory committee to the State Archives and Records Commission.

JAMES A. NELSON, Commissioner

APPROVED BY AGENCY: August 7, 1986

FILED WITH LRC: August 7, 1986 at 9 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on September 25, 1986 at the Kentucky Department for Libraries and Archives, 300 Coffee Tree Road, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Michelle M. Gardner, Director, Administrative Services, Kentucky Department for Libraries and Archives, P. O. Box 537, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Michelle Gardner

(1) Type and number of entities affected: All Kentucky local governments (cities, counties, and special districts) are potentially effected, should they elect to participate in the local records grants program. There is no requirement or mandate that they do so.

(a) Direct and indirect costs or savings to those affected: No direct costs in the form of matching funds from a local government grantee are required. Direct costs could be incurred in the form of staff time committed to carrying out the terms of a grant and completing fiscal and program reporting requirements of the grant program. No significant costs are anticipated for the grantees. Major savings, in the amount of the awards allocated per fiscal year (\$690,000), can be expected, as these are records management costs which such governments would not then incur. Representative examples include security microfilming of local vital records and the potential requirement to reconstruct such records from alternate sources, if available, in the event such records were destroyed by fire, flood, or other catastrophe.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition): For certain grant projects (security microfilming and ordinance codification), local government grantees are required to select from among groups of vendors formally certified or approved by the department as a means of guaranteeing

adherence to consistent professional standards, while ensuring that local governments secure a product of quality at the lowest possible price. Grantees are encouraged to continue the benefits initiated with grant support and to the extent that this occurs, such costs would appear in local government budgets as new line item entries.

(b) Reporting and paperwork requirements: Local government grantees are required to submit fiscal expenditure and program status reports on a regular basis during their terms of project, as specified by the department. Such reports are central to the department's grant monitoring responsibility. Grantees are also required to maintain separate accounting records for their projects and to retain all appropriate accounting support documents (purchase orders, invoices, bills of lading, etc.) for fiscal and compliance audit purposes.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: The department incurs as direct costs the proportion of time contributed by staff in the administration of the grants program. This would include the following percentages for the positions listed: Branch Secretary (75%); Regional Public Records Administrators, each of four (50%); Branch Manager (30%); Grant Administrator (10%); Fiscal Officer (15%); and Accountant (15%).

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: The department evaluates, awards, and monitors all local records grants and maintains fiscal and program documentation on all grants in a central grant file. Tracking and evaluation reports are generated sufficient to administer the program.

(3) Assessment of anticipated effect on state and local revenues: The regulation has no effect on state revenues except where grantees contract with a state agency for delivery of services associated with a grant project. Local governments revenue would show a net increase in the amount of the grant award, for the specific purpose of the grant project, for the term of that project. Aside from cost avoidance which receipt of grant funds permits, no other effect on local revenue is anticipated.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives to this regulation were deemed appropriate given the department's statutory obligations and the requirement that it promulgate adequate regulations to carry out that statutory mandate.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None were identified which overlap, conflict, or duplicate the purposes of 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. As de from striving to provide equity in the distribution of grants with regard to geography and size and type of government, tiering was not applied as

it was judged inappropriate. All local government grantees must comply with the same application and fiscal and program performance requirements, and the purpose of this regulation is to insure the uniform application of these guidelines.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Financial Institutions

808 KAR 3:060. Investment authority of state-chartered credit unions.

RELATES TO: KRS 290.095, 290.585

PURSUANT TO: KRS 290.095

NECESSITY AND FUNCTION: To authorize state-chartered credit unions to exercise the same investment authority as is conferred upon federal credit unions.

Section 1. (1) State-chartered credit unions may invest their funds in any investment which is permissible for a federally chartered credit union.

(2) The investment authority of federally chartered credit unions is set out in 12 U.S.C. 1757, as amended, and in 12 CFR Part 701 as amended.

(3) Any state-chartered credit union which seeks to make investments pursuant to the authority of this regulation shall maintain at all times, at its main office, an updated copy of the applicable federal credit union laws and regulations as set out in subsection (2) of this section.

ROBERT M. DAVIS, Secretary
THOMAS B. MILLER, Commissioner

APPROVED BY AGENCY: August 12, 1986

FILED WITH LRC: August 12, 1986 at 1 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on September 22, 1986, at 10 a.m., prevailing local time, in the offices of the Department of Financial Institutions, 911 Leewood Drive, Frankfort, Kentucky. Those interested in attending this hearing shall notify in writing no later than September 17, 1986: J. Rick Jones, Esq., Department of Financial Institutions, 911 Leewood Drive, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: J. Rick Jones

(1) Type and number of entities affected: 90 state-chartered credit unions.

(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:

(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. Applies equally to all credit unions.

LOCAL MANDATE IMPACT

Regulation No.: 808 KAR 3:060

SUBJECT/TITLE: Investment authority of state-chartered credit unions

SPONSOR: Department of Financial Institutions

NOTE SUMMARY

LOCAL GOVERNMENT MANDATE:

TYPE OF MANDATE:

LEVEL(S) OF IMPACT:

BUDGET UNIT(S) IMPACT:

FISCAL SUMMARY: No change

MEASURE'S PURPOSE: Allow state credit unions to make the same investments as federal credit unions

PROVISION/MECHANICS:

FISCAL EXPLANATION: No fiscal impact

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of the August 11-12, 1986 Meeting

The August meeting of the Administrative Regulation Review Subcommittee was held on Monday, August 11, 1986 at 2 p.m. and on Tuesday, August 12, 1986 10 a.m. in Room 110. The meeting was called to order, and the secretary called the roll. Representative Jim Bruce moved that Representative Bill Brinkley be elected Chairman; Representative Joe Meyer seconded and the motion carried. On motion of Senator McCuiston, seconded by Representative Bruce, the minutes of the July 1-2, 1986 meeting were approved.

Present were:

Members: Representative Bill Brinkley, Chairman; Senators Harold Haering and Pat

McCuiston; Representatives Jim Bruce, Ed Holloway, and Joe Meyer.

Guests: Representatives Woody Allen and Ken Harper; Paul P. Borden, Richard F. Casey, Judith A. Deines, Leigh A. Pittman, Londa L. Wolanin, Kentucky Higher Education Assistance Authority; Scott Akers, Alex W. Rose, Revenue Cabinet; Pam Johnson, Bobby McKee, Kentucky Retirement Systems; Steve Gagel, Meidinger Actuary; Robert V. Bullock, Dave Nicholas, State Board of Nursing Home Administrators; Jeff Lawrence, Don McCormick, Lauren Schaaf, Department of Fish and Wildlife Resources; Cathy Snell, Justice Cabinet; Michael Bradley, Corrections Cabinet;

