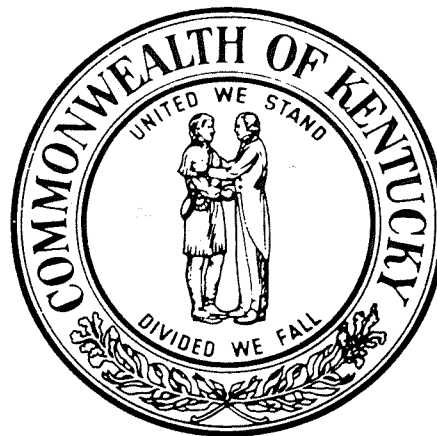


Administrative Register of Kentucky

LEGISLATIVE RESEARCH COMMISSION
FRANKFORT, KENTUCKY

VOLUME 13, NUMBER 11
FRIDAY, MAY 1, 1987



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

MEETING NOTICE: The next meeting of the Administrative Regulation Review Subcommittee is May 13 and 14, 1987. See tentative agenda on pages 1835-1836 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 Regulation

ADMINISTRATIVE REGISTER OF KENTUCKY
(ISSN 0096-1493)

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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.

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

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

TENTATIVE AGENDA

May 13, 1987

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

PERSONNEL BOARD

Personnel Rules

101 KAR 1:325. Initial probationary periods in excess of six months.
KENTUCKY RETIREMENT SYSTEMS

General Rules

105 KAR 1:110. Definition of permanent disability.
GENERAL GOVERNMENT CABINET

Board of Hairdressers and Cosmetologists

201 KAR 12:030. License required.

Board of Physical Therapy

201 KAR 22:070. Requirements for foreign-trained physical therapists.

Board of Examiners of Psychology

201 KAR 26:150. Guidelines and policies for examinations to grant autonomous functioning.
TOURISM CABINET

Department of Fish and Wildlife Resources

Fish

301 KAR 1:085 & E. Mussel shell harvesting.

Wildlife

301 KAR 4:001. Selection of Fish and Wildlife Resources Commission nominees.

COMMERCE CABINET

Department of Agriculture

Ginseng

302 KAR 45:010. Ginseng, general provisions.
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET

Administration

400 KAR 1:060. Confidentiality of records or other information furnished to or obtained by the Natural Resources and Environmental Protection Cabinet. (Amended After Hearing)

Department for Environmental Protection

Division for Air Quality

Air Pollution - General Administrative Procedures

401 KAR 50:035. Permits. (Amended After Hearing)
JUSTICE CABINET

Telecommunicators

500 KAR 4:010. Definitions.
500 KAR 4:020. Training: qualifications; application.
500 KAR 4:030. Certification of schools.
500 KAR 4:040. Approval of course curriculums.
500 KAR 4:050. Certification of instructors.
500 KAR 4:060. Basic training; graduation requirements; records.
500 KAR 4:070. In-service training; graduation requirements; recognized courses; records.
500 KAR 4:080. Review of council and school decisions; appeal to circuit court.

CORRECTIONS CABINET

Office of the Secretary

501 KAR 6:020 & E. Corrections policy and procedures.
501 KAR 6:030. Kentucky State Reformatory.
501 KAR 6:040 & E. Kentucky State Penitentiary.
501 KAR 6:050. Luther Lockett Correctional Complex.
501 KAR 6:060. Northpoint Training Center.
501 KAR 6:090. Frankfort Career Development Center.
501 KAR 6:120. Blackburn Correctional Complex.

TRANSPORTATION CABINET

Department of Vehicle Regulation

Motor Vehicle Tax

601 KAR 9:110 & E. Supplemental highway user's tax; decal.
601 KAR 9:115. Heavy vehicle use tax.

AGENDA

May 14, 1987

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

EDUCATION AND HUMANITIES CABINET

Department of Education
Office of Local Services

General Administration

702 KAR 1:005. Textbook program plan.

Pupil Transportation

702 KAR 5:140. Reimbursement for mid-day transportation of kindergarten pupils.

Office of Instruction

Instructional Services

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

Teacher Education

704 KAR 15:030. Experimental programs of teacher preparation.

Teacher Certification

704 KAR 20:005. Kentucky standards for preparation-certification of professional school personnel program approval.

704 KAR 20:065. Standard high school certificate.

704 KAR 20:085. Standard elementary certificate.

704 KAR 20:100. Administrators and supervisors.

704 KAR 20:125. Experimental program teachers.

704 KAR 20:130. Guidance counselors.

704 KAR 20:180. Reading specialists.

704 KAR 20:340. Endorsement for teachers of computer courses.

704 KAR 20:350. Standard certificate for teaching in the middle grades 5-8.

704 KAR 20:360. Standard certificate for teaching in the early elementary grades K-4.

704 KAR 20:370. Standard certificate for teaching music grades K-12.

704 KAR 20:380. Early elementary school principal, grades K-4.

704 KAR 20:390. Middle grade school principal, grades 5-8.

704 KAR 20:400. Secondary school principal, grades 9-12.

704 KAR 20:410. Supervisor of instruction, grades K-12.

704 KAR 20:420. School superintendent.

Office of Vocational Education

Administration

705 KAR 1:010. Three year program plan.

Office of Vocational Rehabilitation Services

Administration

706 KAR 1:010 & E. Three-year plan for vocational rehabilitation services.

LABOR CABINET

Occupational Safety and Health

803 KAR 2:020. Adoption of 29 CFR Part 1910.

803 KAR 2:030. Adoption of 29 CFR Part 1926.

803 KAR 2:033. Field sanitation standard.

PUBLIC PROTECTION AND REGULATION CABINET

Department of Insurance

Rates and Rating Organizations

806 KAR 13:100. Motor vehicle comprehensive insurance rate discounts for anti-theft devices.

State Racing Commission

Thoroughbred Racing Rules

810 KAR 1:022. Health and welfare fund. (Deferred from April) (Not Amended After Hearing)

Harness Racing Commission

Harness Racing Rules

811 KAR 1:120. Licensing of race meetings.

Quarter Horse, Appaloosa, and Arabian Commission

Quarter Horse and Appaloosa Racing Rules

812 KAR 1:056. Authorized agents.

Department of Housing, Buildings and Construction

Kentucky Building Code

815 KAR 7:070 & E. Requirements for certification of Kentucky Building Code inspectors. (Deferred from March & April)

CABINET FOR HUMAN RESOURCES

Department for Health Services

Hospitalization of Mentally Ill and Mentally Retarded

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

Radiology

902 KAR 100:045. Exemptions.

902 KAR 100:070. Transportation of radioactive material.

Department for Employment Services

Unemployment Insurance

903 KAR 5:250 & E. Recoupment and recovery.

903 KAR 5:290 & E. Employer contribution rates.

Department for Social Insurance

Public Assistance

904 KAR 2:006E. Aid to families with dependent children.

Department for Social Services

Spouse Abuse Shelters and Crisis Centers

905 KAR 5:040. Standards for spouse abuse shelters and crisis centers.

905 KAR 5:050. Funding requirements for spouse abuse shelters and/or programs.

Department for Medicaid Services

Medicaid Services

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

907 KAR 1:011. Technical eligibility requirements.

907 KAR 1:028. Other laboratory and x-ray services.

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

REGULATION REVIEW PROCEDURE

Filing and Publication

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

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

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

Public Hearing

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

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

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

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

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

Review Procedure

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

EMERGENCY REGULATIONS NOW IN EFFECT

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

STATEMENT OF EMERGENCY

In order to avoid confusion and conflict between resource user groups on Barkley and Kentucky Lakes, it is necessary for the attached amendments to 301 KAR 1:085 to become effective before the beginning of musseling activity which is expected to occur about mid-March. This 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 1:085E. Mussel shell harvesting.

RELATES TO: KRS 150.025, 150.110, 150.170, 150.175, 150.190, 150.510, 150.520

PURSUANT TO: KRS 13A.150, 150.025

EFFECTIVE: March 17, 1987

NECESSITY AND FUNCTION: It is necessary to regulate the manner of taking mussels because of the value and susceptibility of these animals for overharvest. This amendment is necessary to

reduce conflicts between mussel harvesters and other resource user groups and to increase the minimum size limit on selected mussel species.

Section 1. Conforming with KRS 150.170, all persons who actively participate in the harvesting and sale of mussels or mussel shells, whether or not they own or possess the gear being used in the harvest of mussels or mussel shells, must have an appropriate license. Those persons having a valid mussel buyers license are authorized to sell mussels and mussel shells. No boat can be used in musseling operations without a licensed operator in the boat.

Section 2. The mussel season is open year round in all streams and on all beds, except as specified in this section [in the area directly below Kentucky Dam downstream to river mile 17.8 in the Tennessee River which is hereby established as a sanctuary and musseling is prohibited. Musseling is also prohibited within the stream segments 200 yards below any dam on any stream and within the area on the Cumberland River below Barkley Dam downstream to U.S. 62 bridge].

(1) Musseling is prohibited in the Tennessee River from Kentucky Dam downstream to river mile seventeen and eight-tenths (17.8), an area established as a mussel sanctuary.

(2) Musseling is prohibited within the stream segments 200 yards below any dam on any stream.

(3) Musseling is prohibited on the Cumberland River from Barkley Dam downstream to the U.S. Highway 62 bridge.

(4) Musseling is prohibited in all embayments on Barkley and Kentucky Lakes.

Section 3. Musseling is permitted during the hours of 6 a.m. and 6 p.m. daily except in Barkley and Kentucky Lakes where the hours are 8 a.m. to 6 p.m. [Musseling is prohibited during any other time.]

Section 4. The statewide size limits for taking of mussels shall be as follows. All mussels smaller than these minimum sizes must immediately be returned to the water from which taken. [No mussel, except the Asiatic clam, Corbicula sp., the greatest measurement of which is less than two and one-half (2 1/2) inches may be taken. All mussels, except Corbicula, smaller than two and one-half (2 1/2) inches, as measured at their greatest lengths or width, must be returned immediately to the water from which taken.]

(1) Washboard mussels. Megaloniais gigantea, shall be large enough so as not to be able to pass through a circular ring or opening having a diameter of three and three-fourths (3 3/4) inches.

(2) Three (3) ridge mussels. Amblema plicata, shall be large enough so as not to be able to pass through a circular ring or opening having a diameter of two and three-fourths (2 3/4) inches.

(3) All other mussels, except the Asiatic clam, Corbicula sp. shall be large enough so as not to be able to pass through a circular ring or opening having a diameter of two and one-half (2 1/2) inches.

(4) The Asiatic clam, Corbicula sp., may be taken at any size.

Section 5. Mussel harvesting from the waters of the Commonwealth of Kentucky, except as

otherwise provided, shall be by brail only. No more than two (2) brails each sixteen (16) feet or less in length may be simultaneously operated from any boat. More than two (2) brails may be carried aboard the boat.

Section 6. Mussel brail hooks when used must be constructed of wire of at least fourteen (14) gauge; smaller wire is prohibited.

Section 7. Prongs of hooks must be no longer than one and one-fourth (1 1/4) inch in size as measured from the tip of point to place on hook where the prongs are joined.

Section 8. The Commissioner may designate as disaster areas waters in which all live mussels have been killed, and may issue a special permit allowing the use of various harvest methods. [The harvesting of mussels except the Asiatic clam (Corbicula sp.) by dredges, forks, rakes, and other apparatus and/or by any and all underwater diving methods, whether the diver is assisted by breathing apparatus or not is prohibited except in areas designated by the Commissioner as disaster areas in which all live mussels have been killed and only dead shells remain. In these areas, the Commissioner may issue a special permit allowing the use of various methods of harvest.]

Section 9. No mussels designated as endangered may be taken after such designation has been made by regulation and duly advertised.

DON R. McCORMICK, Commissioner

G. WENDELL COMBS, Secretary

CHARLES E. PALMER, JR., Chairman

APPROVED BY AGENCY: March 12, 1987

FILED WITH LRC: March 17, 1987 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 cabinet policies must be revised immediately to allow the Corrections Cabinet to help alleviate a portion of the overcrowding problem in local detention facilities through a revised method for the award of meritorious good time. Additionally, several important procedural changes need to be made regarding the types of inmates allowed to receive furloughs, the requirement for inmates who will be allowed to participate in the intensive supervision program, changes in the types of items which will be allowed into our correctional institutions as well as revisions to the inmate grievance procedure. This emergency regulation will be replaced by the ordinary administrative regulation filed with LRC on March 13, 1987 in accordance with KRS Chapter 13A.

MARTHA LAYNE COLLINS, Governor

GEORGE W. WILSON, Secretary

CORRECTIONS CABINET

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

RELATES TO: KRS Chapters 196, 197, 439
PURSUANT TO: KRS 196.035, 197.020, 439.470, 439.590, 439.640

EFFECTIVE: March 17, 1987

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 March 13 [January 14], 1987 and hereinafter should be referred to as Corrections 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.

- | | |
|---|---|
| <ul style="list-style-type: none"> 1.1 Legal Assistance for Corrections Staff 1.2 News Media 1.6 Extraordinary Occurrence Reports 1.9 Institutional Duty Officer 1.11 Population Counts and Reporting Procedures [(Amended 1/14/87)] 1.12 Operation of Motor Vehicles by Corrections Cabinet Employees 2.1 Inmate Canteen 2.10 Surplus Property 3.1 Code of Ethics 3.2 Inclement Weather and Emergency Conditions Policy 3.3 Holding of Second Jobs by Bureau Employees 3.7 Employment of Relatives 3.10 Staff Clothing and Personal Appearance 3.12 Institutional Staff Housing 3.14 Corrections Cabinet Payroll Deduction Policy and Procedure 4.1 Attendance at Professional Meetings 4.2 Staff Training and Development 4.3 Firearms and Chemical Agents Training 4.4 Educational Assistance Program 6.1 Open Records Law 7.2 Asbestos Abatement 8.4 Emergency Preparedness 9.1 Use of Force 9.3 Transportation of Convicted Offenders 9.4 Transportation of Inmates to Funerals or Bedside Visits 9.5 Return of Escapees by Automobile 9.6 Contraband 9.7 Storage, Issue and Use of Weapons Including Chemical Agents 9.8 Search Policy 9.9 Transportation of Inmates [(Amended 1/14/87)] 9.10 Security Inspections 9.11 Tool Control 9.15 Institutional Entry and Exit Policy and Procedures 9.18 Informants 9.19 <u>Found Lost or Abandoned Property (Added 3/13/87)</u> 10.1 Inmates Serving a Sentence of Death 10.2 Special Management Inmates 10.3 Safekeepers 10.4 Special Needs Inmates | <ul style="list-style-type: none"> 11.2 Nutritional Adequacy of the Diet for Inmates 11.3 Special Diet Procedures 12.1 Resident Clothing 13.1 Pharmacy Policy and Formulary 13.2 Health Maintenance Services 13.3 Medical Alert System 13.4 Health Program Audits 14.2 Personal Hygiene Items 14.3 Marriage of Inmates 14.4 Legal Services Program 14.6 Inmate Grievance Procedures <u>(Amended 3/13/87)</u> 15.1 Hair and Grooming Standards 15.2 Offenses and Penalties 15.3 Meritorious Good Time <u>(Amended 3/13/87)</u> 15.4 Governor's Meritorious Good Time Award 15.5 Restoration of Forfeited Good Time 15.6 Adjustment Procedures and Programs 16.1 General Inmate Visiting Procedure 16.2 Inmate Correspondence [(Amended 1/14/87)] 16.3 Telephone Calls 16.4 Inmate Packages <u>(Amended 3/13/87)</u> 17.1 Inmate Personal Property 17.2 Assessment Center Operations 17.3 Controlled Intake of Inmates 18.4 Classification of the Inmate 18.5 Custody/Security Guidelines 18.6 Classification Document 18.7 Transfers 18.8 Guidelines for Transfers Between Institutions 18.9 Out-of-State Transfers 18.10 Pre-Parole Progress Reports 18.11 Kentucky Correctional Psychiatric Center Transfer Procedures 18.12 Referral Procedure for Inmates Adjudicated Guilty But Mentally Ill 18.13 Population Categories 18.15 Protective Custody 19.1 Government Services Projects 19.2 Community Services Projects 20.1 Study Release 20.6 Vocational Study Release 22.1 Privilege Trips 25.1 Gratuities 25.2 Public Official Notification of Release of an Inmate 25.3 Pre-Release 25.4 Inmate Furloughs <u>(Amended 3/13/87)</u> 25.6 Community Center Program 25.7 Expedient Release 25.8 Extended Furloughs 27.1 Supervision: Case Classification 27.2 Risk/Needs Administration 27.4 Supervision Plan: General 27.8 Travel Restrictions 27.9 Conditions of Supervision 27.10 Preliminary Revocation Procedures 27.11 Apprehension and Transportation of Violators of Probation, Parole and Conditional Release 27.12 Fugitive Section/Probation and Parole 27.13 Supervision Fee 27.14 Interstate Compact 27.18 Absconder Procedures 27.19 Technical Violators 27.20 Intensive Supervision <u>(Amended 3/13/87)</u> 28.2 Investigations: General 28.3 Pre-Sentence Investigations (To the Court) 28.4 Pre-Parole (Pre-Sentence) Investigation (To the Institution and State Parole Board) |
|---|---|

- 28.5 Special Report to the Parole Board
 28.7 Out-of-State Investigations

GEORGE W. WILSON, Secretary

APPROVED BY AGENCY: March 13, 1987

FILED WITH LRC: March 17, 1987 3 p.m.

STATEMENT OF EMERGENCY

In order to continue to operate the Kentucky State Penitentiary in accordance with KRS Chapter 196, the Corrections Cabinet needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because the effected institutional policy must be revised immediately to allow for changes in the penitentiary's execution plan, change the manner in which inmates are reviewed in the penitentiary's segregation unit, convert to the use of electronic cash registers in the inmate commissary to thwart the counterfeiting of commissary tickets by inmates and to implement the use of new visitor search consent forms as required by cabinet policy. This emergency regulation will be replaced by the ordinary administrative regulation filed with the Legislative Research Commission on March 13, 1987 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: March 17, 1987

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 March 13 [February 9], 1987 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 3/13/87)
 KSP 030000-06 Inmate Commissary Program (Amended 3/13/87)
 KSP 040000-02 Inmate Records
 KSP 040000-08 Inmate Equal Opportunity Policy
 KSP 050000-14 Searches and Preservation of Evidence
 KSP 060000-01 Special Security Unit (Amended 3/13/87)
 KSP 060000-02 Operational Procedures for Disciplinary Segregation, Administrative Segregation, Administrative Control and Behavioral Control Units (Amended 3/13/87)
 KSP 060000-04 Protective Custody Unit (Amended 3/13/87)
 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 3/13/87)
 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
 KSP 100000-06 Inmate Mail and Packages
 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

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KSP 100000-15 Uniform Cell Standards for Fire Safety, Sanitation and Security
 KSP 100000-18 Inmate Grievance Committee Hearings
 KSP 100000-20 Legal Services Program
 KSP 100000-21 Photocopies for Non-Indigent Inmates with Special Court Deadlines
 KSP 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
 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 (Amended 3/13/87)
 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 (Amended 3/13/87)

GEORGE W. WILSON, Secretary
 APPROVED BY AGENCY: March 13, 1987
 FILED WITH LRC: March 17, 1987 at 3 p.m.

STATEMENT OF EMERGENCY

Under KRS Chapter 13A the administrative body is required to implement this regulation in order to have sufficient authority to establish 1987 contribution rates for Kentucky employers under the Unemployment Insurance Program. These rates are spelled out in 903 KAR 5:290 and per KRS 341.270, are predicated on the Trust Fund Balance as of December 31 of any calendar year. An emergency regulation is needed because this information is necessary in assigning rates for 1st Quarter, 1987 Contribution Reports which are due before promulgation of a regulation through the normal process could occur. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS 13A.100.

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

CABINET FOR HUMAN RESOURCES Department for Employment Services Division of Unemployment Insurance

903 KAR 5:290E. Employer contribution rates.

RELATES TO: KRS 341.270
 PURSUANT TO: KRS 194.050, 341.270
 EFFECTIVE: March 17, 1987
 NECESSITY AND FUNCTION: KRS 341.270 requires the Secretary for Human Resources to determine the rate schedule for employer's contributions. The rate schedule in effect for each calendar year is determined by the "trust fund balance" as of December 31, of the preceding year. This regulation applies the mathematical computation required by KRS 341.270 and sets forth the applicable rates to be in effect for the calendar year.

Section 1. Trust Fund Balance. The secretary finds the following to exist:

(1) The "trust fund balance" as of December 31, 1986 [1985], was \$151,205,970.56 [76,598,469.22].

(2) There was no outstanding loan from the Federal Unemployment Trust Fund as of December 31, 1986 [1985].

Section 2. Rate Schedule. On the basis of the findings in Section 1 of this regulation, and in accordance with KRS 341.270(3), Schedule D [E] of Table A shall be in effect for calendar year 1987 [1986], because the "trust fund balance" exceeded \$150,000,000, but was less than \$250,000,000 [was less than \$150,000,000], on December 31, 1986 [1985]. Rates listed in Schedule D [E] of Table A are listed below.

Employer Reserve Ratio	Rate Schedule
8.0% and over	0.60 [1.00]%
7.0% but under 8.0%	0.80 [1.05]%
6.0% but under 7.0%	0.90 [1.10]%
5.0% but under 6.0%	1.20 [1.40]%
4.6% but under 5.0%	1.60 [1.80]%
4.2% but under 4.6%	2.10 [2.30]%
3.9% but under 4.2%	2.40 [2.70]%
3.6% but under 3.9%	2.60 [3.00]%
3.2% but under 3.6%	2.70 [3.10]%
2.7% but under 3.2%	2.80 [3.20]%
2.0% but under 2.7%	2.90 [3.30]%
1.3% but under 2.0%	3.00 [3.40]%
0.0% but under 1.3%	3.10 [3.50]%
-0.5% but under -0.0%	7.25 [7.50]%
-1.0% but under -0.5%	7.50 [7.75]%
-1.5% but under -1.0%	7.75 [8.00]%
-2.0% but under -1.5%	8.00 [8.25]%
-3.0% but under -2.0%	8.25 [8.50]%
-4.0% but under -3.0%	8.50 [8.75]%
-6.0% but under -4.0%	9.00 [9.25]%
-8.0% but under -6.0%	9.25 [9.50]%
Less than 8.0%	9.75 [10.00]%

E. AUSTIN, JR., Secretary
 JAMES P. DANIELS, Commissioner
 APPROVED BY AGENCY: March 11, 1987
 FILED WITH LRC: March 17, 1987 at 3 p.m.

COMPILER'S NOTE: The following emergency regulation was filed on April 13, 1987. A second emergency regulation, which replaces this one, was filed on April 20, 1987. Since the second emergency regulation was not filed within the April 15, 1987 deadline for publication, it will appear in the June issue of the Administrative Register.

STATEMENT OF EMERGENCY

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

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

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

904 KAR 2:006E. Technical requirements; AFDC.

RELATES TO: KRS 205.010, 205.200(2),(3)

PURSUANT TO: KRS 194.050

EFFECTIVE: April 13, 1987

REPLACED: April 20, 1987

NECESSITY AND FUNCTION: The Cabinet for Human Resources has the responsibility under the provisions of KRS Chapter 205 to administer the assistance program of Aid to Families with Dependent Children, hereinafter referred to as AFDC, in accordance with Title IV-A of the Social Security Act. KRS 205.200(2) requires that the conditions of eligibility to receive AFDC money grants be prescribed by regulations in conformity with the Social Security Act and federal regulations. This regulation sets forth the technical requirements of residence, deprivation, living with a relative, age, one (1) category of assistance, work registration, cooperation in child support activities and potential entitlement for other programs for eligibility for AFDC.

Section 1. Residence and Citizenship. Residence is determined in accordance with 45 CFR 233.40 which, in summary, provides that a resident is anyone who is living in the state, entered the state with a job commitment or seeking employment, and is not receiving AFDC benefits from another state. Citizenship is determined in accordance with 45 CFR 233.50 which states that AFDC can be provided only to citizens or aliens lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law.

Section 2. Deprivation. (1) To be eligible for AFDC, a child must be in need and must be deprived of parental support or care due to the death, continued absence from the home or physical or mental incapacity of a natural or adoptive parent. A married child living with her/his spouse in the home of her/his parents is

not deprived of parental support or care. A married child living in the home of her/his parents but divorced or legally separated from her/his spouse is deprived of parental support if she/he is dependent on the parent and a parent is dead, incapacitated or continually absent from the home.

(2) Continued absence from the home. To be eligible for AFDC, a needy child must be physically separated from the parent and the nature of the absence of the parent is such as either to interrupt or terminate the parent's functioning as a provider of maintenance, physical care, or guidance for the child, and the known or indefinite duration of absence precludes counting on the parent's performance of his/her function in planning for the present support or care of the child. Absence may be voluntary or involuntary. Voluntary absence includes divorce, legal separation, marriage annulment, desertion of thirty (30) days or more, forced separation of seven (7) days or more, or birth out-of-wedlock. Involuntary absence includes commitment to a penal institution for thirty (30) days or more, long term hospitalization, deportation or single parent adoption. A parent who is a convicted offender but is permitted to live at home while serving a court-imposed sentence by performing unpaid public work or unpaid community service during the workday is considered absent from the home.

(3) Incapacity defined. Incapacity is any condition of mind or body which makes a parent physically or mentally unable to provide the necessities of life for his/her needy child. Incapacity exists when the following criteria are met:

(a) One (1) of the parents has a medically established physical or mental defect, illness or impairment.

(b) This condition substantially reduces or eliminates the parent's ability to support or care for the otherwise eligible child(ren). Ability to support and care requires consideration of the parent's age, education, training and work experience.

(c) This condition was present at the time of application and has continued or is expected to continue for at least thirty (30) days and may be presumed to continue during a period in which the parent is undergoing planned diagnostic studies and/or evaluation of rehabilitation potential.

(d) There is a causal relationship between the parent's incapacity and the child's deprivation of parental support or care.

(e) In considering a parent's ability to provide support or care, employment opportunities must be accessible in the county or community where that parent resides.

Section 3. Living with a Specified Relative. To be eligible for AFDC a needy child must be living in the home of a relative as specified in the Social Security Act and interpreted as follows:

(1) A blood relative, including father, mother, grandfather, grandmother, brother, sister, uncle, aunt, nephew, niece, first cousin.

(2) Also relatives of the half-blood and preceding generations as denoted by prefixes of grand, great or great-great; a stepfather, stepmother, stepbrother, stepsister.

(3) Any person listed above if parent has had

paternity established through the administrative determination process. An administrative determination of paternity is limited to situations in which the following types of evidence are present:

(a) A birth certificate listing the alleged parent; or

(b) Legal documents such as hospital records, juvenile court records, wills, and other court records which clearly indicate the relationship of the alleged parent or relative; or

(c) Receipt of statutory benefits as a result of the alleged parent's circumstances; or

(d) A sworn statement or affidavit of either parent acknowledging paternity plus one (1) of the following:

1. School records;
2. Bible records;
3. Immigration records;
4. Naturalization records;
5. Church documents, such as baptismal certificates;
6. Passport;
7. Military records;
8. U.S. Census records; or
9. Sworn statement or affidavit from an individual having specific knowledge about the relationship between the alleged parent and child.

(e) Effective April 1, 1987, in cases in which the parent or, in the absence of the parent, the caretaker relative alleges the evidence present in paragraphs (a) or (b) of this subsection is erroneous and provides substantiation of the erroneous information, the parent/caretaker relative shall provide a sworn statement or affidavit acknowledging the erroneous information and containing the correct information on the actual alleged parent. Presence of the sworn statement or affidavit will serve as rebuttal to the evidence present in paragraphs (a) or (b) of this subsection and a determination of paternity will not be acknowledged.

(4) Adoptive parents as well as the natural and other legally adopted children and other relatives of such parents.

(5) Husband or wife of any persons listed above even if the marriage may have terminated, providing termination occurred after the birth of the child.

(6) A child is considered as living in the home even when temporarily absent for medical care, attendance at boarding school, college or vocational school, emergency foster care or short visits with friends or relatives, if the parent continues to exercise control over the child.

Section 4. Age and School Attendance. A child may be eligible for AFDC from birth to age eighteen (18), or to age nineteen (19) if a full-time student in a secondary school or the equivalent level of vocational or technical training and if expected to complete the program prior to or during the month of their nineteenth birthday. Full and part-time is defined in 904 KAR 2:016, standards for need and amount; AFDC. A child is considered in regular attendance in months in which he/she is not attending because of official school or training program vacation, illness, convalescence or family emergency unless he/she has indicated an intention not to re-enter school.

Section 5. One Category of Assistance. A child

or adult relative shall not be eligible for AFDC if receiving supplemental security income.

Section 6. Strikers. (1) A family shall be ineligible for benefits for any month in which the natural or adoptive parent, with whom the child is living is, on the last day of such month, participating in a strike; and

(2) No individual shall be considered eligible for benefits for any month if, on the last day of such month, such individual is participating in a strike.

(3) Strike shall be defined to include 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.

Section 7. Work Registration. (1) Unless exempt under the criteria specified in Title IV of the Social Security Act and 45 CFR Section 224.20(b), an individual who has applied for or is receiving AFDC shall be ineligible for benefits if he/she refuses to register for the Work Incentive Program, (WIN) or if registered, refuses to participate without good cause. Participation in a strike shall not constitute good cause.

(2) Individuals exempt from WIN registration pursuant to 45 CFR 224.20(b) are as follows:

- (a) An individual under age sixteen (16);
- (b) A child age sixteen (16) to age eighteen (18), if enrolled as a full-time student; or to age nineteen (19), if a full-time student who meets the requirements set forth in Section 4 of this regulation;
- (c) An individual who has a medically determined temporary illness or injury with recovery anticipated within ninety (90) days;
- (d) An individual who has a medically determined physical or mental incapacity which is expected to exist longer than ninety (90) days;
- (e) An individual age sixty-five (65) or over;
- (f) An individual whose presence is required in the home to care for another member of the household who has been medically determined to be precluded from self-care and for whom alternate care arrangements are not feasible;
- (g) A parent or other relative who cares for a child under six (6), and who personally provides full-time care of the child with only very brief and infrequent absences from the child. Brief and infrequent absences are defined as:

1. Employment by the caretaker relative of less than thirty (30) hours per week;
2. Less than full-time school attendance as specified in 904 KAR 2:016 by the caretaker relative;
3. Less than full-time attendance as specified in 904 KAR 2:016 and less than fifteen (15) hours per week employment by the caretaker relative;
4. Less than full-time attendance by the under six (6) year old child in a school or preschool;
5. Attendance by the under six (6) year old child in kindergarten;
6. Additionally, brief and infrequent absences include:
 - a. Visits by the under six (6) year old child with relatives, friends, the absent parent, neighbors, etc.;
 - b. Visits by the caretaker relative with relatives, friends, neighbors, etc.;

- c. Routine shopping and errands;
- d. Doctor's visits; and
- e. Short-term hospitalization (less than thirty (30) days).

7. If a parent or other caretaker relative is absent from the child for reasons other than these listed, the absence is not considered brief and infrequent.

(h) A person so far remote from a work incentive project that his/her effective participation is precluded;

(i) An individual who is employed not less than thirty (30) hours per week, in unsubsidized employment expected to last a minimum of thirty (30) days, except when there is a temporary break in such employment expected to last longer than ten (10) days;

(j) A woman who has been medically verified to be in the third trimester of pregnancy.

Section 8. Cooperation in Child Support Activities. (1) Inclusion of a specified relative in the AFDC budget is dependent upon his/her cooperation in child support activities pursuant to 45 CFR 232.12 and refusal, except for "good cause," results in ineligibility of the relative with AFDC payments on behalf of the child(ren) made to a protective payee.

(2) If, after exclusion from the grant for failure to cooperate, the individual states that he/she is willing to cooperate and wishes to be reinstated, a supplemental application must be completed. If eligibility criteria are met, the individual will be added to the grant effective with the month of application and the protective payee will be removed.

(3) Pursuant to 45 CFR Part 232.40, the Cabinet for Human Resources will provide written notice to the applicant or recipient that he/she may claim good cause for refusing to cooperate.

(4) The applicant or recipient will be determined to have "good cause" for failing to cooperate only when one (1) or more of the following criteria is met:

(a) The applicant or recipient's cooperation is reasonably anticipated to result in physical or emotional harm of a serious nature to the child; or

(b) The applicant or recipient's cooperation is reasonably anticipated to result in physical or emotional harm of a serious nature to himself/herself to such an extent that it would reduce his/her capacity to care for the child(ren) adequately; or

(c) The child was conceived as a result of incest or forcible rape and the department believes it would be detrimental to the child to require the applicant's/recipient's cooperation; or

(d) Legal proceedings for adoption of the child by a specific family are pending before a court of competent jurisdiction; and the department believes it would be detrimental to the child to require the applicant's/recipient's cooperation; or

(e) The applicant/recipient is being assisted by a public or licensed private social agency to resolve whether to keep the child or release him/her for adoption and discussion has not gone on for more than three (3) months and the cabinet believes it would be detrimental to the child to require the applicant's/recipient's cooperation.

(5) Specific requirements in determining the existence of good cause and the time limits for

providing substantiation of claims are made pursuant to the regulation at 45 CFR 232.42 and 45 CFR 232.43.

Section 9. Potential Entitlement for Other Programs. All applicants/recipients must apply for any benefit(s) if potential entitlement exists. Failure to apply results in ineligibility for AFDC.

Section 10. Furnishing of Social Security Account Numbers. All applicants/recipients must furnish social security account numbers pursuant to 45 CFR 232.10.

Section 11. Assignment of Rights to Support. Pursuant to KRS 205.720, by accepting assistance for or on behalf of a child, a recipient is deemed to have made an assignment to the Cabinet for Human Resources of any child support owed for the child not to exceed the amount of AFDC payments made to the recipient.

Section 12. Assignment of Rights to Medical Support. By accepting assistance for or on behalf of a child, a recipient is deemed to have made an assignment to the Cabinet for Human Resources of any medical support owed for the child not to exceed the amount of medical assistance payments made on behalf of the recipient.

[Section 13. Provisions contained in this regulation shall become effective November 1, 1986.]

MIKE ROBINSON, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: April 3, 1987

FILED WITH LRC: April 13, 1987 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 3:010E. Definitions.

RELATES TO: KRS 194.050

PURSUANT TO: KRS 194.050

EFFECTIVE: March 31, 1987

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.

(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.

(g) In the case of homeless food stamp households, meals prepared for and served by an approved authorized public or non-profit establishment (e.g., soup kitchen, temporary shelter) that feeds homeless persons.

(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) Employment and training program. A program consisting of one (1) or more work, training, education, or job search components.

(14) [(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.

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

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

(17) [(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.

(18) [(17)] "Head of household" is the person in whose name the application for participation is made. For the purpose of failure to comply with work registration, employment and training, and voluntary quit requirements, head of household shall be the primary wage earner as defined in 7 CFR 273.1(d)(2).

(19) [(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) 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) 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) of this section.

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

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

(22) [(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.

(23) [(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.

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

(25) [(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.

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

(27) [(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.]

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

(d) The following are considered nonhousehold members and are ineligible to participate in the program as separate households:

1. Ineligible students. Students not meeting eligibility requirements as set forth in 7 CFR 273.5.

2. Persons disqualified for non-compliance with the work requirements of 7 CFR 273.7.

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

(29) [(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.

(30) [(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.

(31) [(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.

(32) [(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.

(33) [(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.

(34) [(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.

(35) [(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.

(36) [(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.

(37) [(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), 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.

(38) [(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 April 1, 1987 [August 1, 1986].

MIKE ROBINSON, Commissioner
E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: March 20, 1987

FILED WITH LRC: March 31, 1987 at 2 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 3:020E. Eligibility requirements.

RELATES TO: KRS 194.050

PURSUANT TO: KRS 194.050

EFFECTIVE: March 31, 1987

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

Section 1. Eligibility Requirements. In accordance with regulations promulgated by the Food and Nutrition Service (FNS), of the United States Department of Agriculture, national uniform standards of eligibility for the Food Stamp Program, composed of both financial and non-financial criteria, shall be utilized. Financial criteria shall consist of income and resource limitations. Non-financial criteria shall consist of certain technical factors. Participation in the program shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. The income eligibility standards are derived from the Office of Management and Budget's (OMB) non-farm income poverty guidelines.

Section 2. Countable Income. All income from any source shall be counted, except income specifically excluded in Section 3 of this regulation, including but not limited to:

(1) Wages earned by a household member, including all wages received by a striker the month prior to the month of the strike, or the month of application, in accordance with 7 CFR Part 273.1(g).

(2) The gross income of a self-employment enterprise, including the total gain from the sale of any capital goods or equipment related to the business, excluding the cost of doing business.

(3) Training allowance from vocational and rehabilitative programs recognized by federal, state or local governments, to the extent that they are not reimbursements.

(4) Payments under Title I (Volunteers in Service to America, University Year for Action, etc.) of the Domestic Volunteer Service Act of 1973 shall be considered earned income unless specifically excluded in 7 CFR Part 273.9(c)(10)(iii).

(5) The earned or unearned income of excluded household members as set forth in 904 KAR 3:035, Section 5(3).

(6) Assistance payments from federal or federally aided public assistance such as supplemental security income (SSI) or aid to

families with dependent children (AFDC); general assistance (GA) programs, or other assistance programs based on need.

(7) Annuities; pensions; retirement; veteran's or disability benefits; worker's or unemployment compensation; strike pay; old-age, survivors, or social security benefits; foster care payments for children or adults; gross income minus the cost of doing business derived from rental property in which a household member is not actively engaged in the management of the property at least twenty (20) hours a week.

(8) Wages earned by a household member which are garnisheed or diverted by an employer and paid to a third party for a household expense.

(9) Support or alimony payments made directly to the household from nonhousehold members and/or any portion of such payments returned to the household by the cabinet.

(10) Such portion of scholarships, educational grants, fellowships, deferred payment loans for education, veterans educational benefits and the like which are not excludable under Section 3(6) of this regulation.

(11) Payments from government sponsored programs, dividends, interest, royalties, and all other direct money payments from any source which can be construed to be a gain or benefit.

(12) Monies withdrawn or dividends which are or could be received from a trust fund considered to be excludable under 7 CFR Part 273.8(e)(8) by a household, unless otherwise exempt under the provisions set forth in 7 CFR Part 273.9(c).

(13) That amount of monthly income of an alien's sponsor and the sponsor's spouse (if living with the sponsor) that has been deemed to be that of the alien in accordance with 7 CFR Part 273.11(h).

(14) Assistance monies from another program, as specified in 7 CFR 273.11(j), which are withheld for purposes of recouping an overpayment which resulted from the household's intentional failure to comply with that program's requirements. These withheld monies shall be considered as income in accordance with 7 CFR 273.11(j).