Charles C. Harper, Sandra G. Pullen, Transportation Cabinet; David Garnett, Motor Vehicle Commission; M. Holliday Hopkins, Jack Kilger, George J. Transue, Avis Rent A Car; Richard Northern, Wyatt, Tarrant & Combs; James E. Bevins, Mark R. Overstreet, The Hertz Corporation; Dick Gravatte, L & N Federal Credit Unions; Gary Bale, Ken Draut, Lucinda Sanders, Angela Wilkins, Department of Education; Tom Edwards, Steve Forbes, Karen Hensel, Guy Schoofield, Labor Cabinet; Karl J. Guder, Wampfler, Inc.; Elzie L. Barker, Betty Beshoar, Roy Butler, Barbara Coleman, John Cubine, William C. (Cleve) Dobbins, Kenneth B. Fiser, Ked Fitzpatrick, Vic Gausepohl, Michael Harmon, Shirley Justice, Janie A. Miller, Genne Mills, Roger L. Mulloy, J. R. Nash, Mike Robinson, Patricia J. Russell, Phillip R. Spangler, Larry Taylor, Jim Townes, R. Hughes Walker, Mark Yancey, Cabinet for Human Resources; John Carr, Coalition of State Employee Organization; Clyde Caudill, Jefferson County Public Schools; H. Carl Horneman, Nancy Lipinski, Sarah S. Nicholson; Kentucky Hospital Association

LRC Staff: Susan Wunderlich, Joe Hood, Gregory Karambellas, Donna Valencia, Chris Lilly, and Carla Arnold.

Press: Brian Malloy, UPI; Barry Peel, WTVQ-TV.

The Administrative Regulation Review Subcommittee met on August 11 and 12, 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:

Higher Education Assistance Authority: Incentive Loan Program

11 KAR 7:010 (Math/science incentive loan program.) The subcommittee questioned the authority of the agency to set a post judgment interest rate of 19% on repayment of loans if a judgment is rendered on the debt when the statute requires an interest of 12%. The agency agreed to amend the regulation by adding the following language: ". . .the annual interest rate shall, from the date of such judgment, not exceed four 4% in excess of the discount rate on ninety-day commercial paper in effect at the Federal Reserve Bank in the Federal Reserve District where the transaction is consummated or 19%, whichever is less, provided that it shall not be less than the face rate of the promissory note."

Teacher Scholarship Program

11 KAR 8:010 (Teacher scholarship program.) The Subcommittee expressed the same concerns with this regulation as with 11 KAR 7:010, and the agency agreed to amend the regulation by adding the same language.

The following proposed regulation was withdrawn by the promulgating agency:

Corrections Cabinet: Office of the Secretary

501 KAR 6:050 (Luther Lockett Correctional Complex.) Chairman Brinkley stated that Sections 14 and 17 of Senate Bill 340, amending KRS Chapter 18A, delegate authority to promulgate administrative regulations relating to personnel to the Department of Personnel and the Personnel Board. KRS 18A.110 grants regulatory authority

for attendance, compensatory time, and leaves of absence to the Department of Personnel. Agency personnel withdrew this regulation in order to amend it to conform to the provisions of KRS Chapter 18A.

The Subcommittee determined that the following regulations did not comply with KRS Chapter 13A:

Kentucky Employees' Retirement System: General Rules

105 KAR 1:010 (Contributions and interest rates.) The Subcommittee felt that Section 4 of this regulation allowing the board to change the rate by discretion between 2 1/2 percent and 6 percent does not give state employees notice of the interest rate creditable on a member's accumulated contributions, and therefore does not comply with KRS Chapter 13A.

Finance and Administration Cabinet: Board of Licensure for Nursing Home Administrators

201 KAR 6:010 (Licensure.) Chairman Brinkley stated that the statutes did not authorize the restriction of licenses to those with a baccalaureate degree. Agency personnel stated that this requirement was not part of the amendment to the regulation. Chairman Brinkley responded that the Subcommittee was not limited to considering only amendments to regulations. He pointed out that the regulation would deny licenses to those who have the necessary training or experience contrary to specific statutory language entitling such people to licenses. Agency personnel stated that KRS 216A.070 required applicants to be "suitable" and to meet "such other requirements as may be established by the board." Chairman Brinkley pointed out that KRS 216A.070(1) provides that applicants who are qualified to serve as nursing home administrators "by training or experience" are eligible for licensure and that it does not require a degree. Chairman Brinkley and Representative Meyer pointed out that the regulation did not specify the course of study. Agency personnel replied that specific requirements were omitted because of the difficulty of establishing all the degree programs that would entitle one to a license. Chairman Brinkley stated that this regulation meant that the training and experience permitted for qualification for a license under the statute was not equal to four years' education in an unspecified course of study. The Subcommittee approved a motion to attach the following statement to this regulation: KRS 216A.070 provides that applicants who are qualified by training and experience to serve as nursing home administrators. 201 KAR 6:010 exceeds statutory authority by its restriction of licenses to those with a baccalaureate degree.

The Subcommittee determined that the following regulations complied with KRS Chapter 13A:

Higher Education Assistance Authority: Kentucky Loan Program

11 KAR 3:040 (Lender participation requirements.)

KHEAA Grant Programs

11 KAR 5:010 (Authority, purpose, name of grant programs.)

11 KAR 5:030 (Student eligibility requirements.)

11 KAR 5:031 (Repeal of regulations.)

Incentive Loan Program

11 KAR 7:020 (Deferment.)

Teacher Scholarship Program

11 KAR 8:020 (Deferment.)

Distinguished Student Recognition and Scholarship Award Program

11 KAR 9:010 (Kentucky distinguished student recognition and scholarship award program.)

Revenue Cabinet: Income Tax; General Administration

103 KAR 15:050 (Filing dates and extensions.)

Income Tax; Corporations

103 KAR 16:070 (Apportionment; sales factor.)

103 KAR 16:080 (Apportionment; property factor.)

103 KAR 16:090 (Apportionment; payroll factor.)

Income Tax; Individual

103 KAR 17:080 (Retirement income.)

Selective Excise Tax; Motor Fuels

103 KAR 43:240 (Supplemental highway user motor fuel tax.)

Kentucky Employees' Retirement System: General Rules

105 KAR 1:040 (Actuarial assumptions and tables.)

Tourism Cabinet: Department of Fish and Wildlife Resources: Hunting and Fishing

301 KAR 3:080 (Prohibition of lead shot for waterfowl and dove hunting.)

Justice Cabinet: Peace Officer Death Benefits

500 KAR 1:010 (Definitions.) The Subcommittee approved a motion by Representative Meyer that this regulation be referred to the Interim Committee on Judiciary-Criminal to consider amending the definition of full-time police officer in KRS 61.315 (1). KRS 61.315(1) defines full-time police officer as every full-time police officer, sheriff, or deputy sheriff, who works not less than forty (40) hours per week..." In order to comply with federal law and to include those police officers who work full-time according to uniform weekly schedules but would not be covered by the current statutory definition the definition could be amended to read: "who works an approved forty (40) hour week or a uniform weekly schedule that is standard for police officers employed by..."