Section 3. Income Exclusions. The following payments shall not be considered as income:

(1) Money withheld from an assistance payment, earned income or other income source, or monies received from any income source which are voluntarily or involuntarily returned, to repay a prior overpayment received from that income source, provided the overpayment was not excludable in accordance with 7 CFR Part 273.9(c). However, monies withheld, as specified in Section 2, subsection (14) of this regulation shall not be excluded.

(2) Child support payments received by AFDC recipients which must be transferred to the division administering Title IV-D of the Social Security Act, as amended, to maintain AFDC eligibility. However, any portion of such monies returned to the household by the cabinet shall not be excluded.

(3) Any gain or benefit which is not in the form of money payable directly to the household.

(4) Money payments that are not payable directly to a household, but are paid to a third party for a household expense are excludable as a vendor payment as defined in 7 CFR 273.9(c).

(5) Any income in the certification period which is received too infrequently or

irregularly to be reasonably anticipated, but not in excess of thirty (30) dollars in a quarter.

(6) [Effective November 1, 1986,] As defined in 7 CFR 273.9(c), educational loans on which payment is deferred, grants, scholarships, fellowships, veteran educational benefits, and the like to the extent that they are used for tuition and mandatory fees at an institution of post secondary education, including correspondence schools at that level, or a school at any level for the physically or mentally handicapped. Origination fees and insurance premiums on student loans are excludable charges. For federal education assistance programs funded under Title IV of the Higher Education Act, additional income exclusions include costs of books, travel, routine supplies, and cost for rental or purchase of equipment used for educational purposes. Portions of non-federal (state, local, or private) deferred payment educational loans are excluded based on provisions contained in 7 CFR 273.9(c)(4). [Benefits may be restored back to August 22, 1986.]

(7) All loans, including loans from private individuals as well as commercial institutions, other than educational loans on which repayment is deferred.

(8) Reimbursements for past or future expenses to the extent they do not exceed actual expenses, and do not represent a gain or benefit to the household as defined in 7 CFR 273.9(c).

(9) Money received and used for the care and maintenance of a third party beneficiary who is not a household member.

(10) The earned income of children who are members of the household, who are students at least half-time and who have not attained their eighteenth birthday.

(11) Money received in the form of a non-recurring lump-sum payment.

(12) The cost of producing self-employment income. If the cost of producing farm self-employment income exceeds the income derived from self-employment farming as defined in CFR Part 273.11(a), such losses shall be offset against any other countable income in the household.

(13) Any income specifically excluded by any other federal statute from consideration as income for the purpose of determining eligibility for the Food Stamp Program.

(14) Any energy assistance payments made under federal laws or certified as excludable energy payments by FNS.

Section 4. Income Eligibility Standards. Participation in the Food Stamp Program is limited to those households whose incomes fall at or below the applicable standards as established by FNS and which are set forth below:

(1) Households which contain a member who is elderly or disabled as defined in 904 KAR 3:010, Section 1(10) shall have their net income compared to 100 percent of the federal income poverty guidelines.

(2) Households which are categorically eligible as defined in CFR 273.2 do not have to meet either the gross or net income eligibility standards.

(3) All other households shall have their gross income (total income after excluded income has been disregarded but before any deductions have been made) compared to 130 percent of the

federal income poverty guidelines and their net income compared to 100 percent of the federal income poverty guidelines.

Section 5. Income Deductions. The following shall be allowable income deductions:

(1) A standard deduction per household per month. This standard shall be periodically adjusted by FNS to reflect changes in the cost of living for a prior period of time as determined by FNS.

(2) Twenty (20) percent of gross earned income.

(3) Payments for the actual cost for the care of a child or other dependent when necessary for a household member to seek, accept or continue employment or attend training or pursue education preparatory to employment. This deduction shall not exceed the child care maximum established by FNS.

(4) Monthly shelter cost in excess of fifty (50) percent of the household's income after all other allowable deductions have been made. The shelter deduction shall not exceed the excess shelter maximum established by FNS, except that households containing an elderly or disabled member shall not be subject to said maximum in regards to the shelter deduction. The excess shelter maximum shall be adjusted periodically by FNS to reflect changes in the cost of living for a prior period of time. Allowable monthly shelter expenses shall be those expenses outlined in 7 CFR Part 273.9(d)(5). The cabinet shall develop a standard utility allowance for use in calculating shelter cost for those households which incur heating/cooling (by air conditioning units only) costs separate and apart from their rent or mortgage payments in accordance with 7 CFR Part 273.9(d)(6). If the household is not entitled to the utility standard or does not choose to use the utility standard, it may claim actual utility expenses for any utility which it does pay separately. The standard utility allowance shall be adjusted at least annually to reflect changes in the cost of utilities.

(5) Allowable medical expenses, excluding special diets, in excess of thirty-five (35) dollars per month incurred by any household member who meets the definition of elderly or disabled, as set forth in 7 CFR Part 271.2, are those meeting the criteria set forth in 7 CFR Part 273.9(d)(3) including, but not limited to:

- (a) Medical and dental care;
- (b) Hospitalization or outpatient treatment and nursing care;
- (c) Medication and medical supplies;
- (d) Health and hospitalization premiums; and
- (e) Dentures, hearing aids, eyeglasses and prosthetics.

Section 6. Resources. Uniform national resource standards of eligibility shall be utilized. Eligibility shall be denied or terminated if the total value of a household's liquid and non-liquid resources, not exempt under Section 7 of this regulation and in accordance with 7 CFR Part 273.8, exceed:

(1) \$3000: for all households with one (1) or more members, when at least one (1) member is sixty (60) years or older; or

(2) \$2000: for all other households.

(3) Households which are categorically eligible as defined in CFR 273.2 shall be considered as having met the food stamp resource requirement.

Section 7. Exempt Resources. The following resources shall not be considered in determining eligibility:

(1) The home and surrounding property which is not separated from the home by intervening property owned by others.

(2) Household goods, personal effects including one (1) burial plot per household member, the cash value of life insurance policies and pension funds (except that Keogh plans which involve no contractual relationship with individuals who are not household members and Individual Retirement Accounts shall not be exempt), and prepaid burial plans if a contractual agreement for repayment must be signed in order to withdraw any funds.

(3) Licensed/unlicensed vehicles as specified in 7 CFR Part 273.8.

(4) Property which annually produces income consistent with its fair market value, even if only used on a seasonal basis.

(5) Property which is essential to the employment or self-employment of a household member, in accordance with 7 CFR Part 273.8(e)(5).

(6) Installment contracts for the sale of land or buildings if the contract or agreement is producing income consistent with its fair market value.

(7) Any governmental payments which are designated for the restoration of a home damaged in a disaster, if the household is subject to legal sanction if funds are not used as intended.

(8) Resources whose cash value is not accessible to the household.

(9) Resources which have been prorated as income.

(10) Indian lands held jointly with the tribe, or land that can be sold only with the approval of the Department of the Interior's Bureau of Indian Affairs; and

(11) Resources which are excluded for food stamp purposes by express provision of federal statute.

Section 8. Transfer of Resources. Households which have transferred resources knowingly for the purpose of qualifying or attempting to qualify for food stamps shall be disqualified from participation in the program for up to one (1) year from the date of the discovery of the transfer in accordance with 7 CFR 273.8(i).

Section 9. Non-financial Criteria. Non-financial eligibility standards apply equally to all households and consist of:

(1) Residency. A household must live in the county in which they make application;

(2) Identity. Applicant's identity will be verified; also, where an authorized representative applies for the household, both the applicant's and the authorized representative's identities will be verified;

(3) Citizenship and alien status. Program participation shall be limited to either citizens of the United States or eligible aliens, as outlined in 7 CFR Part 273.4. Individuals whose status is questionable shall be ineligible to participate until such status has been verified;

(4) Household size. Size of household will be verified through readily available documentary evidence or through a collateral contract; and

(5) Students. Persons aged eighteen (18) to sixty (60) who are physically and mentally fit

and enrolled at least half-time in an institution of higher education are ineligible to participate unless they meet criteria specified in 7 CFR Part 273.5.

(6) Mandatory monthly reporting (MMR). Households shall be required to file monthly reports in accordance with 7 CFR 273.21 and any waivers thereto approved by FNS as a condition of eligibility, unless otherwise exempted by the appropriate federal agency.

(7) Social security number (SSN). Households applying for or participating in the Food Stamp Program must comply with SSN requirements by providing the SSN of each household member or applying for one (1) prior to certification. Failure to comply without good cause shall be determined for each household member and shall result in such individual's disqualification from participation in the Food Stamp Program until this requirement is met.

(8) Work registration. All household members [between the ages of eighteen (18) and sixty (60)], except those exempt in 7 CFR Part

273.7(b), shall be required to register for work, accept suitable employment and be subject to other work registration requirements specified in 7 CFR Part 273.7. Strikers whose households are eligible in accordance with 904 KAR 3:035, Section 5(9), shall be subject to the work registration requirements unless exempt for reasons other than employment at the time of application.

(9) Quality Control. Refusal to cooperate in completing a quality control review shall result in termination of the participating household's benefits.

Section 10. Provisions contained in this regulation shall become effective April [January] 1, 1987 unless otherwise specified.

MIKE ROBINSON, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: March 20, 1987

FILED WITH LRC: March 31, 1987 at 2 p.m.

AS AMENDED

FINANCE AND ADMINISTRATION CABINET 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: April 14, 1987

NECESSITY AND FUNCTION: KRS 156.611 establishes the Math/Science 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 administration of the program that the Assistance Authority promulgate this regulation to prescribe rules for the administration of the program.

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. Teacher Recertification Eligibility. (1) Up to thirty (30) percent of the annual appropriation for KRS 156.611 will be loaned to certified teachers who do not possess certification in one of the critical shortage fields, who have been admitted to a qualified teacher education program, approved by the State Board of Education, at a participating institution as a summer school student, and who plan to complete requirements for certification in the specified critical shortage field. An individual who owes repayment of a grant or work-study award, or who is in default in repayment of any loan owed to the authority, is not eligible to receive a loan until such

financial obligations to the authority are satisfied, provided, however, that ineligibility for this reason may be waived, at the recommendation of a designated staff review committee [sole discretion of the executive director of the authority.] for cause.

(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 of the year preceding the year for which the award is made [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.

(4) Once all the criteria in subsection (3) of this section 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 participating institution.

(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.

(6) The amount of a summer loan under this section for a recipient shall not exceed the total cost of attendance determined by the participating institution. The maximum summer loan for teachers enrolled full time in a qualified teacher education program shall be \$833 per summer session. The aggregate maximum for loans under this section shall be \$2500.

Section 4. 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 in a qualified teacher education program approved by the State Board of Education at a participating institution with the intention of obtaining certification to teach in one of the critical shortage fields. An individual who owes repayment of a grant or work-study award, or who is in default in repayment of any loan owed to the authority, is not eligible to receive a loan until such financial obligations to the authority are satisfied, provided, however, that ineligibility for this reason may be waived, at the sole discretion of the executive director of the authority, for cause.

(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.

(3) The participating institution shall establish a screening committee to verify that applicants from that institution are 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 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.

(4) Once all criteria in subsection (3) of this section have been evaluated and two (2) or more applicants are equally ranked, 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.

(5) 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. 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. Use of Loan Proceeds. Proceeds of a loan under Sections 3 or 4 of this regulation shall be used by the recipient first 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. Reallocation of Funds. (1) principal and interest paid by recipients, and any money not utilized under Section 3 of this regulation shall be used to make additional loans under Section 4 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. (1) 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.

(2) In the event that a recipient has received loans or scholarships from more than one (1) program administered by the authority, which require a period of qualified teaching service for repayment or cancellation, such teaching requirements shall not be fulfilled concurrently. Unless the authority determines otherwise for cause, loans or scholarships from more than one (1) program shall be repaid or cancelled by qualified teaching service in the same order in which they were received.

(3) 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.

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.

PAUL P. BORDEN, Executive Director

APPROVED BY AGENCY: January 27, 1987

FILED WITH LRC: February 12, 1987 at 10 a.m.

FINANCE AND ADMINISTRATION CABINET
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: April 14, 1987

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, and who have not previously received a baccalaureate degree, shall be eligible to apply for a teacher scholarship. An individual who owes repayment of a grant or work-study award, or who is in default in repayment of any loan owed to the authority, is not eligible to receive a teacher scholarship until all such financial obligations to the authority are satisfied, provided, however, that ineligibility for this reason may be waived, at the recommendation of a designated staff review committee [sole discretion of the executive director of the authority.] for cause.

Section 4. Selection Criteria. Recipient selection will be made on the basis of the following weighted criteria: rank in class (thirty (30) [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 (thirty (30) [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 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. (1) 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.

(2) In the event that a recipient has received loans or scholarships from more than one (1) program administered by the authority, which require a period of qualified teaching service for repayment or cancellation, such teaching requirements shall not be fulfilled concurrently. Unless the authority determines otherwise for cause, loans or scholarships from more than one (1) program shall be repaid or cancelled by qualified teaching service in the same order in which they were received.

(3) 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.

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: January 27, 1987

FILED WITH LRC: February 12, 1987 at 10 a.m.

FINANCE AND ADMINISTRATION CABINET
Kentucky Higher Education Assistance Authority
(As Amended)

11 KAR 10:010. Congressional teacher scholarship program.

RELATES TO: KRS 164.744(2), 164.748(7), (8)

PURSUANT TO: KRS 164.748(4), 164.753(3)

EFFECTIVE: April 14, 1987

NECESSITY AND FUNCTION: Public Law 98-558 established the Carl D. Perkins Scholarship Program, subsequently renamed the Congressional Teacher Scholarship Program, to encourage academically talented students to become teachers in the public and private, nonprofit pre-school, elementary and secondary schools of the United States. Pursuant to Section 563 of the Higher Education Act of 1965 (20 USC §1119d-2), the governor designated the authority as the agency to administer this program on behalf of the Commonwealth. This regulation prescribes rules for the administration of the Congressional Teacher Scholarship Program.

Section 1. The Kentucky Higher Education Assistance Authority (authority) shall, to the extent of funds available for such purpose, award Congressional Teacher Scholarships to persons enrolled or accepted for enrollment on a full-time basis in a qualified teacher education program at participating institutions of higher education, who declare an intention to enter the teaching profession in a public or private, nonprofit pre-school, elementary, or secondary school or public education program, and who meet the eligibility requirements set forth herein.

Section 2. Definitions. (1) "Academic year award" means the aggregate amount of scholarship assistance received for one (1) academic year (July 1 through June 30) represented by one or more recipient agreements/promissory notes.

(2) "Qualified teaching service" means to teach on a full-time basis in a public or private, nonprofit pre-school, elementary, or secondary school or public education program, in any state.

(3) "Participating institution" means an institution of higher education located in Kentucky, which offers a qualified teacher education program, and which has in force an agreement with the authority providing for administration of this program.

(4) "Qualified teacher education program" means a first undergraduate program of study at an institution of higher education, which leads to initial teacher certification at the pre-school, elementary or secondary school level, and which does not lead to a certificate, diploma, or degree in theology, divinity, or religious education.

(5) "Collection costs" mean the costs incurred by the authority or its agents, including the costs of long distance phone calls, certified mail, skiptracing, court costs, and/or attorney fees, necessary to recover past due payment from the scholarship recipient.

Section 3. Applicable Laws. This program shall be administered in accordance with Section 561 et seq. of the Higher Education Act of 1965 (20 USC §1119d et seq.) and implementing regulations, 34 CFR Part 653, incorporated herein by reference.

Section 4. Eligibility Criteria. In order to apply and be considered for a scholarship, an individual must meet the following criteria:

(1) Be a U.S. citizen or national;

(2) Be a resident of the Commonwealth of Kentucky, as determined in accordance with the Council on Higher Education's policy on classification for fee assessment purposes;

(3) Have graduated in the top ten (10) percent of high school graduating class or have received GED test scores in the top ten (10) percent in Kentucky, and never have previously attended college;

(4) Be a full-time student;

(5) Enroll in a qualified teacher education program of study at a participating Kentucky institution;

(6) Cannot currently be receiving an award from another teacher scholarship/loan program administered by the authority;

(7) Declare an intention to obtain teacher certification and to render qualified teaching service in a public or private nonprofit pre-school, elementary or secondary school or public education program in any state;

(8) Sign the recipient agreement/promissory note; and

(9) Cannot be in financial arrears to any federal or authority financial aid program.

Section 5. Selection Criteria. Recipient selection will be made on the basis of the following weighted criteria:

(1) Cumulative high school grade point average (fifty (50) percent);

(2) American College Test composite score (thirty-five (35) percent);

(3) Level of communication skills (five (5) percent);

(4) Ability to become an effective teacher (five (5) percent); and

(5) Intent to teach in a critical shortage area (five (5) percent).

If funds are insufficient to award all applicants, the scholarships shall first be awarded to those qualifying applicants who previously received scholarships. Deadline for

applications will be established each year by the authority. 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 6. Renewal. Scholarships shall be renewed annually upon application for a maximum of three (3) years of undergraduate study for those who maintain continuous full-time enrollment and 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 qualified teacher education program and, thereafter, continues to be enrolled on a full-time basis in such a program and makes satisfactory academic progress at a participating institution.

Section 7. Award Maximums. The maximum teacher scholarship award for an academic year 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 less other financial assistance as determined by the participating institution.

Section 8. Disbursements. Payment shall be made at the beginning of each term, and each such disbursement shall be evidenced by a recipient agreement/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 9. 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;
- (4) Change in deferment status; or
- (5) Change of address.

Section 10. Withdrawals. Scholarship recipients who, prior to completion, cease to be enrolled in a qualified teacher education program at an institution of higher education and fail to re-enroll in such a program within the succeeding six (6) months shall immediately become liable for the repayment to the authority of the sum of all scholarship funds received plus interest accrued thereon and any applicable collection costs, unless such recipient has an approved deferment pursuant to 11 KAR 10:020.

Section 11. Failure to Render Qualified Teaching Service. Recipients who inform the authority that they do not intend to perform the required qualified teaching service or who do not begin employment in a qualified teaching service position by the date necessary to allow performance of all such service within the ten (10) year period following completion of a qualified teacher education program (excluding periods of approved deferment pursuant to 11 KAR 10:020) shall immediately become liable to the authority for repayment of principal and interest accrued on all scholarship funds received and any applicable collection costs. The day that a recipient discontinues qualified

teaching service (excluding periods of approved deferment pursuant to 11 KAR 10:020), repayment of all promissory notes then outstanding and any applicable collection costs shall become due.

Section 12. 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. Repayment shall be made in monthly installments of \$100 or such higher monthly installments as may be necessary to repay all sums due within ten (10) years from commencement of repayment. The authority may agree, in its sole discretion upon a showing of financial hardship by the scholarship recipient, to accept repayment in installments of less than \$100 per month in accordance with a schedule established by the authority. In the event that more than one (1) recipient agreement/promissory note has come due for repayment and remains unpaid, then payments shall first be applied to the earliest unpaid recipient agreement/promissory note. Payments shall be applied first to accrued interest and then to principal.

Section 13. Cancellation. (1) In order to receive cancellation of the repayment obligation, a scholarship recipient must render qualified teaching service for two (2) [continuous] academic years for each academic year award. Repayment of one (1) such academic year award and the interest thereon shall be cancelled for each two (2) year period during which qualified teaching service is verified to the authority.

(2) Notwithstanding the foregoing, repayment of one (1) academic year award and the interest thereon shall be cancelled for each one (1) academic year in which qualified teaching service is rendered in an area of teacher shortage designated by the United States Secretary of Education pursuant to 20 USC §1078(b)(4).

(3) Such cancellations of repayment shall be in sequential order beginning with the earliest promissory note(s). [No] Cancellation of part of an academic year award shall be granted [based] upon [partial] completion of each semester or its equivalent of the required qualified teaching service. 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.