500 KAR 1:020 (Filing and processing of death benefit claims.)

Corrections Cabinet: Office of the Secretary

501 KAR 6:020 (Corrections policies and procedures.)

501 KAR 6:030 (Kentucky State Reformatory.)

501 KAR 6:040 (Kentucky State Penitentiary.)

501 KAR 6:070 (Kentucky Correctional Institution for Women.)

501 KAR 6:080 (Corrections Cabinet manuals.)

501 KAR 6:110 (Roederer Farm Center.)

Transportation Cabinet: Property Acquisition and Uniform Relocation

600 KAR 3:010 (Relocation assistance payments of the Transportation Cabinet.)

Motor Vehicle Commission

605 KAR 1:150 (Temporary sales location.) Chairman Brinkley stated that this regulation had been reviewed by the Subcommittee at its

October, 1984 meeting; had been referred to the Interim Joint Committee on Transportation; and, was the subject of litigation (The Hertz Corporation and Avis Rent A Car System, Inc. v. Motor Vehicle Commission, et. al., Civil Action No. 84-CI-1390, Franklin Circuit Court, Division II). Representative Brinkley pointed out that this amendment deleted some of the provisions to which objections were made when this regulation was first considered at the October 10, 1984 meeting of the Subcommittee. The Subcommittee approved a motion by Representative Brinkley to refer this regulation to the Interim Joint Committee on Transportation for study and recommendations.

Education and Humanities Cabinet: Department of Education: Office of Instruction: Instructional Services

704 KAR 3:325 (Effective Instructional Leadership Act.)

Teacher Certification

704 KAR 20:330 (Endorsement for individual intellectual assessment.)

Labor Cabinet: Occupational Safety and Health

803 KAR 2:015 (General industry standards.)

803 KAR 2:020 (Adoption of 29 CFR Part 1910.)

Representative Kenneth Harper objected to this administrative regulation because he felt that it imposed stricter requirements than those mandated by federal law. Mr. Karl J. Guder of Wampfler, Inc., felt that the regulation placed an unreasonable burden on small businesses because of the hours, expense and expertise in chemical analysis required to verify that items such as hand soap, the glue on stamps and toilet cleaners used by employees are appropriately labeled by the supplying manufacturer; to re-label such items in order to comply with the regulation and provide warnings to users; to acquire the necessary material safety data sheets relating to such products from the manufacturer; and to establish programs and procedures required to comply with the regulation. Mr. Guder felt that it would require warnings against the respiration or ingestion of the glue on stamps and typewriter white-out fluid. Agency personnel stated that the regulation would not require the employer to take such action unless the use of regulated substances was substantial, uncommon, and not in the same manner or quantity as a normal consumer. They added that assistance and training was available from the Department. In response to a question by Representative Meyer, agency personnel stated that the regulation was not stricter than the federal regulation and that the federal regulation and interpretations had simply been adopted without changes by the state. At the suggestion of Chairman Brinkley, agency personnel agreed to meet with Mr. Guder to provide assistance. The Subcommittee approved a motion by Representative Brinkley that this regulation be referred to the Interim Joint Committee on Labor and Industry.

Cabinet for Human Resources: Administration

900 KAR 1:006 (Limitation on indirect administrative cost in contracts.)

Department for Health Services: Local Boards of Health

902 KAR 8:020 (Policies and procedures for local health department operations.)

Hospitalization of Mentally Ill and Mentally Retarded

902 KAR 12:060 (Per diem rate pursuant to the "Patient Liability Act of 1978.")

Disability Determination's Unit

902 KAR 16:010 (Disability determination's program.)

Department for Employment Services: Unemployment Insurance

903 KAR 5:260 (Unemployment insurance procedures.)

903 KAR 5:270 (Maximum weekly benefit rates.)

Department for Social Insurance: Medical Assistance

904 KAR 1:013 (Payments for acute care and mental hospital inpatient services.) Representatives of the Kentucky Hospital Association objected to the method for calculation of Medicaid payment rates for inpatient hospital care established by this regulation. They stated that the regulation did not comply with federal requirements because the new rates were neither reasonable nor adequate to meet costs incurred by efficient providers; the occupancy factor established by the regulation did not consider hospitals serving a disproportionate number of low income patients with special needs; and that the new rates do not assure access to adequate inpatient services to Medicaid recipients. They felt that there was no basis for the conclusion that low occupancy results in payments greater than what efficiently run hospitals would incur; that hospitals cannot reduce operating costs when occupancy is below the 60 or 75% occupancy rates; and that other cost reductions that reduce operating costs were ignored. KHA representatives felt that the use of the occupancy factor would penalize hospitals for their cost containment efforts to reduce patient utilization through increase in outpatient services, and would penalize rural hospitals that must, periodically, operate at reduced occupancy because of greater census fluctuations and peak demands. The occupancy factor will negate the current adjustment that pays a higher

rate hospitals serving large numbers of Medicaid patients. KHA representatives objected to the reduction of 35% in capital cost reimbursement. With regard to assets acquired by cash, the amount required to replace the asset might be realized only if the full depreciation amount is paid into an account earning at least 7%. However, most capital assets are debt financed: recovered depreciation must be paid to the debt holder and are unavailable for payment into an interest bearing account. KHA representatives stated that the proposed regulation does not conform to reimbursement principles followed by the Medicare program, federal and state income tax procedures, or the reimbursement formula applied to Blue Cross. Agency personnel stated that the proposed regulation is intended to prevent a subsidy of an inordinate number of empty beds and that the imposition of minimal occupancy limits is necessary. The reduced depreciation allowance would be adequate to fund the asset when paid into an account and accumulated over the life of the asset. The Subcommittee approved a motion to refer this regulation to the Interim Joint Committee on Health and Welfare for study and recommendations.

Department for Social Insurance: Food Stamp Program

904 KAR 3:045 (Coupon issuance procedures.)

The Subcommittee had no objections to emergency regulations which had been filed.

The Subcommittee deferred the following regulation at the request of the promulgating administrative body:

Education and Humanities Cabinet: Department of Education: Office of Instruction: Teacher Education

704 KAR 15:080 (Paraprofessional employees and volunteer personnel.)

The Subcommittee adjourned at 11:45 a.m. until September 3, 1986.

CUMULATIVE SUPPLEMENT

Locator Index - Effective Dates.....	C2
KRS Index.....	C6
Subject Index to Volume 12.....	C9

ADMINISTRATIVE REGISTER - C3

Regulation	13 Ky.R. Page No.	Effective Date	Regulation	13 Ky.R. Page No.	Effective Date
11 KAR 7:020	93	8-12-86	101 KAR 2:060	418	
11 KAR 8:010	94		101 KAR 2:070	420	
Amended	503	8-12-86	101 KAR 2:080	421	
11 KAR 8:020	96	8-12-86	101 KAR 2:090	423	
11 KAR 9:010	98	8-12-86	101 KAR 2:100	425	
14 KAR 1:010	557		101 KAR 2:110	428	
31 KAR 3:010	559		101 KAR 2:120	430	
101 KAR 1:010			101 KAR 2:130	432	
Repealed	120	7-15-86	101 KAR 3:005	433	
101 KAR 1:020			101 KAR 3:010	434	
Repealed	120	7-15-86	101 KAR 3:030	438	
101 KAR 1:030			101 KAR 3:040	438	
Repealed	120	7-15-86	101 KAR 3:050	439	
101 KAR 1:040			103 KAR 15:050		
Repealed	135	7-15-86	Amended	26	8-12-86
101 KAR 1:051			103 KAR 16:070		
Repealed	135	7-15-86	Amended	27	8-12-86
101 KAR 1:060			103 KAR 16:080		
Repealed	120	7-15-86	Amended	30	8-12-86
101 KAR 1:070			103 KAR 16:090		
Repealed	120	7-15-86	Amended	33	8-12-86
101 KAR 1:080			103 KAR 17:080		
Repealed	120	7-15-86	Amended	35	8-12-86
101 KAR 1:090			103 KAR 43:240	99	8-12-86
Repealed	120	7-15-86	105 KAR 1:010		
101 KAR 1:100			Amended	36	8-12-86
Repealed	120	7-15-86	105 KAR 1:040		
101 KAR 1:110			Amended	38	8-12-86
Repealed	120	7-15-86	105 KAR 1:080		
101 KAR 1:120			Repealed	38	8-12-86
Repealed	120	7-15-86	105 KAR 1:090		
101 KAR 1:130			Repealed	38	8-12-86
Repealed	120	7-15-86	105 KAR 1:100		
101 KAR 1:140			Repealed	38	8-12-86
Repealed	120	7-15-86	106 KAR 1:050		
101 KAR 1:145			Amended	233	7- 2-86
Repealed	135	7-15-86	201 KAR 6:010		
101 KAR 1:150			Amended	41	8-12-86
Repealed	135	7-15-86	201 KAR 12:110		
101 KAR 1:160			Amended	237	
Repealed	120	7-15-86	201 KAR 17:010		
101 KAR 1:170			Amended	515	
Repealed	120	7-15-86	201 KAR 17:011	560	
101 KAR 1:200			201 KAR 17:012	562	
Repealed	157	7-15-86	201 KAR 17:015	563	
101 KAR 1:205			201 KAR 17:041		
Repealed	157	7-15-86	Amended	516	
101 KAR 1:210			201 KAR 17:061	564	
Repealed	157	7-15-86	201 KAR 20:057		
101 KAR 1:220			Amended	239	
Repealed	157	7-15-86	301 KAR 1:145		
101 KAR 1:230			Amended	518	
Repealed	157	7-15-86	301 KAR 2:044		
101 KAR 1:300	390		Amended	519	
101 KAR 1:310	391		301 KAR 2:047		
101 KAR 1:320	392		Amended	12	6-10-86
101 KAR 1:325	393		Amended	521	
101 KAR 1:330	394		301 KAR 3:021		
101 KAR 1:340	397		Amended	523	
101 KAR 1:350	399		301 KAR 3:080	100	8-12-86
101 KAR 1:360	401		302 KAR 16:010		
101 KAR 1:370	405		Amended	240	
101 KAR 1:380	406		401 KAR 5:055		
101 KAR 1:390	407		Amended	241	
101 KAR 2:005	408		401 KAR 5:065		
101 KAR 2:010	409		Amended	258	
101 KAR 2:020	410		401 KAR 5:090		
101 KAR 2:030	411		Amended	44	
101 KAR 2:040	414		Amended	505	
101 KAR 2:050	416		401 KAR 50:015		
			Amended	267	

ADMINISTRATIVE REGISTER - C4

Regulation	13 Ky.R. Page No.	Effective Date	Regulation	13 Ky.R. Page No.	Effective Date
401 KAR 59:010			603 KAR 5:200	603	
Amended	271		605 KAR 1:150		
401 KAR 59:082	441		Amended	60	8-12-86
401 KAR 59:196			702 KAR 1:005		
Amended	273		Amended	295	
401 KAR 59:211	443		702 KAR 1:010		
401 KAR 59:242	444		Amended	301	
401 KAR 59:290	446		702 KAR 1:025		
401 KAR 61:020			Amended	302	
Amended	275		702 KAR 4:080		
401 KAR 61:140			Amended	303	
Amended	278		702 KAR 5:080		
401 KAR 63:021	564		Amended	304	
401 KAR 63:022	574		704 KAR 3:005		
500 KAR 1:010			Amended	307	
Amended	48	8-12-86	704 KAR 15:080		
500 KAR 1:020			Amended	310	
Amended	50	8-12-86	707 KAR 1:051		
500 KAR 2:010	448		Amended	312	
500 KAR 2:020	449		709 KAR 1:030		
500 KAR 3:010	452		Amended	322	
500 KAR 3:020	453		725 KAR 1:050	604	
501 KAR 6:020			801 KAR 2:010		
Amended	52	8-12-86	Amended	323	
501 KAR 6:030			803 KAR 2:015		
Amended	53	8-12-86	Amended	61	8-12-86
Amended	281		803 KAR 2:020		
Amended	525		Amended	78	8-12-86
501 KAR 6:040			806 KAR 1:010	458	
Amended	55	8-12-86	806 KAR 18:030	104	
Amended	283		Amended	509	
Amended	527		806 KAR 20:010	462	
501 KAR 6:050			807 KAR 5:068		
Amended	56		Amended	235	7- 2-86
Withdrawn		8-12-86	808 KAR 1:100	463	
501 KAR 6:060			808 KAR 3:060	607	
Amended	284		808 KAR 12:010	464	
Amended	528		815 KAR 20:001		
501 KAR 6:070			Amended	237	7- 2-86
Amended	58	8-12-86	900 KAR 1:006	110	8-12-86
Amended	286		900 KAR 1:060	465	
501 KAR 6:080			902 KAR 4:050		
Amended	59	8-12-86	Amended	539	
Amended	287		902 KAR 8:020		
501 KAR 6:090			Amended	82	8-12-86
Amended	530		Amended	326	
501 KAR 6:110	101	8-12-86	902 KAR 10:110		
Amended	531		Amended	540	
502 KAR 15:020	601		902 KAR 12:060		
502 KAR 30:060			Amended	85	8-12-86
Amended	288		902 KAR 12:080		
502 KAR 50:010	602		Amended	328	
600 KAR 1:045			Amended	541	
Amended	533		902 KAR 16:010		
600 KAR 1:080	102		Amended	86	8-12-86
Amended	509		902 KAR 20:016		
600 KAR 3:010	103	8-12-86	Amended	331	
601 KAR 1:005			902 KAR 20:026		
Amended	535		Amended	342	
601 KAR 9:074			902 KAR 20:036		
Amended	289		Amended	351	
601 KAR 12:050	455		902 KAR 20:048		
601 KAR 13:050			Amended	356	
Amended	537		902 KAR 20:051		
602 KAR 50:060			Amended	365	
Amended	293		902 KAR 20:220	467	
602 KAR 50:090			902 KAR 50:010		
Amended	294		Amended	543	
603 KAR 4:015			902 KAR 50:070		
Repealed	103	8-12-86	Amended	546	
603 KAR 5:190	602				