(4) Additionally, the authority shall cancel a scholar's repayment obligations if it determines:

- (a) On the basis of a sworn affidavit of a qualified physician, that the scholar is unable to teach on a full-time basis because of an impairment that is expected to continue indefinitely or result in death; or
- (b) On the basis of a death certificate or other evidence of death that is conclusive under state law, that the scholar has died.

Section 14. Interest. Interest shall accrue and the interest rate on scholarship funds shall be computed as set forth in 34 CFR §653.42.

Section 15. 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 16. 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 17. Information Dissemination and Recruitment. The authority shall disseminate information through high school guidance offices about this program to potential recipients. Participating institutions shall provide assurances that program information will be disseminated to students enrolled at that institution. Students from low income, economically disadvantaged and minority population groups shall be actively recruited for participation in this program.

PAUL P. BORDEN, Executive Director
APPROVED BY AGENCY: January 27, 1987
FILED WITH LRC: February 12, 1987 at 10 a.m.

TOURISM CABINET
Department of Fish & Wildlife Resources
(As Amended)

301 KAR 3:021. Hunting and fishing license fees.

RELATES TO: KRS 150.025, 250.175, 150.225, 150.237, 150.240, 150.280, 150.290, 150.525, 150.660

PURSUANT TO: KRS 13A.350, 150.025
EFFECTIVE: April 14, 1987

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

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

10-day fishing license (nonresident only): \$10.00

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

Statewide hunting license (nonresident): \$75.00

Statewide hunting license, small game only (5-day nonresident): \$20.00

Statewide junior hunting license (resident only): \$4.00

Statewide waterfowl stamp: \$5.25

(8) Hunting and fishing license (combination resident): \$15.00

(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

(15) Kentucky regulated shooting preserve permit: \$35.00

(16) Commercial fox hound training enclosure permit: \$250.00

(17) 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) 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) Food permits:

Food permit for selling bobwhite quail from propagation farms only: \$150.00

- Retail food permit for propagated quail: \$2.50
 (20) Commercial waterfowl shooting permit (operator's license): \$40.00
 (21) Falconry permit (birds of prey): \$12.00
 (22) 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) Shoot to retrieve field trial permit (per trial [day]): \$5.00 [30.00]
 (24) Bird dog training device: \$2.50
(25) Shoot to retrieve field trial participant license: \$7.00

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 or thereafter as amended.]

DON R. McCORMICK, Commissioner
 CHARLES E. PALMER, JR., Chairman
 G. WENDELL COMBS, Secretary

APPROVED BY AGENCY: February 6, 1987
 FILED WITH LRC: February 6, 1987 at 3 p.m.

**NATURAL RESOURCES AND
 ENVIRONMENTAL PROTECTION CABINET**
 Department for Natural Resources
 Division of Water Patrol
 (As Amended)

402 KAR 4:130. Safety standards.

RELATES TO: KRS 235.240, 235.280
 PURSUANT TO: KRS 174.080, 235.280, 235.320
 EFFECTIVE: April 14, 1987

NECESSITY AND FUNCTION: KRS 235.240 proscribes the operation of any motorboat or vessel and the manipulation of any water skis, surfboard, or similar device in a reckless or negligent manner so as to endanger the life or property of any person, and KRS 235.280 directs the Division of Water Patrol to promulgate regulations to govern the fair, reasonable, equitable, and safe use of the state's waters. This regulation interprets what may be considered such reckless or negligent operation or manipulation and sets specific standards for operators of vessels and persons engaged in water activities which are necessary to govern the safe, reasonable, and equitable use of the waters by all.

Section 1. No person shall manipulate any water skis, surfboard, or similar device within 100 feet of commercial boat docks, moorage harbors, or swimming areas, or within 2,000 feet of a dam or lock, or in any waters posted or marked as a no skiing or restricted area.

Section 2. No operator of any vessel shall have in tow or shall otherwise be assisting in the propulsion of a person on water skis, water sled, surfboard, kite, or similar device nor shall any person manipulate such devices on the water during the period from sunset to sunrise. [from one (1) hour after sunset to one (1) hour

prior to sunrise.]

Section 3. In some situations, boats shall be required to operate at "idle speed," which means the slowest possible speed to maintain maneuverability:

(1) All boats operating in harbors or congested areas must operate at idle speed with due consideration for the rights of others.

(2) All boats operating close to a commercial boat dock or a generally recognized moorage area, where vessels are tied up or moored, shall operate at idle speed. Width of the stream, river, or lake will to an extent govern what will be considered "close," but under no circumstances shall boats operate faster than at idle speed within 100 feet of commercial docks or general moorage areas. Wherever possible, vessels should be even farther away than the prescribed 100 foot minimum distance.

Section 4. Boats are prohibited from operating in areas specifically designated as swimming areas. In such waters not so specifically marked, but being used as a swimming area or areas generally used as such, every precaution and consideration should be accorded the person or persons in the water.

Section 5. Boats passing others moored for any purpose shall do so in a manner and at a speed that will in no way endanger the occupants by precipitating the capsizing or swamping of the moored boat(s).

Section 6. Swimming is prohibited in boat launching areas of any lake or stream. [Nor shall anyone swim in established traffic lanes.]

Section 7. All persons being towed on water skis, surfboards, kites, or similar devices must wear Type I, II, or III personal flotation devices, as defined by these regulations.

Section 8. There shall be no more than two (2) kite fliers, parachute devices or other towed airborne devices in the air at one (1) time in any one (1) general area. The tow line for such airborne device is not to exceed 150 feet in length. No kite skiing is permitted in or over congested areas within 500 feet of commercial docks or ramps.

Section 9. The above provisions do not apply to a performance that is authorized by the division in conjunction with a race, regatta, or similar activities.

Section 10. Tow boats pulling persons skiing, surfboarding, or on similar devices shall have on board, in addition to the operator of such vessel, a person twelve (12) years of age or older as an observer or a rear view mirror with a minimum of a 160 degree wide-angle field of vision so mounted as to enable the operator of such vessel to observe the activities of the persons being towed. Tow boats engaged in towing kites and similar airborne devices must have, in addition to the operator of the towing vessel, a person twelve (12) years of age or older to observe the progress of the person being towed.

[Section 11. No vessel shall cause blockage of a channel while anchored or adrift.]

CHARLOTTE E. BALDWIN, Secretary
APPROVED BY AGENCY: February 12, 1987
FILED WITH LRC: February 12, 1987 at 4 p.m.

**NATURAL RESOURCES AND
ENVIRONMENTAL PROTECTION CABINET**
Department for Natural Resources
Division of Water Patrol
(As Amended)

402 KAR 4:170. Prohibited operation of vessels at locks, dams and power dams.

RELATES TO: KRS 235.280
PURSUANT TO: KRS 174.080, 235.280
EFFECTIVE: April 14, 1987

NECESSITY AND FUNCTION: KRS 235.280 directs the Division of Water Patrol to promulgate regulations to govern the fair, reasonable, equitable, and safe use of the state's waters. This regulation implements the responsibility of the division to promote safety by prescribing requirements for vessels being operated near power dams.

Section 1. No vessel shall be operated, moored, or used for any purpose other than emergency within 500 feet above or below the wicket area of any power dam when one (1) or more wickets are open.

Section 2. No vessel shall be operated, moored, or used within 100 feet of any power dam generator water exhaust chutes.

Section 3. No vessel shall enter a turbine exhaust chute of any power dam except for such purposes as the operators of the dam shall prescribe.

Section 4. On all navigable dams on rivers and lakes, vessels must stay at a safe distance from and shall not moor close to the gates at any locks.

Section 5. No vessels shall be operated, moored or used for any purpose other than emergency in any restricted area.

CHARLOTTE E. BALDWIN, Secretary
APPROVED BY AGENCY: February 12, 1987
FILED WITH LRC: February 12, 1987 at 4 p.m.

AMENDED AFTER HEARING

**NATURAL RESOURCES & ENVIRONMENTAL
PROTECTION CABINET**
(Amended After Hearing)

400 KAR 1:060. Confidentiality of records or other information furnished to or obtained by the Natural Resources and Environmental Protection Cabinet.

RELATES TO: KRS 61.870 to 61.884, 152.590, Chapters 146, 151, 224, 224A
PURSUANT TO: KRS Chapter 13A, 224.033, 224.035, 224.036

NECESSITY AND FUNCTION: KRS 224.035 and 224.036 require the cabinet to adopt rules and regulations regarding the designation of records and information as trade secrets and confidential business information. This regulation sets forth the definitions and procedures for designation, with the exception that this regulation does not apply to records or other information furnished to or obtained by the cabinet pursuant to the provisions of KRS Chapter 350.

Section 1. Definitions. Whenever used in this [these] regulation[s] the following terms shall have the meaning as set forth herein:

(1) "Record or other information" means all books, papers, maps, photographs, cards, tapes, discs, recordings or other documentary materials regardless of physical form or characteristics, which are furnished to or obtained by the cabinet; provided that, this regulation does not apply to any record or other information furnished to or obtained by the cabinet pursuant to the provisions of KRS Chapter 350.

(2) "Cabinet" means the Natural Resources and Environmental Protection Cabinet;

(3) "Trade secret" means a novel or unique plan or process, tool, mechanism or compound,

known only to its owner, his employees or former employees, or persons under contractual obligation to hold the information in confidence, which has been perfected and appropriated by the exercise of individual ingenuity, and which gives him an opportunity to retain or obtain an advantage over competitors who do not know it[, and does not relate to emission data or effluent data];

(4) "Confidential business information" means any record or other information relating to hazardous waste, which is not of public knowledge or general knowledge in the trade or business, furnished to or obtained by the cabinet, [not pertaining to effluent or emission data,] the disclosure of which would be likely to have either of the following effects:

(a) To impair the cabinet's ability to obtain the necessary information in the future; or

(b) To create an unfair advantage in the competitors of the person from which the information was obtained.

(5) "Effluent data" means, with reference to any source of discharge of a pollutant as that term is defined in 401 KAR 5:050:

(a) Information necessary to determine the identity, amount, frequency, concentration, temperature or other characteristics (to the extent related to water quality) of any pollutant which has been discharged by the source (or of any pollutant resulting from any discharge from the source), or any combination of the foregoing;

(b) Information necessary to determine the identity, amount, frequency, concentration, temperature or other characteristics (to the extent related to water quality) of the pollutants which, under an applicable standard or limitation, the source was authorized to discharge (including, to the extent necessary

for such purpose, a description of the manner or rate of operation of the source);

(c) A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation or operation constituting the source);

(d) Information required by a KPDES application form, including information submitted on the forms themselves and any attachments used to supply information required by the forms, and Kentucky Pollution Discharge Elimination System permits; and

(e) Notwithstanding the foregoing, the following information shall be considered to be "effluent data" only to the extent necessary to allow the Cabinet to disclose publicly that a source is or is not in compliance with an applicable standard or limitation, or to allow the cabinet to demonstrate the feasibility, practicability, or attainability or lack thereof of an existing or proposed standard or limitation:

1. Information concerning research, or the results of research, on any product, method, device or installation (or any component thereof) which was produced, developed, installed, and used only for research purposes; and

2. Information concerning any product, method, device or installation (or any component thereof) designed and intended to be marketed or used commercially but not yet so marketed or used.

(6) "Emission data" means, with reference to any source of emission of any substance into the air:

(a) Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which have been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

(b) Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner or rate of operation of the source);

(c) A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish from other sources (including, to the extent necessary for such purposes, a description of the device, installation or operation constituting the source); and

(d) Notwithstanding the foregoing, the following information shall be considered to be "emission data" only to the extent necessary to allow the cabinet to disclose publicly that a source is or is not in compliance with an applicable standard or limitation, or to allow the cabinet to demonstrate the feasibility, practicability or attainability or lack thereof of an existing or proposed standard or limitation:

1. Information concerning research, or the results of research on any project, method, device or installation (or any component thereof) which was produced, developed,

installed, and used only for research purposes; and

2. Information concerning any product, method, device or installation (or any component thereof) designed and intended to be marketed or used commercially but not yet so marketed or used.

(7) "Owner" or "owner or operator" means the owner of a proprietary interest in a trade secret or confidential business information.

Section 2. Asserting claims of entitlement to confidential treatment. (1) An owner or operator submitting a record or other information to the cabinet may assert a claim that the record or other information, not related to emission data or effluent data, is entitled to confidential treatment as a trade secret or confidential business information.

(2) The claim may be asserted by placing on or attaching to the record or other information a cover sheet; stamped or typed legend, or other suitable form of notice employing the language "trade secret" or "confidential business information" as applicable. Allegedly confidential portions of otherwise nonconfidential documents should be clearly identified by the owner or operator, and shall [may] be submitted separately to facilitate identification and handling by the cabinet. The allegedly confidential portion shall be submitted as a separate enclosure with the nonconfidential portions. The text of the nonconfidential portion of the record or other information shall cross-reference the allegedly confidential portions where applicable, so as to permit identification. If the owner or operator desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.

(3) The claim shall be limited to the record or other information, or portion thereof, for which a claim of entitlement to confidential treatment may reasonably be asserted in good faith, and shall not be asserted for any record or other information relating to emission data or effluent data.

(4) After the effective date of this regulation, the claim shall be asserted at the time of submittal of the record or other information to the cabinet. Provided that, the claim for any record or other information furnished to the cabinet within thirty (30) days of the effective date of this regulation shall [may] be asserted within sixty (60) days of the effective date.

(5) An owner or operator may assert a claim for any record or other information submitted to the cabinet prior to the effective date of this regulation and previously marked as confidential. The claim shall be asserted by filing a statement, as set forth in Section 3 of this regulation, within thirty (30) days of the effective date of this regulation. [A claim may be asserted more than thirty (30) days after the effective date of this regulation, provided that if a request for public inspection is received more than thirty (30) days after the effective date of this regulation and prior to the assertion of the claim, the record or other information shall be made available for public inspection.]

(6) Failure to assert a timely claim shall result in the record or other information being open to reasonable public inspection.

Section 3. Statement of Basis for Claim. (1) When a claim that a record or other information is entitled to confidential treatment is made, the owner or operator shall submit a statement in support of the claim.

(2) The statement shall contain:

(a) The name and address of the owner or operator;

(b) The reason for submitting the record or other information to the cabinet, including whether the submittal is voluntary or required by law;

(c) Whether there has been a previous determination by a court, an Environmental Protection Agency legal office acting under 40 CFR Part 2, Subpart B, or other governmental agency that the record or other information is, or is not, entitled to confidential treatment;

(d) The measures taken by the owner or operator to protect the confidentiality of the record or other information, and whether it intends to continue to take such measures;

(e) Whether the information is not, and has not been, reasonably obtainable without the owner or operator's consent by other persons, other than governmental bodies, by use of legitimate means (other than discovery based upon a showing of special need in a judicial or quasi-judicial hearing);

(f) Whether the record or [of] other information is customarily held in confidence by the owner or operator and persons like them;

(g) For a claim relating to confidential business information, the manner in which disclosure of the information is likely to create an unfair advantage in the competitors of the owner or operator; and

(h) For a claim relating to confidential business information, the basis for asserting that disclosure is likely to impair the cabinet's ability to obtain necessary information in the future.

(3) The statement shall not contain or reveal the record or other information for which the claim is asserted, but shall reference the record or other information to which it applies. The statement shall be open to reasonable public inspection.

(4) When an owner or operator has asserted a claim that a record or other information constitutes a trade secret or confidential business information, the record or other information will be treated as confidential until the cabinet determines that the record or other information is not entitled to confidential treatment and the owner or operator has been given fifteen (15) days written notice of the determination.

Section 4. Designation. (1) Upon submission of the statement required by Section 3 of this regulation, the cabinet will determine whether the record or other information is entitled to confidential treatment as a trade secret or confidential business information.

(2) The cabinet may request the owner or operator to submit additional information to show that the record or other information is entitled to designation as a trade secret or confidential business information.

(3)(a) In the case of a claim for confidential treatment of a record or other information submitted to the cabinet prior to the effective date of this regulation, the designation or denial will be made within twenty (20) [sixty

(60)] working days of receipt of the statement asserting the claim.

[(b) In the case of a record or other information furnished to the cabinet in conjunction with an application for permit, the determination to designate or not designate a record or other information as entitled to confidential treatment will be made prior to a determination that the permit application is technically complete;]

(b) [(c)] In the case of any other record or information furnished to the cabinet, following the effective date of this regulation, the designation or denial shall be made within twenty (20) [fifteen (15)] working days of receipt of the claim for confidential treatment.

(4) In making a determination to designate a record or other information as entitled to confidential treatment as a trade secret or confidential business information, the cabinet shall [will] consider the statement submitted pursuant to Section 3 of this regulation and any other relevant information, including information submitted by the public. The cabinet may deny the claim if it is not limited to a record or other information, or portion thereof, which is reasonably entitled to confidential treatment, or not asserted in good faith. The statement shall establish that the record or other information is entitled to confidential treatment. Failure to do so shall result in denial of the claim.

(5) The burden to show that a record or other information is entitled to confidential treatment is on the owner or operator.

(6) Notice of the determination and the reason therefor[e] shall be given to the owner or operator at the address set forth in the statement.

Section 5. Open Records Litigation. (1) If the cabinet makes a determination that a record or other information is entitled to confidential treatment, and the determination is challenged pursuant to the provisions of the Kentucky Open Records Act, KRS 61.870 et seq., or KRS 224.081 the cabinet may, in the defense of its designation, call upon the owner or operator to assist in the defense.

(2) To enable the owner or operator to protect its interest, the cabinet will notify the owner or operator within ten (10) working days of services of the complaint or initiating document upon the cabinet.

MARY HELEN MILLER, Secretary

APPROVED BY AGENCY: April 10, 1987

FILED WITH LRC: April 10, 1987 at 11:30 a.m.

**NATURAL RESOURCES & ENVIRONMENTAL
PROTECTION CABINET**
Department for Environmental Protection
Division for Air Quality
(Amended After Hearing)

401 KAR 50:035. Permits.

RELATES TO: KRS 224.320, 224.330, 224.340

PURSUANT TO: KRS 224.033

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

issuance of permits.

Section 1. Prohibitions. (1) No person shall construct, reconstruct, alter, or modify a source unless a construction permit to do so has been issued by the cabinet.

(2) No person shall use, operate, or maintain an air contaminant source unless:

(a) A permit to so operate the air contaminant source has been issued by the cabinet and is currently in effect;

(b) The cabinet or the court has issued to the source a compliance order with a compliance schedule consistent with the Clean Air Act; or

(c) The source has demonstrated to the satisfaction of the cabinet that it is in compliance with the provisions of all applicable regulations including all provisions relating to public participation, a complete application for a permit to operate has been accepted by the cabinet and the cabinet has notified the applicant that the application is complete. Operation authorized by this paragraph shall expire thirty (30) days after the date of notification made to the source by the cabinet that an operating permit fee balance as specified by 401 KAR 50:036, Section 5(1) is due or immediately upon notification to the source by the cabinet that the source operating permit is denied.

(3) No person shall use, operate, or maintain a source which has changed ownership after a shutdown of six (6) months or more unless:

(a) The provisions of 401 KAR 50:055, Section 3(1) are met;

(b) The source was issued an operating permit and was in compliance with all applicable regulations under the previous ownership; and

(c) The provisions of Section 5(2) of this regulation are met.

Section 2. Applications. (1) Applications for permits required under Section 1 of this regulation shall be made on forms prepared by the cabinet for such purpose and shall contain such information as the cabinet shall deem necessary to determine whether the permit should be issued.