ADMINISTRATIVE REGISTER - C5

Regulation	13 Ky.R. Page No.	Effective Date	Regulation	13 Ky.R. Page No.	Effective Date
903 KAR 5:260			907 KAR 1:045		
Amended	87	8-12-86	Amended	387	
Amended	372		907 KAR 1:055		
Amended	547		Amended	389	
903 KAR 5:270			907 KAR 1:250		
Amended	89	8-12-86	Amended	555	
903 KAR 5:300	474				
904 KAR 1:019					
Amended	15	6-10-86			
Recodified		6-10-86			
904 KAR 1:038					
Amended	16	6-10-86			
Recodified		6-10-86			
904 KAR 1:220					
Amended	17				
904 KAR 2:140					
Amended	549				
904 KAR 2:170					
Amended	550				
904 KAR 3:010					
Amended	551				
904 KAR 3:045					
Amended	90	8-12-86			
904 KAR 3:090					
Amended	554				
905 KAR 1:180					
Amended	374				
905 KAR 1:190					
Repealed	11	5-16-86			
905 KAR 3:030					
Amended	376				
905 KAR 7:020					
Repealed		7- 1-86			
905 KAR 7:040					
Repealed		7- 1-86			
905 KAR 7:050					
Repealed		7- 1-86			
905 KAR 7:070					
Repealed		7- 1-86			
905 KAR 7:080					
Repealed		7- 1-86			
905 KAR 7:110					
Repealed		7- 1-86			
905 KAR 7:120					
Repealed		7- 1-86			
905 KAR 7:130					
Repealed		7- 1-86			
905 KAR 7:140					
Repealed		7- 1-86			
905 KAR 7:150					
Repealed		7- 1-86			
905 KAR 7:160					
Repealed		7- 1-86			
905 KAR 7:170					
Repealed		7- 1-86			
905 KAR 7:180					
Repealed		7- 1-86			
905 KAR 7:190					
Repealed		7- 1-86			
905 KAR 7:200					
Repealed		7- 1-86			
905 KAR 7:210					
Repealed		7- 1-86			
905 KAR 7:220					
Repealed		7- 1-86			
907 KAR 1:011					
Amended	377				
907 KAR 1:031					
Amended	380				
907 KAR 1:036					
Amended	381				

KRS INDEX

KRS Section	Regulation	KRS Section	Regulation
6.525	103 KAR 17:080	18A.202	101 KAR 2:120
Chapter 13A	600 KAR 1:045	21.470	103 KAR 17:080
16.410	502 KAR 50:010	56.610-56.760	600 KAR 3:010
16.505-16.652	105 KAR 1:010	61.315	500 KAR 1:010
	105 KAR 1:040		500 KAR 1:020
17.115	502 KAR 30:060	61.360	500 KAR 3:010
17.140	502 KAR 30:060		500 KAR 3:020
17.147	502 KAR 30:060	61.371-61.379	101 KAR 1:390
17.150	502 KAR 30:060	61.510-61.705	105 KAR 1:010
17.165	502 KAR 30:060		105 KAR 1:040
Chapter 18A	600 KAR 1:045	61.690	103 KAR 17:080
18A.005	101 KAR 2:010	61.900-61.930	500 KAR 2:010
	101 KAR 2:020		500 KAR 2:020
	101 KAR 2:050	61.940	14 KAR 1:010
	101 KAR 2:070	61.945	14 KAR 1:010
18A.020	101 KAR 1:340	61.950	14 KAR 1:010
18A.030	101 KAR 2:030	78.510-78.852	105 KAR 1:010
	101 KAR 2:040		105 KAR 1:040
	101 KAR 2:060	116.085	31 KAR 3:010
	101 KAR 2:090	116.155	31 KAR 3:010
	101 KAR 2:100	117.025	31 KAR 3:010
	101 KAR 2:110	117.225	31 KAR 3:010
18A.045	101 KAR 1:310	Chapter 121	801 KAR 2:010
18A.070	101 KAR 1:310	138.220	103 KAR 43:240
18A.075	101 KAR 1:310	138.270	103 KAR 43:240
	101 KAR 1:320	138.565	103 KAR 43:240
	101 KAR 1:330	138.655-138.725	601 KAR 9:074
	101 KAR 1:340	141.021	103 KAR 17:080
	101 KAR 1:350	141.042	103 KAR 15:050
	101 KAR 1:360	141.120	103 KAR 16:070
	101 KAR 1:370		103 KAR 16:080
	101 KAR 1:380		103 KAR 16:090
18A.0751	101 KAR 1:320	141.170	103 KAR 15:050
	101 KAR 1:325	141.300	103 KAR 15:050
	101 KAR 1:330	150.010	301 KAR 1:145
	101 KAR 1:340		301 KAR 2:044
	101 KAR 1:350		301 KAR 2:047
	101 KAR 1:360		301 KAR 3:080
	101 KAR 1:370	150.015	301 KAR 2:044
	101 KAR 1:380		301 KAR 3:080
18A.095	101 KAR 1:340	150.025	301 KAR 1:145
	101 KAR 1:350		301 KAR 2:044
	101 KAR 1:360		301 KAR 2:047
	101 KAR 3:030		301 KAR 3:021
18A.110	101 KAR 2:020		301 KAR 3:080
	101 KAR 2:030	150.120	301 KAR 1:145
	101 KAR 2:040	150.170	301 KAR 1:145
	101 KAR 2:050		301 KAR 2:044
	101 KAR 2:060		301 KAR 2:047
	101 KAR 2:070	150.175	301 KAR 1:145
	101 KAR 2:080		301 KAR 2:047
	101 KAR 2:090		301 KAR 3:021
	101 KAR 2:100		301 KAR 2:047
	101 KAR 2:110	150.176	301 KAR 3:021
	101 KAR 2:120	150.225	301 KAR 3:021
18A.111	101 KAR 1:320	150.237	301 KAR 3:021
	101 KAR 1:325	150.300	301 KAR 2:044
18A.115	101 KAR 1:330	150.305	301 KAR 2:044
	101 KAR 2:070	150.320	301 KAR 2:044
18A.120	101 KAR 2:040	150.330	301 KAR 2:044
	101 KAR 2:050		301 KAR 2:047
	101 KAR 2:070	150.340	301 KAR 2:044
18A.140	101 KAR 2:130		301 KAR 2:047
18A.155	101 KAR 3:010	150.360	301 KAR 2:044
	101 KAR 3:030		301 KAR 2:047
	101 KAR 3:040	150.370	301 KAR 3:080
	101 KAR 3:050	150.445	301 KAR 2:047
18A.165	101 KAR 2:030	150.450	301 KAR 1:145
	101 KAR 2:060	150.600	301 KAR 1:145

ADMINISTRATIVE REGISTER - C7

KRS Section	Regulation	KRS Section	Regulation
150.603	301 KAR 2:044	Chapter 197	501 KAR 6:020
Chapter 151	401 KAR 5:090		501 KAR 6:030
156.160	702 KAR 5:080		501 KAR 6:040
156.400-156.476	702 KAR 1:005		501 KAR 6:050
156.485	709 KAR 1:030		501 KAR 6:060
156.611	11 KAR 7:010		501 KAR 6:070
	11 KAR 7:020		501 KAR 6:080
156.613	11 KAR 8:010		501 KAR 6:090
	11 KAR 8:020		501 KAR 6:110
157.100-157.190	702 KAR 1:005	199.011-199.375	905 KAR 1:180
157.200-157.290	707 KAR 1:051	199.420	905 KAR 3:030
157.420	702 KAR 1:010	199.420-199.990	905 KAR 1:180
157.360	707 KAR 1:051	200.080-200.120	905 KAR 1:180
157.390	702 KAR 1:025	Chapter 205	904 KAR 2:140
157.622	702 KAR 1:010	205.200	902 KAR 16:010
158.650-158.740	704 KAR 3:005	205.201-205.204	905 KAR 1:180
161.010	704 KAR 15:080	205.204	905 KAR 3:030
161.030	704 KAR 15:080	205.245	902 KAR 16:010
161.044	704 KAR 15:080	205.455-205.465	905 KAR 1:180
162.060	702 KAR 4:080	205.510-205.990	904 KAR 1:220
162.160	702 KAR 4:080	205.520	902 KAR 16:010
164.2871	103 KAR 17:080		907 KAR 1:011
164.740	11 KAR 3:040		907 KAR 1:031
164.740-164.764	11 KAR 5:010		907 KAR 1:036
	11 KAR 5:030		907 KAR 1:045
164.740-164.785	11 KAR 5:031		907 KAR 1:055
164.744	11 KAR 3:040		907 KAR 1:250
	11 KAR 9:010	205.795	904 KAR 2:170
164.748	11 KAR 3:040	Chapter 208	905 KAR 1:180
	11 KAR 9:010	Chapter 209	905 KAR 1:180
164.753	11 KAR 9:010	209.030	905 KAR 3:030
164.766	11 KAR 3:040	Chapter 210	902 KAR 12:080
164.780	11 KAR 5:010	210.700-210.760	902 KAR 12:060
	11 KAR 5:030	211.180	902 KAR 4:050
164.785	11 KAR 5:010	211.350-211.380	902 KAR 10:110
	11 KAR 5:030	211.990	902 KAR 10:110
Chapter 171	725 KAR 1:050	Chapter 212	902 KAR 8:020
174.080	600 KAR 1:045	214.185	902 KAR 4:050
	600 KAR 3:010	Chapter 216A	201 KAR 6:010
183.024	600 KAR 3:010	216B.010-216B.130	902 KAR 20:016
183.861-183.890	602 KAR 50:060		902 KAR 20:026
183.869	602 KAR 50:090		902 KAR 20:036
183.870	602 KAR 50:090		902 KAR 20:048
183.871	602 KAR 50:090		902 KAR 20:051
186.400-186.640	601 KAR 12:050		902 KAR 20:220
186.560	601 KAR 13:050	216B.107	902 KAR 20:016
189.231	603 KAR 5:190	216B.990	902 KAR 20:016
	603 KAR 5:200		902 KAR 20:026
189.450	502 KAR 15:020		902 KAR 20:036
189.540	702 KAR 5:080		902 KAR 20:048
189.752	502 KAR 15:020		902 KAR 20:051
189.753	502 KAR 15:020		902 KAR 20:220
189A.070	601 KAR 13:050	217C.010-217C.990	902 KAR 50:010
190.010-190.080	605 KAR 1:150		902 KAR 50:070
194.030	902 KAR 16:010	Chapter 224.	401 KAR 5:090
	904 KAR 2:140	224.020	401 KAR 5:055
	904 KAR 3:090		401 KAR 5:065
	905 KAR 1:180	224.033	401 KAR 5:055
194.050	900 KAR 1:060		401 KAR 5:065
	904 KAR 3:010	224.034	401 KAR 5:055
	904 KAR 3:045		401 KAR 5:065
194.060	905 KAR 1:180	224.060	401 KAR 5:055
Chapter 196	501 KAR 6:020	224.320	401 KAR 5:065
	501 KAR 6:030		401 KAR 50:015
	501 KAR 6:040		401 KAR 59:010
	501 KAR 6:050		401 KAR 59:082
	501 KAR 6:060		401 KAR 59:196
	501 KAR 6:070		401 KAR 59:211
	501 KAR 6:080		401 KAR 59:242
	501 KAR 6:090		401 KAR 59:290
	501 KAR 6:110		401 KAR 61:020
			401 KAR 61:140

ADMINISTRATIVE REGISTER - C8

KRS Section	Regulation
224.320 (cont'd)	401 KAR 63:021
	401 KAR 63:022
224.330	401 KAR 50:015
	401 KAR 59:010
	401 KAR 59:082
	401 KAR 59:196
	401 KAR 59:211
	401 KAR 59:242
	401 KAR 59:290
	401 KAR 61:020
	401 KAR 61:140
	401 KAR 63:021
	401 KAR 63:022
224.340	401 KAR 50:015
	401 KAR 59:010
	401 KAR 59:082
	401 KAR 59:196
	401 KAR 59:211
	401 KAR 59:242
	401 KAR 59:290
	401 KAR 61:020
	401 KAR 61:140
	401 KAR 63:021
	401 KAR 63:022
224.994	401 KAR 5:055
	401 KAR 5:065
234.320	103 KAR 43:240
234.380	103 KAR 43:240
247.232	302 KAR 16:010
247.234	302 KAR 16:010
Chapter 281	601 KAR 1:005
281.726	601 KAR 12:050
287.065	808 KAR 1:100
290.095	808 KAR 3:060
290.585	808 KAR 3:060
294.032	808 KAR 12:010
294.060	808 KAR 12:010
304.1-120	806 KAR 1:010
304.12-020	806 KAR 20:010
304.20-300 - 304.20-350	806 KAR 20:010
314.011	201 KAR 20:057
314.193	201 KAR 20:057
317A.060	201 KAR 12:110
317A.090	201 KAR 12:110
334A.030	201 KAR 17:010
334A.050	201 KAR 17:011
	201 KAR 17:012
334A.100	201 KAR 17:015
334A.130	201 KAR 17:010
334A.180	201 KAR 17:041
Chapter 338	803 KAR 2:015
	803 KAR 2:020
341.005-341.990	903 KAR 5:260
341.190	903 KAR 5:300
341.262	903 KAR 5:300
341.380	903 KAR 5:270
Chapter 439	501 KAR 6:020
	501 KAR 6:030
	501 KAR 6:040
	501 KAR 6:050
	501 KAR 6:060
	501 KAR 6:070
	501 KAR 6:080
	501 KAR 6:090
	501 KAR 6:110
Acts c. 433, 1986 GA	806 KAR 18:030
SB 16, 1986 GA	600 KAR 3:010
HB 209, 1986 GA	11 KAR 9:010
HB 390, 1986 GA	900 KAR 1:006

SUBJECT INDEX

AGRICULTURE

Amusement rides; 302 KAR Chapter 16

AIR POLLUTION

Administrative Procedures
 Reference documents; 401 KAR 50:015
 Existing Source Standards
 Coke by-products; 401 KAR 61:140
 Process operations; 401 KAR 61:020
 New Source Standards
 Flexible vinyl, urethane coating, printing; 401 KAR 59:211
 Kraft pulp plants; 401 KAR 59:082
 Metal furniture coating operations; 401 KAR 59:196
 Petroleum dry cleaning plants; 401 KAR 59:242
 Process operation; 401 KAR 59:010
 Wool fiberglass insulation manufacturing plants; 401 KAR 59:290
 Performance Standards, General
 Toxic air pollutants, existing; 401 KAR 63:021
 Toxic air pollutants, new; 401 KAR 63:022