(2) Applications for permits shall be signed by the corporate president or by another duly authorized agent of the corporation; or by an equivalently responsible officer in the case of organizations other than corporations; or, in other cases, by the source owner or operator; or, in the case of political subdivisions, by the highest executive official of such subdivision. Such signature shall constitute personal affirmation that the statements made in the application are true and complete.

(3) The information submitted in the application shall, when specifically requested by the cabinet, include an analysis of the characteristics, properties and volume of the air contaminants based upon source or stack samples of the air contaminants taken under normal operating conditions. Failure to supply information required or deemed necessary by the cabinet to enable it to act upon the permit application shall result in denial of the permit.

(4) An application for a permit may include one (1) or more affected facilities provided that all are contained within one (1) source. A person may apply for an amended permit to include new affected facilities provided that such new facilities are within the same source.

Section 3. Consideration of Applications.

(1)(a) The cabinet shall deny an application for a permit if the cabinet determines that any provision of any applicable regulation is not met.

(b) The cabinet shall deny an application for a permit if the applicant willfully makes material misstatements in the application or amendments thereto.

(c) When required by the regulations of Title 401, Chapters 50 to 65, the cabinet shall base the determination of compliance with ambient air quality standards and prevention of significant air quality increments upon either:

1. Air quality models in accordance with 401 KAR 50:040; or

2. Ambient air quality monitoring in accordance with 401 KAR 53:010.

(d) In cases where no emission standards have been prescribed by regulation, the cabinet shall require the use of all available, practical and reasonable methods to prevent and control air pollution.

(2) Determinations and notifications.

(a) Operating permits.

1. Within thirty (30) days after receipt of an application to operate, the cabinet shall advise the owner or operator as to whether or not the application is complete, or if additional information is necessary in order to evaluate the application.

2. For sources which are subject to regulation in Title 401, Chapter 51, or modifications to any source which will cause an increase in the potential to emit of 100 tons per year in any one (1) year, the cabinet shall make its determination concerning the application including its approval, conditional approval, or denial of the operating permit application within sixty (60) days after receipt of a complete operating permit application. For all other sources, the time period for the cabinet's determination shall be within thirty (30) days of receipt of the complete application. The cabinet may extend each of the time periods specified in this paragraph if the cabinet determines that additional time is necessary. The cabinet shall notify the applicant, in writing, of its determination and shall set forth its reasons for any conditional approvals or denials.

(b) Construction permits. This paragraph shall apply to the proposed construction, modification, alteration or reconstruction of any source that is not subject to Section 4 of this regulation.

1. Within thirty (30) days after receipt of an application to construct, reconstruct, modify, or alter, or any addition to such application, the cabinet shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of subparagraph 2 of this paragraph shall be the date on which the cabinet makes a determination that the application is complete.

2. The cabinet shall make its determination concerning the application including its approval, conditional approval, or denial of the application within thirty (30) days after receipt of a complete application, unless the cabinet determines that an additional period of time is necessary to adequately review the application. The cabinet shall notify the

applicant, in writing, of its determination and shall set forth its reasons for any conditional approvals or denials.

Section 4. Procedures for Public Participation. This section shall apply to the proposed major source construction, major modifications as defined in Title 401, Chapter 51, or modifications to any source which will cause an increase in the potential to emit of 100 tons per year or more of any one (1) pollutant.

(1) Within thirty (30) days after receipt of an application to construct, reconstruct, or modify or any addition to such application, the cabinet shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of subsections (2), (6) and (7) of this section shall be the date on which the cabinet makes a determination that the application is complete.

(2) Within thirty (30) days after the receipt of a complete application, the cabinet shall:

(a) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.

(b) Make available in at least one (1) location in each region in which the proposed source would be constructed, reconstructed, or modified, a copy of all materials submitted by the owner or operator, a copy of the cabinet's preliminary determination and a copy or summary of other materials, if any, considered by the cabinet in making the preliminary determination; and

(c) For sources subject to 401 KAR 51:017, notify the public, by prominent advertisement in newspapers of general circulation in each region in which the proposed source would be situated, of the application, the preliminary determination, the degree of increment consumption that is expected from the source or modification if applicable, and of the opportunity to comment in writing and of the opportunity to request a public hearing to receive written or oral comments. The cost of such advertisement shall be borne by the applicant.

(d) For all other sources subject to this section, notify the public, by prominent advertisement in newspapers of general circulation in each region in which the proposed source would be situated, of the application, the preliminary determination, and of the opportunity to comment in writing. The cost of such advertisement shall be borne by the applicant.

(3) A copy of the notice required pursuant to this section shall be sent to the following persons (any person otherwise entitled to receive notice under this subsection may waive his/her rights to receive notice):

(a) The applicant;

(b) Officials and agencies having cognizance over the locations where the source will be situated as follows: the Administrator of the U. S. EPA through the appropriate regional office; local air pollution control agencies; the chief executive of the city and county; any comprehensive regional land use planning agency; and any state, federal land manager or Indian governing body whose land may be affected by the emissions from the proposed source; and

(c) Persons on a mailing list compiled by including those who request in writing to be on the list, soliciting persons for "area lists" from participants in past permit proceedings in that area, and notifying the public of the opportunity to be put on the mailing list through periodic publication in the public press and in such publications as state-founded newsletters, environmental bulletins, or state law journals. The cabinet may update the mailing list from time to time by requesting written indication of continued interest from those listed. The cabinet may delete from the list the name of any person who fails to respond to such a request.

(4) All public notices issued under this regulation shall contain the following minimum information:

(a) Name and address of the cabinet and division processing the permit action for which notice is being given;

(b) Name and address of the permittee or permit applicant and, if different, of the facility or activity regulated by the permit;

(c) A brief description of the business conducted at the facility or activity described in the permit application or the draft permit;

(d) Name, address and telephone number of a person from whom interested persons may obtain further information, including copies of the draft permit, statement of basis or fact sheet, and the application; and

(e) A brief description of the comment procedures required by subsections (5) and (8) of this section.

(f) In addition to the general public notice described in paragraphs (a) to (e) of this subsection, the public notice for a hearing under subsection (8) of this section shall be given at least thirty (30) days before the hearing and shall contain the following information: reference to the date of previous public notices relating to the permit; date, time, and place of the hearing; and a brief description of the nature and purpose of the hearing, including the applicable rules and procedures.

(5) Public comments submitted in writing within thirty (30) days after the date such information is made available shall be considered by the cabinet in its final decision on the application. No later than ten (10) days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The cabinet shall consider the applicant's response in making its final decision. All comments shall be made available for public inspection at the same location in the region at which the cabinet made available preconstruction information relating to the proposed source.

(6) The cabinet shall take final action on an application subject to this section regarding its approval, conditional approval, or denial of the application. The cabinet shall notify the applicant, in writing, of its approval, conditional approval, or denial of the application and shall set forth its reasons for any conditional approvals or denials. Such notification shall be made available for public inspection at the location in the region at which the cabinet made available preconstruction information relating to the proposed source or modification. The public shall be notified of the cabinet's final action on an application

subject to this section by prominent advertisement in newspapers of general circulation in each region in which the proposed source or modification would be situated. The cost of such advertisement shall be borne by the applicant.

(a) For sources subject to 401 KAR 51:017 and for which a public hearing has been requested and held, the cabinet shall take final action within 150 days after receipt of a complete application.

(b) For all other sources subject to this section, the cabinet shall take final action within ninety (90) days after receipt of a complete application.

(7) The cabinet may extend each of the time periods specified in subsections (2) and (5) of this section by no more than thirty (30) days or such other period as agreed to by the applicant and the cabinet deems necessary. The time period specified in subsection (6) of this section shall then be extended by such period as extended for subsections (2) and (5) of this section and may be extended for such other period as agreed to by the applicant and the cabinet deems necessary. In accordance with Federal Regulation 40 CFR 52.21(r), the cabinet shall in no case exceed one (1) year from the date of receipt of a complete application for taking final action on an application subject to 401 KAR 51:017.

(8)(a) For sources subject to 401 KAR 51:017, the cabinet shall hold a public hearing whenever it finds, on the basis of requests, a significant degree of public interest in a draft permit(s). The cabinet also may hold a public hearing at its discretion, whenever, for instance, such a hearing might clarify one (1) or more issues involved in the permit decision. Public notice of the hearing shall be given as specified in paragraphs (b) and (c) of this subsection.

(b) Whenever a public hearing is to be held, the cabinet shall designate a presiding officer for the hearing who shall be responsible for its scheduling and orderly conduct.

(c) Any person may submit oral or written statements and data concerning a draft permit. Reasonable limits may be set upon the time allowed for oral statements, and the submission of statements in writing may be required. The public comment period under subsection (5) of this section shall automatically be extended to the close of any public hearing under this subsection. The hearing officer may also extend the comment period by so stating at the hearing.

(d) A tape recording or written transcript of the hearing shall be made available to the public at a reasonable reproduction cost.

Section 5. Terms and Conditions. (1) Permits issued hereunder shall be subject to such terms and conditions set forth and embodied in the permit as the cabinet shall deem necessary to ensure compliance with its standards. Such terms and conditions may include maintenance and availability of records relating to operations which may cause or contribute to air pollution including periodic source or stack sampling of the affected facilities.

(2) In the case of a transfer of ownership or name change of a source, the new owner or owner respectively shall abide by any permit to operate issued by the cabinet to the previous owner or to the same owner under the previous

source name. The new owner or owner shall notify the cabinet of the change in ownership and/or source name within ten (10) days following the change in ownership or source name and shall apply for a duplicate permit to operate in the event of a change in the name of the source.

(3) When supported by justification which the cabinet deems adequate, the cabinet may, upon request by a source owner or operator, extend the termination date of an operating permit by a period not to exceed 180 days for the purpose of allowing sufficient time for a source to correct such deficiencies in the application as have been identified by the cabinet and to allow completion of the application review by the cabinet.

Section 6. Exemptions. The provisions of Section 1 of this regulation shall not apply to the affected facilities or sources listed in this section. These exemptions shall not relieve any source from the requirements of any standard set forth in an applicable regulation or a permit issued by the cabinet. The cabinet may require the owner or operator to demonstrate compliance with all applicable regulations.

(1) Except as provided elsewhere in this section, those affected facilities to which no regulation is applicable and which emit an air pollutant to which no ambient air quality standard applies.

(2) Incinerators with a charging rate of less than 500 pounds per hour except those subject to 401 KAR 51:017, 401 KAR 51:052, Title 401, Chapter 57, [or] 401 KAR 63:020, 401 KAR 63:021, or 401 KAR 63:022.

(3) Except as provided in 401 KAR 59:019, internal combustion engines whether fixed or mobile, and vehicles used for transport of passenger or freight.

(4) Direct fired sources used for heating and ventilating.

(5) Open burning as set forth in 401 KAR 63:005.

(6) Indirect heat exchangers at a source with a total heat input capacity of less than fifty (50) million BTU per hour which use natural gas, liquid petroleum gas, or distillate fuel oil as a main fuel or combinations of these as main and standby fuels and which are not subject to the requirements of 401 KAR 51:017 or 401 KAR 51:052.

(7) Any indirect heat exchanger with a heat input capacity of less than fifty (50) million BTU per hour which uses natural gas or liquid petroleum gas as a main fuel or combinations of these as main and standby fuels and which is not subject to the requirements of 401 KAR 51:017 or 401 KAR 51:052.

(8) Publicly owned roads.

(9) Feed grain mills having a hammermill with a rated capacity of ten (10) tons per hour or less, provided that the source does not include a grain dryer.

(10) Sawmills which produce only rough cut or dimensional lumber from logs and which have a rated capacity of 1,500 board feet per hour or less provided the source does not include an indirect heat exchanger or waste wood burner subject to regulation in Title 401, Chapter 59 or 61.

(11) Except as provided in this subsection, all sources [except those subject to regulation in Title 401, Chapter 57, 40 CFR 60, or 401 KAR 63:020,] whose uncontrolled emissions are less than twenty-five (25) tons per year and [or]

whose potential to emit is less than or equal to five (5) tons per year of each of the following pollutants: particulate matter, sulfur dioxide, volatile organic compounds, nitrogen oxides, [[and]] carbon monoxide [, and pollutants regulated under 401 KAR 63:020]. This exemption shall not apply to sources subject to regulation in Title 401, Chapter 57, 40 CFR 60, 401 KAR 63:020, 401 KAR 63:021, or 401 KAR 63:022; to sources of pollutants [volatile organic compounds] located in areas [urban counties] designated as non-attainment for such pollutants [ozone] in 401 KAR 51:010; or to incinerators.

(12) Those sources which install air pollution control equipment where none was required. The owner or operator shall notify the cabinet in writing of such additions.

(13) Those sources which voluntarily modify or replace their air pollution control equipment to provide an equivalent or more efficient control of air pollutants. However, the owner or operator of such sources shall submit to the cabinet a complete registration form for the cabinet's concurrence at least forty-five (45) days before installation of such control equipment.

(14) Those affected facilities which are a part of a construction project where the total increase in the potential to emit from all affected facilities in the construction project is less than or equal to two (2) tons per year of each of the following pollutants: particulate matter, sulfur dioxide, volatile organic compounds, nitrogen oxides, and carbon monoxide[, and pollutants regulated under 401 KAR 63:020], provided that such increase does not subject the source to any other regulation. The owner or operator shall notify the cabinet in writing of such increases and construction projects thirty (30) days prior to commencing the construction project. This exemption shall not apply to affected facilities which are subject to regulation in Title 401, Chapter 57, 40 CFR 60, 401 KAR 63:020, or 401 KAR 63:022; to sources of pollutants [volatile organic compounds] located in areas [urban counties] designated as non-attainment for such pollutants [ozone] in 401 KAR 51:010; or to incinerators [401 KAR 63:020].

(a) The owner or operator may not circumvent this regulation by separating what would normally be one (1) construction project into two (2) or more projects.

(b) If the owner or operator notifies the cabinet of or applies for a construction permit for another construction project before the first construction project becomes operational, then the two (2) construction projects shall be considered as one (1) construction project.

(c) If the owner or operator can demonstrate, through engineering analysis and internal documents, that two (2) or more construction projects were planned during separate time

frames and involve separate independent facilities, the cabinet may allow the construction projects to be treated separately.

(15) Emitters of nonprocess fugitive emissions that are not part of a source that is otherwise subject to regulation.

Section 7. Source Obligation. (1) Any owner or operator who constructs or operates a source or modification not in accordance with the application submitted pursuant to this regulation or with the terms of any approval to construct, or any owner or operator of a source or modification subject to this regulation who commences construction after June 6, 1979 without applying for and receiving approval hereunder, shall be subject to appropriate enforcement action as provided under KRS 224.994.

(2) Approval to construct shall become invalid if construction is not commenced within eighteen (18) months after receipt of such approval, if construction is discontinued for a period of six (6) months or more, or if construction is not completed within a reasonable time. The cabinet may extend the eighteen (18) month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen (18) months of the projected and approved commencement date.

(3) Approval to construct shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the requirements of the cabinet and any other requirements under local, state, or federal law.

Section 8. Relocation of Minor Sources. The owner or operator of a minor source who is planning to relocate the source to a new site without any modification, may do so after [without] applying for [and receiving] a duplicate operating [new] permit, provided that the source has been issued and is operating under a current operating permit and is currently in compliance with all applicable regulations. The owner or operator shall submit an application for a duplicate operating permit [, and provided that the owner or operator notifies the cabinet] on forms provided by the cabinet, including the duplicate operating permit fee, at least ten (10) days prior to the planned relocation. If the location at the new site would cause the source to be subject to any additional or different regulation than is currently applicable at the previous location, the source shall be considered to be a new source and shall be subject to Section 1 of this regulation.

MARY HELEN MILLER, Secretary

APPROVED BY AGENCY: April 8, 1987

FILED WITH LRC: April 8, 1987 at 11 a.m.

PROPOSED AMENDMENTS

**GENERAL GOVERNMENT CABINET
Board of Medical Licensure
(Proposed Amendment)**

201 KAR 9:121. Certification renewal.

RELATES TO: KRS 311.650 to 311.658, 311.990(18)

PURSUANT TO: KRS Chapter 13A, 311.654, 311.656

NECESSITY AND FUNCTION: KRS 311.654 directs the State Board of Medical Licensure to adopt rules and regulations relating to paramedics. The function of this regulation is to establish requirements for training, and renewal of paramedic certification.

Section 1. Paramedic Training Course Requirements. The training course shall:

(1) Include the U.S. Department of Transportation curriculum and such additions to the curriculum as prescribed by the board.

(2) Be of at least 500 hours duration.

(3) Be supervised by a medical advisor with such assistance of a registered nurse or certified paramedic as the medical advisor deems necessary.

(4) Have a training course faculty composed of appropriate professionals, clinical, academic, and technical instructors.

(5) Be conducted at locations approved and authorized by the board including, as part of the instruction, training at a hospital licensed to operate in this state.

Section 2. Issuance of Certification and Renewal. Certificates shall be issued by the board pursuant to the standards set forth in these regulations. A paramedic trainee shall be eligible to take the certifying examination prescribed by the board, provided that:

(1) Within thirty (30) months of the commencement of a paramedic training course authorized and approved by the board, the paramedic trainee has successfully completed said training course; and

(2) Within thirty (30) months of commencement of such training course, the paramedic trainee has successfully completed a field clinical evaluation of at least 500 hours [five (5) months] duration.

(3) A paramedic trainee is eligible to take the certifying examination upon the written recommendation of the medical advisor and verification that the paramedic trainee has completed the requirements of subsections (1) and (2) of this section.

Section 3. Paramedic Certification Examination. The board shall prescribe the format and content of the paramedic certification examination which shall include written, oral, and practical examination. Such examination shall be held in a manner and at times and locations prescribed by the board.

Section 4. Expiration of Certification. Upon successful completion of the certification examination, the graduate paramedic shall be issued a certificate which shall be valid for two (2) years from date of issuance.

Section 5. Renewal of Certification. In order

to renew a certificate, the paramedic must obtain a minimum of forty (40) hours of approved in-service training annually and have successfully passed a renewal examination prescribed by the board within thirty (30) months of issuance of his last certificate.

C. WILLIAM SCHMIDT, Executive Director

APPROVED BY AGENCY: April 8, 1987

FILED WITH LRC: April 10, 1987 at 1 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on Tuesday, May 26, 1987, at 9 a.m. at the offices of the Kentucky Board of Medical Licensure, Mall Office Center, 400 Sherburn Lane, Suite 222, Louisville, Kentucky 40207. Those interested in attending or being heard at this hearing shall notify in writing not less than five (5) days prior to May 26, 1987: Mr. C. William Schmidt, Executive Director, Kentucky Board of Medical Licensure, 400 Sherburn Lane, Suite 222, Louisville, Kentucky 40207.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: C. William Schmidt

(1) Type and number of entities affected: All paramedic trainees preparing to complete the requirements to become certified paramedics.

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

1. First year: N/A

2. Continuing costs or savings: N/A

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

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: Will better help the board to train and evaluate the paramedic trainees.

(a) Direct and indirect costs or savings: N/A

1. First year: N/A

2. Continuing costs or savings: N/A

3. Additional factors increasing or decreasing costs: N/A

(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: Alternative considered, but the Board's Paramedic Advisory Committee felt this alternative was the best to adequately train the Commonwealth's paramedics.

(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: The Paramedic Advisory Committee and the board feel this amendment will help the board in its statutory duty to establish requirements for training and renewal of paramedic certification.