AIRPORT ZONING COMMISSION

Application; 602 KAR 50:090
 Construction; 602 KAR 50:060

AMUSEMENT RIDES

Permit; 302 KAR 16:010 and E

CORRECTIONS

Cabinet manuals; 501 KAR 6:080
 Frankfort Career Development Center; 501 KAR 6:090
 Kentucky Correctional Institution for Women; 501 KAR 6:070 and E
 Kentucky State Penitentiary; 501 KAR 6:040 and E
 Kentucky State Reformatory; 501 KAR 6:030 and E
 Luther Luckett Correctional Complex; 501 KAR 6:050
 Northpoint Training Center; 501 KAR 6:060
 Policies, procedures; 501 KAR 6:020 and E
 Roederer Farm Center; 501 KAR 6:110 and E

EDUCATION AND HUMANITIES CABINET

Exceptional
 Exceptional, handicapped programs; 707 KAR Chapter 1
 Instruction
 Instructional services; 704 KAR Chapter 3
 Teacher education; 704 KAR Chapter 15
 Libraries and Archives
 Archives; 725 KAR Chapter 1
 Local Services
 Administration, general; 702 KAR Chapter 1
 Buildings, grounds; 702 KAR Chapter 4
 Pupil transportation; 702 KAR Chapter 5
 Programs, adult education; 709 KAR Chapter 1

ELECTIONS, STATE BOARD

Voter's current address; 31 KAR 3:010

EMPLOYEES, STATE

(See Personnel)

EMPLOYMENT SERVICES (HUMAN RESOURCES)

Unemployment Insurance
 Procedures; 903 KAR 5:260
 Reports, due dates; 903 KAR 5:300
 Weekly benefit rates; 903 KAR 5:270 and E

EXCEPTIONAL, HANDICAPPED (EDUCATION)

Programs; 707 KAR 1:051

FINANCIAL INSTITUTIONS

Administration
 Information to be furnished, maintained by banks; 808 KAR 1:100
 Credit Unions
 Investment authority; 808 KAR 3:060
 Mortgage Loan Companies, Brokers
 Corporate surety bond amounts; 808 KAR 12:010

FISH AND WILDLIFE RESOURCES

Fish
 Gear for commercial fishing; 301 KAR 1:145
 Game
 Specified areas; seasons, limits; 301 KAR 2:047 and E
 Taking migratory wildlife; 301 KAR 2:044 and E
 Hunting and Fishing
 Lead shot prohibition; 301 KAR 3:080
 License fees; 301 KAR 3:021

HAIRDRESSERS, COSMETOLOGISTS

School license; 201 KAR 12:110

HEALTH SERVICES

Boards of Health, Local
 Policies, procedures; 902 KAR 8:020
 Certificate of Need and Licensure
 Dual licensure; 902 KAR 20:220 and E
 Hospitals; 902 KAR 20:016 and E
 Intermediate care; 902 KAR 20:051 and E
 Nursing homes; 902 KAR 20:048 and E
 Personnel care homes; 902 KAR 20:036 and E
 Skilled nursing facility; 902 KAR 20:026 and E
 Disability Determination
 Program; 902 KAR 16:010
 Maternal and Child Health
 Family planning program; 902 KAR 4:050
 Mental Health-Mental Retardation
 Per diem rate; 902 KAR 12:060
 Reference documents; 902 KAR 12:080
 Milk and Milk Products
 Definitions; 902 KAR 50:010
 Standards of identity; 902 KAR 50:070
 Sanitation
 Onsite sewage disposal; 902 KAR 10:110 and E

HIGHER EDUCATION ASSISTANCE AUTHORITY

Distinguished Student Recognition and Scholarship Award Program
 Program; 11 KAR 9:010
 Grant Programs
 Authority, purpose, name; 11 KAR 5:010
 Repeal; 11 KAR 5:031
 Student eligibility; 11 KAR 5:030
 Incentive Loan Program
 Deferment; 11 KAR 7:020
 Math/science; 11 KAR 7:010
 Kentucky Loan Program
 Lender participation; 11 KAR 3:040
 Teacher Scholarship Program
 Deferment; 11 KAR 8:020
 Program; 11 KAR 8:010

HIGHWAYS

Traffic
 Vehicles prohibited on I-75 & I-71; 603 KAR 5:190 and E
 Vehicles prohibited on I-471; 603 KAR 5:200 and E

ADMINISTRATIVE REGISTER - C10

HUMAN RESOURCES

Administration

- Cost limitation in contracts; 900 KAR 1:006 and E
- Protection of human subjects; 900 KAR 1:060 and E

Employment Services

- Unemployment insurance; 903 KAR Chapter 5

Health Services

- Boards of health, local; 902 KAR Chapter 8
- Certificate of need, licensure; 902 KAR Chapter 20
- Disability determination; 902 KAR Chapter 16
- Maternal and child health; 902 KAR Chapter 4
- Mental health-mental retardation; 902 KAR Chapter 12

- Milk and milk products; 902 KAR Chapter 50
- Sanitation; 902 KAR Chapter 10

Medicaid services; 907 KAR Chapter 1 (recodified from 904 KAR Chapter 1)

Social Insurance

- Food stamp program; 904 KAR Chapter 3
- Public assistance; 904 KAR Chapter 2

Social Services

- Program management; 905 KAR Chapter 3
- Field services; 905 KAR Chapter 1

INFORMATION SYSTEMS COMMISSION

- Strategic plan; 14 KAR 1:010

INSTRUCTION

Instructional Services

- Educational Improvement Act; 704 KAR 3:005
- Teacher Education
- Paraprofessionals, volunteers; 704 KAR 15:080 and E

INSURANCE

Casualty Insurance Contracts

- Declination, cancellation, nonrenewal; 806 KAR 20:010

General Provisions

- Liability self-insurance; 806 KAR 1:010

Health; Group, Blanket

- Coordination of benefits; 806 KAR 18:030

JUSTICE

Law Enforcement Officers

- Definitions; 500 KAR 2:010
- Filing, processing commissions; 500 KAR 2:020

Local Peace Officer

- Definitions; 500 KAR 3:010
- Filing, processing commissions; 500 KAR 3:020

Peace Officer Death Benefits

- Claims; 500 KAR 1:020
- Definitions; 500 KAR 1:010

State Police

- Criminal history record information system; 502 KAR Chapter 30
- General traffic; 502 KAR Chapter 15
- Trial board proceedings; 502 KAR Chapter 50

LABOR

- Occupational safety, health; 803 KAR Chapter 2

LIBRARIES AND ARCHIVES

Archives

- Records management; 725 KAR 1:050

LOCAL SERVICES (EDUCATION)

Administration, General

- Extended employment; 702 KAR 1:025
- Facilities surveys, plans; 702 KAR 1:010 and E
- Textbook program plan; 702 KAR 1:005

LOCAL SERVICES (EDUCATION) (cont'd)

Buildings, Grounds

- Temporary, supplemental units; 702 KAR 4:080
- Pupil Transportation
- Bus drivers; 702 KAR 5:080

MEDICAID SERVICES

- Home health; 907 KAR 1:031 and E
- Mental health centers; 907 KAR 1:045 and E
- Primary care centers; 907 KAR 1:055 and E
- Provider participation, appeals; 907 KAR 1:220
- Reference materials; 907 KAR 1:250
- Skilled nursing, intermediate care facilities; 907 KAR 1:036 and E
- Technical eligibility; 907 KAR 1:011

MOTOR VEHICLE COMMISSION

- Safety regulations; 601 KAR 1:005
- Temporary sales location; 605 KAR 1:150

NATURAL RESOURCES, ENVIRONMENTAL PROTECTION

Environmental Protection

- Air pollution; 401 KAR Chapters 50 through 63
- Water; 401 KAR Chapter 5

NURSING

- Advanced registered nurse practitioners; 201 KAR 20:057

NURSING HOME ADMINISTRATORS

- Licensure; 201 KAR 6:010

OCCUPATIONAL SAFETY, HEALTH

- General industry standards; 803 KAR 2:015
- 29 CFR Part 1910; 803 KAR 2:020

OCCUPATIONS AND PROFESSIONS

- Hairdressers, cosmetologists; 201 KAR Chapter 12
- Nursing; 201 KAR Chapter 20
- Nursing home administrators; 201 KAR Chapter 6
- Speech pathology, audiology; 201 KAR Chapter 17

PERSONNEL

Board

- Appeal procedures; 101 KAR 1:360 and E
- Appeal right; 101 KAR 1:350 and E
- Disciplinary actions; 101 KAR 1:340 and E
- Employee actions; 101 KAR 1:330 and E
- Employee grievances; 101 KAR 1:370 and E
- Investigations; 101 KAR 1:380 and E
- Meetings; 101 KAR 1:310 and E
- Military duty restoration; 101 KAR 1:390 and E
- Probationary period; 101 KAR 1:320 and E; 101 KAR 1:325 and E
- Repeal; 101 KAR 1:300 and E

Classified Service

- Applications, examinations; 101 KAR 2:040 and E
- Appointments; 101 KAR 2:070 and E
- Classification plan; 101 KAR 2:020 and E
- Compensation plan; 101 KAR 2:030 and E
- Definitions; 101 KAR 2:010 and E
- Detail to special duty; 101 KAR 2:070 and E
- Eligibles; certification, selection; 101 KAR 2:060 and E
- Employee evaluation plan; 101 KAR 2:110 and E
- Incentive programs; 101 KAR 2:120 and E
- Layoffs; 101 KAR 2:080 and E
- Leave; 101 KAR 2:100 and E
- Political activity; 101 KAR 2:130 and E
- Registers; 101 KAR 2:050 and E
- Repeal; 101 KAR 2:005 and E
- Service regulation; 101 KAR 2:090 and E

Unclassified Service

- Appeals; 101 KAR 3:030 and E

ADMINISTRATIVE REGISTER - C11

PERSONNEL (cont'd)

Classification, compensation plan; 101 KAR 3:040 and E
Leaves; 101 KAR 3:010 and E
Promotion, transfer, disciplinary action; 101 KAR 3:050 and E
Repeal; 101 KAR 3:005 and E

PROGRAMS (EDUCATION)

Adult Education
High school equivalency; 709 KAR 1:030

PUBLIC PROTECTION, REGULATION

Financial Institutions
Administration; 808 KAR Chapter 1
Credit unions; 808 KAR Chapter 3
Mortgage loan companies, brokers; 808 KAR Chapter 12
Insurance
Casualty insurance contracts; 806 KAR Chapter 20
General provisions; 806 KAR Chapter 1
Health; group, blanket; 806 KAR Chapter 18
Registry of election finance; 801 KAR Chapter 2

REGISTRY OF ELECTION FINANCE

Processing complaints, hearings; 801 KAR 2:010

RETIREMENT

KERS
Contributions, interest rates; 105 KAR 1:010
Actuarial assumptions, tables; 105 KAR 1:040

REVENUE:

(Also see Taxation)

Income Tax
Corporations; 103 KAR Chapter 16
General Administration; 103 KAR Chapter 15
Individual; 103 KAR Chapter 17
Selective Excise Tax
Motor fuels; 103 KAR Chapter 43

SOCIAL INSURANCE

Food Stamp Program
Coupon issuance procedures; 904 KAR 3:045
Definitions; 904 KAR 3:010 and E
Reference materials; 904 KAR 3:090 and E
Public Assistance
AFDC standards; 904 KAR 2:016E
Child support program reference material; 904 KAR 2:170 and E
Supplementary policies; 904 KAR 2:140 and E

SOCIAL SERVICES

Field Services
DSS policy, procedures; 905 KAR 1:180 and E
Program Management
Matching requirements; 905 KAR 3:030 and E

SPEECH PATHOLOGY, AUDIOLOGY

Board members, expenses; 201 KAR 17:015
Code of ethics; 201 KAR 17:041
Interim licensure requirements; 201 KAR 17:011
Licensure application; 201 KAR 17:010
Licensure requirements; 201 KAR 17:012
Repealer; 201 KAR 17:061

STATE POLICE

Criminal History Record Information System
Dissemination of information; 502 KAR 30:060
General Traffic
Abandoned vehicles, definitions; 502 KAR 15:020 and E
Trial Board Proceedings
Evidence admissibility; 502 KAR 50:010 and E

TAXATION

Income Tax, Corporations
Apportionment, payroll factor; 103 KAR 16:090
Apportionment, property factor; 103 KAR 16:080
Apportionment, sales factor; 103 KAR 16:070
Income Tax, General Administration
Filing dates, extensions; 103 KAR 15:050
Income Tax, Individual
Retirement income; 103 KAR 17:080
Selective Excise Tax, Motor Fuels
Highway user motor fuel; 103 KAR 43:240

TOURISM

Fish and Wildlife Resources
Fish; 301 KAR Chapter 1
Game; 301 KAR Chapter 2
Hunting, fishing; 301 KAR Chapter 3

TRANSPORTATION

Administration
Disciplinary, separation procedures; 600 KAR 1:045 and E
Repeal; 600 KAR 1:080
Aeronautics
Airport zoning; 602 KAR Chapter 50
Highways
Traffic; 603 KAR Chapter 5
Motor Vehicle Commission; 605 KAR Chapter 1
Property Acquisition & Uniform Relocation Payments; 600 KAR 3:010
Vehicle Regulation
Driver improvement; 601 KAR Chapter 13
Driver's licensing; 601 KAR Chapter 12
Motor vehicle tax; 601 KAR Chapter 9

VEHICLE REGULATION

Driver Improvement
Alcohol driver education; 601 KAR 13:050
Driver's Licensing
Fee schedule; 601 KAR 12:050
Motor Vehicle Tax
Highway use license, taxes, records; 601 KAR 9:074 and E

WATER

Water Quality
KPDES, permit conditions; 401 KAR 5:065
KPDES; scope, applicability; 401 KAR 5:055
Oil, gas facilities; 401 KAR 5:090