TIERING: Was tiering applied? Yes

GENERAL GOVERNMENT CABINET
Board of Medical Licensure
(Proposed Amendment)

201 KAR 9:161. Skills, authorized procedures.

RELATES TO: KRS 311.650 to 311.658, 311.990(18)
PURSUANT TO: KRS Chapter 13A, 311.654

NECESSITY AND FUNCTION: KRS 311.654 directs the State Board of Medical Licensure to adopt rules and regulations relating to paramedics. The function of this regulation is to prescribe procedures which certified paramedics, graduate paramedics and paramedic trainees are authorized to perform.

Section 1. Authorized Certified Paramedic Procedures. Certified paramedics may perform the procedures and skills of a certified emergency medical technician (EMT). In addition, a certified paramedic may perform any of the procedures set forth in Section 3 of this regulation provided:

(1) A verbal order is given by radio or telephone by the medical advisor or supervising physician (or a direct verbal or written order is given by a licensed physician who is physically present at the scene of the emergency call); and

(2) Provided, further that the certified paramedic is under the supervision of the medical advisor or the supervising physician during the performance of authorized procedures. In addition, a certified paramedic may perform procedures pursuant to written standing orders issued by his medical advisor.

Section 2. Authorized Graduate Paramedic and Paramedic Trainee Procedures. Graduate paramedics and paramedic trainees may perform the procedures and skills of a certified emergency medical technician (EMT). In addition, graduate paramedics and paramedic trainees may, subject to any limitations imposed by the medical advisor or the supervising physician, perform any other procedures specified in Section 3 of this regulation, provided:

(1) Verbal order is given by radio or telephone by the medical advisor or supervising physician (or a direct verbal or written order given by a licensed physician who is physically present at the scene of the emergency call); and

(2) Provided further that the graduate paramedic or paramedic trainee is under the direct supervision of the medical advisor or the supervising physician directing the performance of such authorized procedures.

Section 3. Authorized Procedures. Any certified paramedic, graduate paramedic or paramedic trainee, subject to the limitations of this regulation may perform the following procedures:

(1) Suctioning: nasopharyngeal and endotracheal;

(2) Endotracheal and nasotracheal intubation;

(3) Insert nasopharyngeal airway(s);

(4) Defibrillation;

(5) Venipuncture and drawing venous blood for analysis;

(6) Upon proper approval by applicable licensing and regulator authorities possess and administer by the appropriate route (intravenously, subcutaneously, or intramuscularly) the following drugs:

- (a) Anticonvulsant(s);
- (b) Antiarrhythmic agents;
- (c) Bronchodilators;
- (d) Narcotics;
- (e) Narcotic antagonists;
- (f) Intravenous fluids or plasma expanders, or both;
- (g) Diuretics;
- (h) Antihistamine;
- (i) Vasoactive drugs;
- (j) Poison antidotes;
- (k) Cardiotonic drugs;
- (l) Alkalizing drugs;
- (m) Vagolytic;
- (n) Antihypoglycemic agents;
- (o) Or such other fluid drugs or medications as the board may prescribe.
- (7) Perform nasogastric intubation and suctioning;
- (8) Perform urinary catheterization and urine collection;
- (9) Perform electrocardiographic monitoring and biomedical telemetry;
- (10) Utilize rotating tourniquets;
- (11) Apply "anti-shock" trousers;
- (12) Administer "breathing treatments" to patients experiencing COPD/asthmatic problems through the use of nebulizer with Brethine or Bronkosal medications.
- (13) [(12)] Conduct such physical examinations for which they have been trained; and
- (14) [(13)] Perform such other procedures as the board may prescribe.

C. WILLIAM SCHMIDT, Executive Director

APPROVED BY AGENCY: April 8, 1987

FILED WITH LRC: April 10, 1987 at 1 p.m.

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REGULATORY IMPACT ANALYSIS

Agency Contact Person: C. William Schmidt

(1) Type and number of entities affected: All certified paramedics, graduate paramedics and paramedic trainees in the Commonwealth of Kentucky.

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

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: N/A

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: N/A

1. First year: N/A

2. Continuing costs or savings: N/A

3. Additional factors increasing or decreasing costs: N/A

(b) Reporting and paperwork requirements: N/A

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

(4) Assessment of alternative methods; reasons

why alternatives were rejected: Alternatives considered but Paramedic Advisory Committee and board felt the proposed skill was within the competency of paramedics and would foster better paramedic care for citizens of Kentucky.

(5) Identify and 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 amendment will allow the citizens of Kentucky better health care from the paramedics. This will allow paramedics to further utilize their skills.

TIERING: Was tiering applied? Yes

GENERAL GOVERNMENT CABINET
Board of Examiners & Registration of Architects
(Proposed Amendment)

201 KAR 19:020. Accredited schools and colleges.

RELATES TO: KRS 323.050

PURSUANT TO: KRS 323.210

NECESSITY AND FUNCTION: Defines accredited schools of architecture.

Section 1. Accredited Schools and Colleges: Schools and colleges of architecture that have professional degree programs meeting the requirements of the National Architectural Accrediting Board (NAAB) shall constitute the list of accredited programs of the schools and colleges.

CURTIS E. FLANNERY, Chairman

APPROVED BY AGENCY: February 6, 1987

FILED WITH LRC: March 26, 1987 at noon

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on May 22, 1987 at 2 p.m. at the Office of the Board of Examiners and Registration of Architects of Kentucky, 3302 Brookhill Circle, Lexington, Kentucky 40502. Those interested in attending this hearing shall contact in writing: L. Wayne Tune, Executive Director, State Board of Examiners and Registration of Architects, P.O. Box 22097, Lexington, Kentucky 40522.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: L. Wayne Tune

(1) Type and number of entities affected:

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

1. First year: None

2. Continuing costs or savings: None

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

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state

and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: 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: Technical clarifications; programs are accredited, not the schools.

TIERING: Was tiering applied? No. N/A

GENERAL GOVERNMENT CABINET
Board of Examiners & Registration of Architects
(Proposed Amendment)

201 KAR 19:035. Qualifications for examination.

RELATES TO: KRS 323.050, 323.060

PURSUANT TO: KRS 323.210

NECESSITY AND FUNCTION: To further define eligibility of applicants for admission to the examinations.

Section 1. Eligibility to Take the State Board Examination. (1) Any person who possesses the qualifications prescribed in KRS 323.050, and as further defined in other sections of these regulations, shall be eligible to take the examinations.

(2) It should be understood, however, that the education and experience required are more than mere vehicles to admission. These requirements and the examination are two (2) distinct exercises on the road to registration. Each supplements and sustains the other, but neither can replace the other as a vital part of professional training.

Section 2. General Requirements for Examination. Applicants for examination must meet the following requirements:

(1) Hold a first professional degree in architecture from a degree program that has been accredited by the National Architectural Accrediting Board not later than two (2) years after termination of enrollment; or have satisfied the education requirements as specified in the National Council of Architectural Registration Boards (NCARB) "Circular of Information No. 3" current edition. [Must be a graduate of an accredited school of architecture, or the equivalent thereof; as determined by board regulations,] with such additional experience as the board may prescribe and approve. An applicant meeting all other requirements but does not hold a professional degree in architecture may be admitted to the examination if the applicant holds a high school diploma or equivalent and has accumulated, as of June 1, 1992, at least five (5) education credits as determined from the "Table of Equivalence for Education, Training and Experience" in Section 3 of this regulation.

(2) Be a legal resident of the Commonwealth of Kentucky unless specifically exempted by the board therefrom for a justifiable reason.

(3) Be at least twenty-five (25) years of age.

(4) Be of good moral character. One (1) or

more of the following may be sufficient to prevent an applicant from being considered to be of "good moral character:"

(a) Conviction of a felony.

(b) Chronic alcoholism, persistent drug abuse, or any such acts of behavior which would, if he were licensed, jeopardize or impair his judgment to meet his professional responsibility as an architect to the public welfare and safety.

(c) Submitting a misstatement or misrepresentation of facts in an application or in supplementary information.

(d) Violating any provision of KRS Chapter 323 or board rules and regulations either before or after admission to examination.

(e) Violating the registration law of any other state, territory, or country.

(5) The board will review and evaluate the candidate's record of education, employment, experience, personal character, professional affiliations, and civic activities.

(6) The applicant may, at the board's discretion, be asked to appear for a personal audience so that the board may have the opportunity to judge his general qualifications for the practice of architecture, his ethical precepts, his resourcefulness, initiative and purpose in seeking a career in architecture and his general talents therefor.

(7) The candidate must demonstrate to the board that his qualifications and preparation for examination are adequate.

Section 3. Experience Required and Equivalencies Allowed. (1) An applicant who holds an accredited first professional degree or who has earned the equivalent five (5) education credits as of June 1, 1992 [A graduate from an

accredited school of architecture] shall, in addition thereto, have at least three (3) years of architectural experience satisfactory to the board, or have satisfied the Intern Development Program (IDP) training requirements in accordance with the National Council of Architectural Registration Boards (NCARB) Circular of Information No. 1, current edition, as verified by NCARB evaluation. Beginning June 1, 1986, applicants who have completed required education and who have less than six (6) months exceptable training shall be required to enroll in and satisfy the Intern Development Program Training requirements as verified by NCARB evaluation. [In general, an applicant who does not hold a degree from an accredited school of architecture will be required to have two (2) additional years of satisfactory experience for each calendar year of deficiency in architectural education, or a total of twelve (12) years.]

(2) To be eligible for examination an applicant must present authentic evidence, by means of college transcripts and letters from employers, architects and other that he has met all the requirements noted in other sections and that he has had well diversified and satisfactory training in the many areas of architectural practice.

(3) In order to give the applicant a better understanding of the time and nature of the required experience, including related types of work which may be applied thereto, the board has adopted the following "Table of Equivalents for Education, Training and Experience" as a guide:

(See table on following pages)

TABLE OF EQUIVALENTS FOR EDUCATION, TRAINING AND EXPERIENCE

Experience Description	First 2 Years	Education Credits		Training Credits	
		Succeeding Years	Max. Credit Allowed	Credit Allowed	Max. Credit Allowed
A-1 First professional degree in architecture, or credits toward the first professional degree, where the degree program has been accredited by the National Architectural Accrediting Board ("NAAB") not later than two (2) years after termination of enrollment	75%	100%	5 years		
A-2 First professional degree in architecture, or credits toward that degree, where the degree program has not been accredited by NAAB	75%	75%	4 years		
A-3 Bachelor degree, or credits toward that degree, in architectural engineering, architectural technology, or in civil, mechanical, or electrical engineering, accredited by the Engineers' Council for Professional Development or the Accreditation Board for Engineering and Technology, or in interior architecture, accredited by the Foundation for Interior Design Education Research	50%	75%	3 years		
A-4 Any other bachelor degree			2 years		
A-5 Experience, directly related to architectural work, as an employee in the offices of registered architects	50%	50%	5 years	100%	no limit
A-6 Experience, practicing as a principal, with a verified record of substantial practice, directly related to architectural work	50%	50%	5 years	100%	no limit
A-7 Experience as an employee of an organization (other than offices of registered architects) when the experience is directly related to architectural work and is under the direct supervision of a registered architect	50%	50%	4 years	100%	2 years

A-8 Experience as an employee of an organization (other than offices of registered architects) when the experience is directly related to architectural work, and is under the direct supervision of a professional engineer, landscape architect, interior designer, or planner	0	50%	1 year
A-9 Experience, other than A-5, A-6, A-7 or A-8 experience, directly related to on-site building construction operations or experience involving physical analyses of existing buildings	0	50%	6 months
A-10 A Master or Doctoral degree in architecture (except where the degree is the first professional degree)	0	100%	1 year
A-11 Teaching or research in an NAAB accredited architectural program	0	100%	1 year
A-12 Other Education or Training Experience	0	100%	1 year

(4) For purposes of interpreting the "Table of Equivalents for Education, Training and Experience," Education Credits shall be subject to the following conditions:

(a) Applicants with the degree specified in A-1 through A-4 will be allowed the credit shown in the Maximum Credit Allowed column, regardless of the length of the degree program. Applicants without the degree specified in A-1 or A-2 may not accumulate more than three (3) years of education credits in the aggregate from all degree programs.

(b) Thirty-two (32) semester credit hours or forty-eight (48) quarter credit hours are considered to be one (1) year. Fractions of a year of one-half (1/2) or greater will be considered one-half (1/2) year, and smaller fractions will not be counted.

(c) Foreign education credits will be granted only under classifications A-2 and A-4. Any cost of translation and evaluation will be borne by the applicant.

(5) For purposes of interpreting the "Table of Equivalents for Education, Training and Experience," Training Credits shall be subject to the following conditions:

(a) No training credits may be earned prior to accumulating two and one-half (2 1/2) education credits.

(b) Every applicant must earn at least one (1) year of training credit under A-5 or A-6 and must earn it after earning five (5) years of education credits.

(c) To earn credit under A-10 or A-11, an applicant's credit hours must be in subjects evaluated by NCARB as directly related to architecture. Twenty (20) semester credit hours or thirty (30) quarter credit hours of teaching or equivalent time in research will equal one (1) year.

(d) No credit used as an education credit may be used as a training credit.

(e) Organizations will be considered to be "offices of registered architects" if:

1. The architectural practice of the organization in which the applicant works is in the charge of a person practicing as a principal and the applicant works under the direct supervision of a registered architect; and

2. The organization is not engaged in construction; and

3. The organization has no affiliate engaged in construction which has a substantial economic impact upon the person or persons in the organization practicing as a principal.

(f) An organization (or an affiliate) is engaging in construction if it customarily engages in either of the following activities:

1. Undertakes to provide labor and/or material for all or any significant portion of a construction project, whether on lump sum, cost plus or other basis of compensation, or

2. Agrees to guarantee to an owner the maximum construction cost for all or any significant portion of a construction project.

(g) A person practices as a "principal" by being

1. A registered architect; and

2. The person in charge of the organization's architectural practice, either alone or with other registered architects.

(6) For purposes of interpreting the "Table of Equivalents for Education, Training and Experience," the following general evaluation criteria shall be used:

(a) To earn full education or training credits under A-5, A-6, A-7, A-8 and A-9 an applicant must work at least thirty-five (35) hours per week for a minimum period of ten (10) consecutive weeks under A-5 or six (6) consecutive months under A-6, A-7, A-8 or A-9. An applicant may earn one-half (1/2) the credit specified under A-5 for work of at least twenty (20) hours per week in periods of six (6) or more consecutive months; no credit will be given for part-time work in any category other than A-5.

(b) Other education and training may be

substituted for the requirements outlined above, only insofar as the board considers them to be equivalent to the required qualifications.

(c) In evaluating credits, the board requires substantiation of the quality and character of the applicant's experience, notwithstanding the fact that the applicant has complied with the technical education and training requirements set forth above.

(7) Training and experience acquired up to one (1) month prior to the month of the examinations if supported by supplementary documentation may be counted as credit.

CURTIS E. FLANNERY, Chairman

APPROVED BY AGENCY: February 6, 1987

FILED WITH LRC: March 26, 1987 at noon

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REGULATORY IMPACT ANALYSIS

Agency Contact Person: L. Wayne Tune

(1) Type and number of entities affected: Intern trainees; approximately 90 over any three year period.

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

1. First year: \$30

2. Continuing costs or savings: \$20/year for three years.

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

(b) Reporting and paperwork requirements: Maintain training records.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: 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: 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: Requires candidates to record and verify diversified training in all facets of architecture; degree requirement.

TIERING: Was tiering applied? No. Applies to all trainees uniformly.

GENERAL GOVERNMENT CABINET

Board of Examiners & Registration of Architects (Proposed Amendment)

201 KAR 19:095. Professional practice standards; violations, penalties.

RELATES TO: KRS 323.095, 323.120

PURSUANT TO: KRS 323.210

NECESSITY AND FUNCTION: To define basis for board to proceed against architects for unprofessional practice.

Section 1. Penalties for Unprofessional Practice. (1) The board may refuse to renew or may suspend for a period or revoke any license, or forbid practice by any architect for any of the following reasons:

(a) Gross incompetency or gross negligence.

(b) Unprofessional conduct or conduct tending to bring the profession into disrepute.

(c) Conviction of a felony.

(d) Fraudulent or dishonest architectural practice.

(e) Use of false evidence, or misrepresentation in an application for licensing.

(f) Signing or affixing his seal to any plans, prints, specifications for buildings, or reports which have not been prepared by him personally or by his employees under his supervision.

(2) The procedure for such action shall be in accordance with the provisions of KRS 323.130 and 323.140.

Section 2. Gross Incompetence and Gross Negligence Defined. The following acts or omissions shall be deemed to be gross incompetence or gross negligence within the meaning of the law and be cause for denial, suspension or revocation of a license:

(1) Willfully failing to use reasonable care and diligence in his professional practice, resulting in a building or structure being improperly constructed to the detriment of the occupants.

(2) Willfully failing to use reasonable care and diligence in preparing drawings, specifications, and other documents relating to the design and construction of buildings for the protection of a client in all relationships as agent of the client.

Section 3. Unprofessional Conduct Defined. Any of the following acts by an architect shall be deemed to be "unprofessional conduct" and be cause for denial of registration, or suspension, revocation or refusal to renew a license to practice architecture:

(1) Accepting compensation for architectural services from other than his client or employer.

(2) Offering or making any payment or gift to a government official (whether elected or appointed) with intent of influencing the official judgment in connection with a prospective or existing project in which the architect is interested.

(3) Offering or making any gifts, except gifts of nominal value (including, for example, reasonable entertainment and hospitality), with intent of influencing the judgment of an existing or prospective client in connection with a project in which the architect is interested.

[(4) Soliciting or allowing misleading,

deceptive, or false publicity or material claims of superiority that cannot be substantiated to be disseminated in any publication.]

(4) [(5)] Having a financial interest in the manufacture, sale or installation of any component or process used in a project for which he is the architect unless his client has been so advised and has waived any objection he may have had thereto.

(5) [(6)] Publicly endorsing a product, system, or service, or permitting the use of his name or photograph to imply such endorsement. However, he may be identified with any product, system, or service designed or developed by him.

[(7)] Engaging an agent or representative to solicit work on his behalf whose compensation is either unreasonable or contingent, in whole or in part, upon obtaining professional work for the architect.]

(6) [(8)] Using paid advertising on behalf of himself, his partner, associate, or any other architect affiliated with him or his firm, containing a statement or claim which is false or tends to be misleading, deceptive, or unfair, or which makes material claims of superiority which cannot be substantiated rather than being designed to inform the public.

(a) Advertising may include the name of the architect or firm, address, telephone number, a statement of the fields of practice, and a statement of the geographical area where services are rendered, and cost of services.

(b) An architect or architectural firm which advertises a fee for specific services and accepts such employment must perform such services for the amount stated, and a statement to that effect shall be included in every advertisement.

(c) Advertisements may be by newspaper or magazine advertisements, radio or television announcements, or display advertisements in the city or telephone directories.

Section 4. Conviction of a Felony. Any conviction of a felony within the United States of America or its possessions is prima facie evidence of misconduct.

Section 5. Fraudulent or Dishonest Practice Defined. The following practices shall be deemed to be "fraudulent or dishonest practice" within the meaning of the law and be cause for denial, suspension or revocation of a license to practice architecture:

(1) Making untrue or deceitful statements in an application for examination or registration, or in any other statements or representations to the board.

(2) Affixing his seal to any drawings other than those for which he is the author. All plans must be sealed by the author or authors thereof. "Authors" is defined as those in responsible charge of the preparation of plans which are made by them personally or under their supervision.

(3) Bribing any person or persons who may influence the selection of an architect.

(4) Willfully misleading or defrauding any person or persons employing him as an architect.

(5) Willfully violating the laws of Kentucky or any other state, where such are applicable, relating to the practice of architecture; or willfully violating any rule or regulation of this board made in pursuance to law.

(6) Using, or attempting to use, or practicing

under, a license that has been suspended or revoked or which has not been renewed as required by law and the regulations of the board.

Section 6. Registration While Working for Others. (1) An architect may work as the employee of another architect without affecting the status of his registration.

(2) Or he may work as an employee for any firm in which his duties are not those of any architect, without affecting the status of his registration. But if he works as an architect for, or with, an individual not an architect, or a firm or corporation not under the control of architects, then he must maintain free and unbiased judgment and unrestrained use of his professional prerogatives and services to clients; and the terms of his employment or agreement shall be compatible therewith, and such as to permit full compliance with the "obligations of practice," and these regulations.

(3) Violations of these requirements shall be cause for a license to be denied, suspended or revoked.

Section 7. Office Staffing. (1) A firm, partnership, or association maintaining one (1) or more places of business in this state, except where a project office is established only for on-site supervision or inspection, shall maintain in charge of each separate place, a resident registered architect; "resident" as used in this section shall mean the architect or architects who spend the majority of the normal office hours in said place of business. The firm, partnership, or association shall inform the board of the name or names of the resident architect or architects in charge of each separate place of business.

(2) Violations of this requirement shall be cause for a license to be denied, suspended or revoked.

CURTIS E. FLANNERY, Chairman

APPROVED BY AGENCY: February 6, 1987

FILED WITH LRC: March 26, 1987 at noon

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REGULATORY IMPACT ANALYSIS

Agency Contact Person: L. Wayne Tune

(1) Type and number of entities affected: None

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

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: None

(a) Direct and indirect costs or savings: None

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

- (b) Reporting and paperwork requirements: None
 (3) Assessment of anticipated effect on state and local revenues: None
 (4) Assessment of alternative methods; reasons why alternatives were rejected: 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: 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: Removed 2 paragraphs on unprofessional conduct, due to Federal Trade Commission objections.
 TIERING: Was tiering applied? No. N/A

TOURISM CABINET
Department of Fish and Wildlife Resources
(Proposed Amendment)

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

RELATES TO: KRS 150.010, 150.025, 150.170, 150.180, 150.300, 150.305, 150.330, 150.340, 150.360, 150.365, 150.370, 150.390, 150.399, 150.400, 150.410, 150.415, 150.416, 150.417

PURSUANT TO: KRS 13A.350, 150.025

NECESSITY AND FUNCTION: This regulation pertains to the hunting season, bag and possession limits for upland game birds and animals and trapping season for furbearers. This regulation is necessary for the continued protection of the species listed herein, and to insure a permanent and continued supply of wildlife resources for the purpose of furnishing sport and recreation for present and future residents of the state. The function of this regulation is to provide for the prudent taking of upland game birds, animals and furbearers within reasonable limits based upon an adequate supply.

Section 1. Hunting and Trapping Seasons. (1) Squirrel (gray and fox): third Saturday in August through October 31, and the day following closure of deer gun season [third Thursday in November] through December 31.

(2) Rabbits: the day following closure of deer gun season [Third Thursday in November] through the third Sunday in February.

(3) Quail: the day following closure of deer gun season [Third Thursday in November] through the third Sunday in February.

(4) Grouse: the day following closure of deer gun season [Third Thursday in November] through the last day in February. Grouse hunting permitted only east of the line delineated by Interstate 75 from the Kentucky/Ohio state line to US 60, south of US 60 to the Bluegrass Parkway, south of the Bluegrass Parkway to Interstate 65, and east of Interstate 65 to the Kentucky/Tennessee state line.

(5) Furbearers: the day following closure of deer gun season [Third Thursday in November] through January 31. Includes mink, muskrat, beaver, opossum, gray fox, red fox, raccoon, weasels and striped skunk.

(6) Traps and snares: All traps set on dry land [sets] are limited to No. 2 or smaller foot-hold traps and No. 220 or smaller Conibear-type traps set no closer than ten (10)

feet apart and snares without a self-locking device. Traps or snares shall not be set in trails or paths commonly used by humans and/or domestic animals.

(7) Special beaver trapping season: second Saturday in February [15] through the last day of February using foot-hold traps of size number 3 and larger, Conibear-type traps with jaw spread eight (8) inches or larger and non-locking snares. Only water sets are permitted.

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

(9) Falconry hunting: Squirrels, rabbits, quail, ruffed grouse, and furbearers may be taken by falconry from September 1 through February 15. During the portions of this season which occur outside of seasons specified in subsections (1), (2), (3), (4) and (5) of this section, the daily falconry bag limit may not exceed two (2) of any of these species, singly or in the aggregate, per falconer.

(10) The wildlife listed in this section may be taken by the use of hand or mouth operated calling or attracting devices [during open seasons].

Section 2. Bag and Possession Limits.

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

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

**No possession limit on raccoons, except that no hunter or party of hunters shall take [possess] more than the daily bag limit within a twenty-four (24) hour period from noon to noon [while hunting in the field].

Section 3. Trapping Licenses. The following trapping licenses are required:

(1) Resident landowner or tenant trapping license: this license authorizes the licensee [either the landowner or his dependent children] to take wild animals by trapping upon owned [their] farmlands. The landowner's and/or tenant's dependent children or spouses may also purchase such a license. Either the tenant or his dependent children residing upon the owner's lands have the same privilege.

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

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

Section 4. Shooting Hours. Shooting hours for the above species are daylight hours only,

except for raccoon and opossum which may be taken any time during day or night.

Section 5. Squirrel Hunting Weapons. No person hunting squirrels may use or possess a breech-loading rifle of .240 caliber or larger.

Section 6. Prohibited Ammunition. No person hunting any [of the game] species listed in this regulation may have in his or her possession any buckshot or shotgun slugs.

DON R. McCORMICK, Commissioner

G. WENDELL COMBS, Secretary

CHARLES E. PALMER, Chairman

APPROVED BY AGENCY: April 14, 1987

FILED WITH LRC: April 14, 1987 at 1 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 22, 1987 at 9 a.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, 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 hunting and trapping seasons proposed by 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 (\$8.50 for residents) or a valid trapping license (\$11.50 resident, \$6.00 resident landowner/tenant), respectively.

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: None

(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 \$900,000.

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 340,000 small game hunters 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: 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 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 is specific to small game hunters and trappers.

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, 150.180, 150.300, 150.330, 150.340, 150.360, 150.370, 150.399, 150.400, 150.410, 150.415, 150.416, 150.417

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 on Bruin Creek portions of Grayson Lake.

(2) Robinson Forest Wildlife Management Area

in Breathitt, Perry and Knott Counties.

(3) Mill Creek Wildlife Management Area in Jackson County.

(4) Cane Creek Wildlife Management Area in Laurel County.

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. There is no shakeout season on this area.

(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 April 1 [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 25 [30]; December 1 through January 31; and during deer archery season [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 only in areas designated in the LBL Hunting and Angling Guide. [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.

(m) [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 April 1 [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 15 [16] through September 25 [26], November 26 through December 11 [12], December 12 [13] through 31 on selected areas; January 2 through 31.

2. Quail: November 26 through December 11 [12], December 12 [13] through 31 on selected areas; January 2 through February 29 [28].

3. Rabbit: November 26 through December 11 [12], December 12 [13] through 31 on selected areas; January 2 through February 29 [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 11 [12], December 12 [13] through 31 on selected areas. January 2 through 31; limit one (1) per person.

5. Coyote and woodchuck: May 2 [3] through August 14 [15] and during any other authorized hunt.

6. Red fox: November 26 through December 11 [12], December 12 [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 10 [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 April 1 [March 15] through August 31.

(10) Pine Mountain Wildlife Management Area located in Letcher County is closed to training of all dogs April 1 [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;] Beaver Creek Wildlife Management Area located in McCreary and Pulaski counties and all private inholdings within this area [these areas].

(a) Squirrel: September 15 through December 31 except during the ten (10) day deer gun season.

(b) [(a)] Grouse: October 1 through December 31 except during the ten (10) day deer gun season [January 15 only].

(c) [(b)] Quail and rabbit: November 1 through December 31 except during the ten (10) day deer gun season [January 31 only].

(d) Furbearer: December 7 through December 31.

(e) [(c)] Deer, waterfowl, dove and turkey as authorized by other applicable regulations.

(f) [(d)] Dog training: This [These] area[s] 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.]

(b) [(c)] Dog training is closed April 1 [March 15] through August 31 excepting permitted field trials.

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

[(14)] [(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.]

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

(c) [(d)] Dog training is closed April 1 [March 15] through August 31.

[(15)] [(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 April 1 [March 15] through August 31.

[(16)] [(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.

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

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

(a) Grouse: October 1 through October 31 and December 7 through December 31. [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) Squirrel (gray and fox), quail, raccoon, and rabbit hunting and trapping for furbearers: December 7 through December 31. [Only shotguns incapable of holding more than three (3) shells are permitted.]

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

(d) Closed to all dog training.

(19) Fishtrap Lake Wildlife Management Area located in Pike County.

(a) Squirrel (gray and fox), grouse, quail, raccoon and rabbit hunting and trapping for furbearers: December 7 through December 31.

(b) Dog training: December 7 through December 31.

(c) Closed to all other hunting except deer, waterfowl, dove and turkey as authorized by other applicable regulations.

(20) Redbird Wildlife Management Area located in Leslie and Clay counties.

(a) Squirrel (gray and fox): October 1 through October 31 and December 7 through December 31.

(b) Grouse: October 1 through October 31 and December 7 through December 31.

(c) Quail, rabbit and raccoon hunting and trapping for furbearers: One-half (1/2) hour before sunrise on December 7 through one-half (1/2) hour after sunset on December 31.

(d) Dog training: One-half (1/2) hour before sunrise on December 7 through one-half (1/2) hour after sunset on December 31.

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

(21) Sloughs Wildlife Management Area located in Henderson and Union Counties. Frank Sauerheber Unit: Areas designated by signs are closed to hunting and dog training from October 15 through March 15.

(22) Peal Wildlife Management Area located in Ballard County.

(a) Squirrel (gray and fox): third Saturday in August through the Friday preceeding the statewide deer gun season and the day following the closure of deer gun season through December 31.

(b) Furbearer: Twenty (20) day taking season commencing the day following the closure of deer gun season. There is no shakeout season on this area.

DON R. McCORMICK, Commissioner

G. WENDELL COMBS, Secretary

CHARLES E. PALMER, Chairman

APPROVED BY AGENCY: April 14, 1987

FILED WITH LRC: April 14, 1987 at 1 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 22, 1987 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, 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 1987-88 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 (\$8.50 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: 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

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 is specific to small game hunters and trappers.

TOURISM CABINET

Department of Fish and Wildlife Resources (Proposed Amendment)

301 KAR 2:170. Seasons for deer hunting.

RELATES TO: KRS 150.010, 150.025, 150.170, 150.176, 150.180, 150.305, 150.330, 150.340, 150.360, 150.370, 150.390, 150.400, 150.415, 150.416

PURSUANT TO: KRS 13A.350, 150.025

NECESSITY AND FUNCTION: This regulation pertains to the deer gun and archery seasons in specified counties and on wildlife management areas (WMA). This regulation is necessary to set deer hunting season dates, to specify the counties and management areas open to deer hunting, to prescribe the methods by which deer may be legally taken, and to prescribe procedures by which handicapped persons may apply for exemptions from conventional hunting methods requirements. The function of this regulation is to provide for the prudent taking of deer within reasonable limits, and to insure a permanent and continuing supply of deer to furnish sport and recreation for present and future residents of the state. This amendment is necessary to adjust for date, weapon and limit changes in the deer seasons [and allow the taking of wild hogs in deer season].

Section 1. Deer Gun Seasons, Zones, Dates, and Legal Deer. Deer hunting is permitted in the following zones on the dates listed, except as specified in subsection (10) [(7)] of this section and Section 4 of this regulation.

(1) Zone No. 1: Open to antlered and antlerless deer gun hunting for ten (10) consecutive days beginning the second Saturday in November. [On the last three (3) days of the hunt, either sex deer may be taken.] Counties in this zone are: Christian, Hopkins, Logan, Muhlenberg, Ohio, and Todd [Caldwell, Christian, Crittenden, Hancock, Henry, Hopkins, Livingston, Logan, Muhlenburg, Ohio, Todd, Trimble, and Webster].

(2) Zone No. 2: Open to antlered deer gun hunting for ten (10) consecutive days beginning the second Saturday in November. On the first six (6) [last two (2) days] of the hunt, either sex deer may be taken. Counties in this zone are: Breckinridge, Butler, Caldwell, Crittenden, Hancock, Livingston, and Webster [Ballard, Bracken, Breckinridge, Boone, Butler, Carlisle, Carroll, Gallatin, Oldham, Pendleton, and Robertson].

(3) Zone No. 3: Open to antlered deer gun hunting for ten (10) consecutive days beginning the second Saturday in November. On the first three (3) days [last day] of the hunt, either sex deer may be taken. Counties in this zone are: Allen, Ballard, Boone, Carlisle, Carroll,

Gallatin, Graves, Henderson, Hickman, McLean, Oldham, Trimble and Union [Allen, Anderson, Franklin, Grant, Graves, Harrison, Henderson, Hickman, Larue, McLean, Meade, Nelson, Owen, Scott, Shelby, Spencer, Union, and Washington].

(4) Zone No. 4: Open to antlered deer gun hunting for ten (10) consecutive days beginning the second Saturday in November. On the last three (3) days of the hunt, either sex deer may be taken. Counties in this zone are: Franklin, Grant, Henry, Owen, Pendleton, and Shelby [Adair, Barren, Boyle, Bullitt, Campbell, Calloway, Casey, Cumberland, Edmonson, Fulton, Grayson, Green, Hardin, Jefferson, Lyon, McCracken, Marion, Mason, Mercer, Metcalfe, Taylor, Trigg, Warren, and Woodford].

(5) Zone No. 5: Open to antlered deer gun hunting for ten (10) [five (5)] consecutive days beginning the second Saturday in November. On the last two (2) days of the hunt, either sex deer may be taken. Counties in this zone are: Anderson, Bracken, Harrison, Jefferson, Marion, Meade, Nelson, Robertson, Scott, Spencer, and Washington [Bath, Boyd, Carter, Clark, Daviess, Elliott, Fleming, Greenup, Hart, Kenton, Lawrence, McCreary, Menifee, Monroe, Morgan, Nicholas, Pulaski, Rowan, Russell, Simpson, and Wayne].

(6) Zone No. 6: Open to antlered deer gun hunting for ten (10) [three (3)] consecutive days beginning the second Saturday in November. On the last day of the hunt, either sex deer may be taken. Counties in this zone are: Adair, Bullitt, Calloway, Casey, Fulton, Grayson, Green, Hardin, Larue, Lyon, McCracken, Mercer, Taylor, Trigg, Warren, and Woodford [Bell, Bourbon, Breathitt, Clinton, Fayette, Floyd, Garrard, Harlan, Jackson (except that portion included in Zone 7), Jessamine, Johnson, Knott, Laurel (except that portion included in Zone 7), Lee, Leslie, Lewis, Lincoln, Madison, Magoffin, Marshall, Martin, Montgomery, Owsley, Pike, Powell, Rockcastle, Whitley, and Wolfe].

(7) Zone No. 7: Open to antlered deer gun hunting for ten (10) consecutive days beginning on the second Saturday in November. Counties in this zone are: Barren, Boyle, Campbell, Cumberland, Daviess, Edmonson, Kenton, Marshall, Mason, Metcalfe, Nicholas, Russell, and Simpson. [Counties, wildlife management areas, and parks closed to all deer hunting:]

[(a) Counties in this zone are Clay, Estill, that portion of Jackson south of SR 30, Knox, and that portion of Laurel east of SR 30 and SR 229, Letcher, and Perry.]

[(b) Wildlife management areas: Ballard WMA in Ballard County (except that portion south of Terrell Landing Road), Cane Creek WMA in Laurel County, Central Kentucky WMA in Madison County, Clay WMA in Nicholas County, that portion of Grayson Lake WMA in Carter and Elliott Counties east of the Little Sandy River and the Bruin Creek portions of Grayson Lake, Mill Creek WMA in Jackson County, Paintsville Lake WMA in Johnson and Morgan Counties, and Robinson Forest WMA in Breathitt, Perry, and Knott Counties, and Swan Lake WMA in Ballard County.]

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

(8) Zone No. 8: Open to antlered deer hunting for five (5) consecutive days beginning on the Thursday following the second Saturday in November. Counties in this zone are: Bath, Boyd, Carter, Clark, Clinton, Elliott, Fleming, Greenup, Hart, Lawrence, McCreary, Menifee,

Monroe, Morgan, Pulaski, Rowan, and Wayne.

(9) Zone No. 9: Open to antlered deer hunting for three (3) consecutive days beginning on the third Saturday in November. Counties in this zone are: Bell, Bourbon, Breathitt, Fayette, Floyd, Garrard, Harlan, Jackson (except that portion included in Zone 10), Jessamine, Johnson, Knott, Laurel (except that portion included in Zone 10), Lee, Leslie, Lewis, Lincoln, Madison, Magoffin, Martin, Montgomery, Owsley, Pike, Powell, Rockcastle, Whitley, and Wolfe.

(10) Zone No. 10: Counties, wildlife management areas, and parks closed to all deer hunting:

(a) Counties in this zone are Clay, Estill, that portion of Jackson south of SR 30, Knox, that portion of Laurel east of SR 30 and SR 25, Letcher, and Perry.

(b) Wildlife Management Areas: Ballard WMA in Ballard County (except that portion south of Terrell Landing Road), Cane Creek WMA in Laurel County, Central Kentucky WMA in Madison County, Mill Creek WMA in Jackson County, Paintsville Lake WMA in Johnson and Morgan Counties, and Robinson Forest WMA in Breathitt, Perry, and Knott Counties.

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

Section 2. Deer Archery Season, Zones, Dates, and Legal Deer. Zones 1, 2, 3, [and] 4, 5, 6, and 7 are open to either sex archery deer hunting during specified periods as follows, except as specified in Section 4 of this regulation. Zones 8 [5] and 9 [6] are open to antlered deer only archery hunting except as specified in Section 4 of this regulation.

(1) Archery season (longbows and compound bows): October 1 through December 31.

(2) Crossbow season: Beginning the day after the close of the gun season and continuing for ten (10) consecutive days [November 18 through 27] and during gun and special muzzle-loading seasons only.

(3) Archery and crossbow hunting during gun seasons: Archery equipment may be used during any gun and special muzzle-loading seasons. [,] Archery and crossbow hunters must abide by the gun or special muzzle-loading seasons regulations in effect for the county or WMA in which they are hunting as specified in Sections 1, 3, 4, and 7 of this regulation. Hunters may not possess both archery equipment and firearms while deer hunting. Deer taken by archery on WMA's during the gun season or special muzzle-loading season shall be of the sex specified by the county gun zone in which that WMA occurs, or as specified in this or other regulations. [during gun and special muzzle-loading seasons.]

Section 3. Special Muzzle-loading Gun Season, Zones, Dates, and Legal Deer. Zones 1, 2, 3, [and] 4, 5, 6, and 7 as specified in Section 1 of this regulation, are open to muzzle-loading gun deer hunting during the specified period as follows, except as specified in Section 4 of this regulation.

(1) Special muzzle-loading gun season: Second Saturday and Sunday in December [6 and 7].

(2) Permitted firearms: Only those muzzle-loading firearms specified in Section 8(1) of this regulation are permitted. Hunters may not possess breech-loading firearms [rifles

or handguns] while deer hunting during this period.

(3) Legal deer: Either sex deer hunting in Zones 1, 2, 3, 4, 5, and 6. Antlered deer only in Zone 7. [Antlered deer only as specified in Section 5(1) of this regulation.]

Section 4. Exceptions to Deer Hunting Regulations on Wildlife Management Areas. All deer gun and archery regulations apply unless otherwise specified herein. Deer hunting will be permitted only on the dates listed in this section. Except as otherwise specified below, all gun hunters must check in and out at the area check station and archery hunters need not check in but must check out if a deer is taken. Archery hunters must check in and out on the following areas: Higginson-Henry, Kleber, West Kentucky, and Yellowbank WMAs. Persons hunting during the gun season on all the areas listed below (except the Pioneer Weapons WMA) must be selected by a drawing. Persons bearing the permit issued to the original applicant may substitute for the original applicant. Applications must be made only on forms provided by the Department of Fish and Wildlife Resources and must contain the hunting license number of the applicant when a license is required. No more than four (4) hunters may apply as a party. Those desiring to hunt as a party must submit applications stapled together. More than one (1) application per individual will disqualify that applicant. Completed applications must be stamped, self-addressed and be postmarked no later than August 31. Hunters may hunt on assigned dates and areas only. The special muzzle-loading gun season does not apply to these areas.

(1) Beaver Creek WMA in McCreary and Pulaski Counties:

(a) Archery season: Antlered deer only, October 1 through 30.

(b) Gun season: Antlered deer only, first Saturday and Sunday in December [6 and 7].

(2) Clay WMA in Nicholas County.

(a) Archery season: either sex deer, October 15 through 30.

(b) Gun season: either sex deer, first Saturday and Sunday in December.

(3) [(2)] Dewey Lake WMA in Floyd County:

(a) Archery season: Antlered deer only, October 1 through 30.

(b) Gun season: Antlered deer only, first Saturday and Sunday in December [6 and 7].

(4) Grayson Lake WMA in Carter and Elliott Counties.

(a) Youth gun season: either sex deer, first Saturday and Sunday in December. Open only to persons at least ten (10) years of age but who have not reached their sixteenth birthday. Each youth must have a valid Kentucky hunting license, a Kentucky deer permit, a state approved hunter safety certificate, and must be accompanied by an adult. Hunting only on that portion east of the Little Sandy River and on the Bruin Creek portions of the area.

(b) Archery and crossbow season: either sex deer west of the Little Sandy River and west of the Bruin Creek portions of Grayson Lake only, October 1 through December 31.

(5) [(3)] Higginson-Henry WMA in Union County: Gun season for either sex deer, first Saturday and Sunday in December [6 and 7]. Archery season: either sex deer, October 1 through December 31.

(6) [(4)] Kleber WMA in Owen and Franklin Counties: Gun season for either sex deer, first Saturday and Sunday in December [6 and 7]. Archery season: October 15 through December 31.

(7) Peal WMA in Ballard County: gun season open under statewide Zone 3 regulations. Archery season for either sex deer October 1 through the end of statewide gun season.

(8) Pennyrite Forest WMA in Hopkins and Caldwell counties shall conform to Zone 6 statewide regulations.

(9) [(5)] Pioneer Weapons WMA in Bath and Menifee Counties:

(a) Muzzle-loading firearms only; muzzle-loading handguns of .44 caliber or larger are permitted; crossbows may be used during the entire archery season.

(b) Checking in or out is not required. All deer taken must be checked in accordance with Section 6(3) of this regulation.

(10) [(6)] Redbird WMA in Clay and Leslie Counties:

(a) Archery season: Antlered deer only, October 1 through 30.

(b) Gun season: Antlered deer only, first Saturday and Sunday in December [6 and 7].

(11) [(7)] West Kentucky WMA in McCracken County:

(a) Archery season: Either sex deer, October 1 through the Friday preceding the opening of statewide gun season [November 7] on tracts 1 through 6 and December 22 through 31 on tracts 5 and 6 only.

(b) Gun season: Either sex deer, second Saturday and Sunday in December [13 and 14].

(c) Youth gun season: Either sex deer, fourth Saturday and Sunday in November [22 and 23]. Open only to persons at least ten (10) years of age but who have not reached their sixteenth birthday. Each youth must have a valid Kentucky hunting license, a Kentucky deer permit, a state approved hunter safety certificate, and must be accompanied by an adult.

(d) All gun hunters are limited to muzzle- or breech-loading shotguns only.

(e) No firearms permitted on any "A" tract or tract 7 at any time.

(f) All hunters must check in and out daily.

(g) Crossbow season: Beginning the first Friday in November and continuing for eight (8) consecutive days. [October 31 through November 7.]

(12) [(8)] Yellowbank WMA in Breckinridge County.

(a) Gun season for either sex deer, first Saturday and Sunday in December [6 and 7].

(b) Archery season: Either sex deer, October 1 through December 31.

Section 5. Legal Deer, Taking of Other Species, Hunting Hours and Bag Limits. (1) An antlered deer is defined as having one (1) antler at least four (4) inches in length, measured from the skin to the tip of the antler.

(2) Hunting is permitted during daylight hours only.

(3) The limit is two (2) deer per hunter per year. Only one (1) deer may be taken by firearms outside the following designated special deer areas: Beaver Creek, Blue Grass Depot Activity, Clay, Dewey Lake, Ft. Campbell, Ft. Knox, Glenwood Hall Resort, Grayson Lake, Land Between the Lakes, Redbird, West Kentucky, Yellowbank, Kleber, and Higginson-Henry WMAs. Under no circumstances shall any individual be permitted

to take more than two (2) deer anywhere in the state.

(4) Two (2) deer may be taken by firearms provided that one (1) is taken in Zones 1, 2, 3, or with an antlerless deer permit [in Zones 1, 2 or 3].

(5) The taking of coyotes and wild hogs during the gun [and special muzzle-loading] season is permitted by deer hunters possessing a valid deer tag as specified in Sections 1 and 3 of this regulation, provided that they have not yet taken the annual bag limit of deer.

Section 6. Hunting License, Deer Permits, Deer Tags and Check Station Requirements. (1) Hunting license and deer permits: All persons taking or attempting to take deer must have in possession a valid annual Kentucky hunting license and a valid deer hunting permit unless exempted by KRS 150.170(3), (5), (6) or (7).

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

(3) Mandatory deer check stations: Any person taking a deer during any deer hunting season must present the entire or field dressed carcass to have it checked at the deer check station nearest to where the deer was taken, or by the nearest available conservation officer, no later than 9:00 a.m. on the day following the day taken. The hunter must fill out the stub attached to the deer permit or an official game check card and submit it to the check station operator or conservation officer.

(4) Tagging deer carcass and head:

(a) Before moving the carcass, the hunter must attach the metal tag portion of the deer permit to the deer. This tag must be permanently locked and attached so that it cannot be removed without destroying the tag or mutilating the carcass and must remain attached until the carcass is processed and packaged. The hunter must detach the stub marked "A Tag" and, before moving the carcass, punch a clearly visible hole through the space provided to indicate the weapon used to take the deer.

(b) Deer heads or other parts separated from the carcass for mounting by a taxidermist must have the taxidermist tag or hunter's portion of the official game check card properly filled out and attached to the separated part.

(c) Deer hides may be sold to licensed fur buyers and licensed fur processors only.

(d) Legally taken deer feet may be sold to and purchased from licensed taxidermists.

(5) Second deer permit: A hunter [who has taken one (1) deer] may purchase a second deer permit, which shall be valid only when accompanied by a properly punched, stamped or signed "A Tag" portion of the first deer permit or properly completed official game check card. If this portion of the first deer permit or official game check card is marked [is punched] to indicate that the first deer was taken by gun, the second deer permit is valid only for archery hunting, except that two (2) deer may be taken by gun if one (1) is taken as specified [on a designated special deer area or with an antlerless deer tag listed] in Section 5(3) and (4) of this regulation.

Section 7. Prohibited Methods and Conditions for Gun, Special Muzzle-loading and Archery Deer Hunting.

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

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

(3) A deer may not be taken while the deer is swimming.

(4) All deer hunters must wear a visible vest, coat, coveralls, cap or hat of hunter orange color when hunting during the gun or special muzzle-loading season. The entire garment must be hunter orange.

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

(6) Rattling of antlers or sticks and the use of hand or mouth operated calls are permitted.

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

(8) No person shall possess a deer taken contrary to this or any other regulation or statute.

Section 8. Firearms Restrictions for Gun Deer Hunting. (1) Permitted firearms: Center-fire rifles with a minimum caliber of .240 and a cartridge case length of not less than one and eleven-sixteenths (1 11/16) inches [Center-fire rifles of .240 caliber or larger (with the exceptions of the .30 caliber carbine and .256 caliber rifle)]; muzzle-loading rifles of .40 [.38] caliber or larger; and muzzle-loading and breech-loading shotguns of ten (10) gauge maximum and twenty (20) gauge minimum firing a single projectile. Handguns with barrel lengths of 3.90 inches and a minimum caliber of .357 with a cartridge case length of not less than one and one-fourth (1 1/4) inch. Legal handgun cartridges may be used in rifles. [or greater are permitted. Only the following cartridges may be used in handguns: .30 caliber Herret; .357 magnum; .357 Herret; .357 automag; .41 magnum; .41 automag; .44 magnum; .44 automag; .45 automag; and any other cartridge using a bullet of at least 110 grains weight and developing at least 500 foot-pounds of muzzle energy.]

(2) Prohibited firearms: Any caliber or cartridge that does not meet the requirements given in subsection (1) of this section; any

fully automatic weapon or weapon capable of firing more than one (1) round with one (1) trigger pull; [any military issue M-1 .30 caliber carbine or its equivalent caliber sold commercially;] muzzle-loading handguns, Semiautomatic and pump rifles or shotguns may not have a magazine capacity to exceed eight (8) rounds. [; and .256 caliber rifle.]

(3) Fully jacketed military type ammunition and tracer bullet ammunition are prohibited. Buckshot or any type of shot shells are prohibited.

Section 9. Equipment Restrictions for Archery Deer Hunting. (1) Longbows and compound bows may not be fitted with any device capable of holding an arrow at full draw without aid from the hunter.

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

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

[(4) Archery hunters are prohibited from carrying firearms while hunting deer.]

Section 10. Hunting Methods Exemptions for Handicapped Hunters. Persons with physical handicaps that would make it impossible for them to hunt by conventional methods may apply by letter to the commissioner of the department for a hunting methods exemption. The commissioner may authorize any reasonable exception that would permit a handicapped person to hunt when he or she could not otherwise do so because of his or her handicap. Specific exemptions to be allowed will be described in the letter of authorization, which will be signed by the commissioner and a conservation officer who will certify that the applicant for the exemption is, in his opinion, handicapped to such a degree that the requested exemption is necessary to permit the applicant to hunt. Hunting method exemptions will expire at the end of the calendar year.

DON R. McCORMICK, Commissioner
G. WENDELL COMBS, Secretary
CHARLES E. PALMER, Chairman

APPROVED BY AGENCY: April 14, 1987

FILED WITH LRC: April 14, 1987 at 1 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 22, 1987 at 9 a.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, 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: An estimated 170,000 persons will participate in the white-tailed deer hunting proposed by this regulation.

(a) Direct and indirect costs or savings to

those affected: These costs involve the purchase of a state hunting license and one or two deer permits. Indirect costs are determined by the individual, 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 (\$8.50 for residents) and a deer permit (\$11.50) unless exempt by regulations.

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

3. Additional factors increasing or decreasing costs (note any effects upon competition): The taking of a second deer would require the purchase of a second deer permit (\$11.50).

(b) Reporting and paperwork requirements: Deer hunters will be asked to check their deer at a county deer check station and fill out a portion of their tag denoting specific information about the deer.

(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 \$1,000,000.

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 170,000 deer hunters may be expected to expend money for equipment, transportation, food and lodging. The annual expenditure for these items averages \$25 per day of hunting according to the 1980 National Hunting and Fishing Survey. State and local revenues can be expected to be positively affected due to the necessary expenditures for the required licenses and taxes levied upon items purchased by hunters.

(4) Assessment of alternative methods; 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 on the wise use of renewable resources and the fact that white-tailed deer populations are at levels which can sustain a regulated harvest by 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 is specific to deer hunters.

NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET

Department for Surface Mining
Reclamation and Enforcement
(Proposed Amendment)

405 KAR 16:060. General hydrologic requirements.

RELATES TO: KRS 350.100, 350.410, 350.420, 350.421, 350.440, 350.465

PURSUANT TO: KRS Chapter 13A, 350.028, 350.100, 350.420, 350.465

NECESSITY AND FUNCTION: KRS Chapter 350 in pertinent part requires the cabinet to promulgate rules and regulations establishing performance standards for protection of people and property, land, water and other natural resources, and aesthetic values, during surface mining activities and for restoration and reclamation of surface areas affected by mining activities. This regulation sets forth general requirements for protection of the hydrologic balance, including general requirements for protection of surface and ground water quantity and quality, control of erosion and sediment, protection of ground water recharge capacity, protection of streams, and protection of water rights.

Section 1. General Requirements. (1) All surface mining activities shall be planned and conducted to minimize disturbance of the hydrologic balance in both the permit area and adjacent areas, in order to:

(a) Prevent material damage to the hydrologic balance outside the permit area;

(b) Assure the protection or replacement of water rights; and

(c) Support the approved postmining land uses in accordance with the terms and conditions of the approved permit and the performance standards of this regulation.

(2) Changes in water quality and quantity, in the depth to ground water, and in the location of surface water drainage channels shall be minimized so that the approved postmining land use of the permit area is not adversely affected.

(3) In no case shall federal and state water quality statutes, regulations, standards, or effluent limitations be violated.

(4) Operations shall be conducted to minimize water pollution and, where necessary, treatment methods shall be used to control water pollution.

(a) Each permittee shall emphasize mining and reclamation practices that prevent or minimize water pollution. Changes in flow of drainage shall be used in preference to the use of water treatment facilities.

(b) Acceptable practices to control and minimize water pollution include, but are not limited to:

1. Stabilizing disturbed areas through land shaping;

2. Diverting runoff;

3. Achieving quickly germinating and growing stands of temporary vegetation;

4. Regulating channel velocity of water;

5. Lining drainage channels with rock or vegetation;

6. Mulching;

7. Selectively placing and sealing acid-forming and toxic-forming materials;

8. Selectively placing waste materials in backfill areas; and

9. Implementing sediment control measures in Section 2 of this regulation.

Section 2. Sediment Control Measures. (1) Appropriate sediment control measures shall be designed, constructed, and maintained using the best technology currently available to:

(a) Prevent, to the extent possible, additional contributions of sediment to streamflow or to runoff outside the permit area;

(b) Meet the requirements of 405 KAR 16:070, Section 1(1)(g); and

(c) Minimize erosion to the extent possible.

(2) Sediment control measures include practices carried out within and adjacent to the disturbed area. The sediment storage capacity of measures in and downstream from the disturbed areas shall reflect the degree to which successful mining and reclamation techniques are applied to reduce erosion and control sediment. Sediment control measures consist of the utilization of proper mining and reclamation methods and sediment control practices, singly or in combination. Sediment control methods include but are not limited to:

(a) Disturbing the smallest practicable area at any one (1) time during the mining operation through progressive backfilling, grading and prompt revegetation as required in 405 KAR 16:200, Section 1(2);

(b) Stabilizing the backfilled material to promote a reduction in the rate and volume of runoff, in accordance with the requirements of 405 KAR 16:190;

(c) Retaining sediment within disturbed areas;

(d) Diverting runoff away from disturbed areas;

(e) Diverting runoff using protected channels or pipes through disturbed areas so as not to cause additional erosion;

(f) Using straw dikes, riprap, check dams, mulches, vegetative sediment filters, dugout ponds, and other measures that reduce overland flow velocity, reduce runoff volume, or trap sediment; and

(g) Treating with chemicals; and

(h) Using sedimentation ponds as required in 405 KAR 16:070.

Section 3. Discharge Structures. Discharge from sedimentation ponds, permanent and temporary impoundments, coal processing waste dams and embankments, and diversions shall be controlled, by energy dissipators, riprap channels, and other devices, where necessary, to reduce erosion, to prevent deepening or enlargement of stream channels, and to minimize disturbance of the hydrologic balance. Discharge structures shall be designed according to standard engineering design procedures.

Section 4. Acid-forming and Toxic-forming Materials. Acid drainage and toxic drainage shall be avoided by:

(1) Identifying and burying and/or treating, in accordance with 405 KAR 16:190, Section 3, materials which may adversely affect water quality, or be detrimental to vegetation or to public health and safety if not buried and/or treated;

(2) Storage, burial or treatment practices consistent with other material handling and disposal provisions of this chapter; and

(3) Burying or otherwise treating all acid-forming or toxic-forming spoil within thirty (30) days after it is first exposed on

the mine site, or within a lesser period required by the cabinet. Temporary storage of the spoil may be approved by the cabinet upon a finding that burial or treatment within thirty (30) days is not feasible and will not result in any material risk of water pollution or other environmental damage. Storage shall be limited to the period until burial or treatment first becomes feasible. Acid-forming or toxic-forming spoil to be stored shall be placed on impermeable material and protected from erosion and contact with surface water.

Section 5. Ground Water Protection and Recharge Capacity. In order to protect the hydrologic balance, surface mining activities shall be conducted according to 405 KAR 8:030, Section 32(1) and (2) and the following:

(1) Groundwater quality shall be protected by handling earth materials and runoff in a manner that minimizes acidic, toxic, or other harmful infiltration to ground water systems and by managing excavations and other disturbances to prevent or control the discharge of pollutants into the ground water; and

(2) Ground water quantity shall be protected by handling earth materials and runoff in a manner that will restore the approximate premining recharge capacity of the reclaimed area as a whole, excluding coal mine waste disposal areas and excess spoil fills, so as to allow the movement of water to the ground water system.

Section 6. Surface Water Protection. In order to protect the hydrologic balance, surface mining activities shall be conducted according to 405 KAR 8:030, Section 32(1) and (2) and the following:

(1) Surface water quality shall be protected by handling earth materials, ground water discharges, and runoff in a manner that:

(a) Minimizes the formation of acidic or toxic drainage;

(b) Prevents, to the extent possible using the best technology currently available, additional contribution of suspended solids to streamflow outside the permit area; and

(c) Will not cause or contribute to a violation of any federal or state effluent limitations or water quality standards.

(2) If drainage control, restabilization and revegetation of disturbed areas, diversion of runoff, mulching, or other reclamation and remedial practices are not adequate to meet the requirements of this section and 405 KAR 16:070, the operator shall use and maintain the necessary water-treatment facilities or water quality controls for as long as treatment is required under this chapter; and

(3) Surface water quantity and flow rates shall be protected by handling earth materials and runoff in accordance with the steps outlined in the plan approved under 405 KAR 8:030, Section 32(1) and (2).

Section 7. Transfer of Wells. Before final release of bond, exploratory or monitoring wells shall be sealed in a safe and environmentally sound manner in accordance with 405 KAR 16:040. With the prior approval of the regulatory authority, wells may be transferred to another party for further use. At a minimum, the conditions of such transfer shall comply with state and local law and the permittee shall

remain responsible for the proper management of the well until bond release in accordance with 405 KAR 16:040.

Section 8. Water Rights and Replacement. Any permittee shall replace the water supply of an owner of interest in real property who obtains all or part of his or her supply of water for domestic, agricultural, industrial, or other legitimate use from an underground or surface source, where the water supply has been adversely impacted by contamination, diminution, or interruption proximately resulting from the surface mining activities. Baseline geologic and hydrologic information required in 405 KAR 8:030, Sections 12 through 16 shall be used to determine the extent of the impact of mining upon ground water and surface water.

Section 9. Discharges Into an Underground Mine.

(1) Discharges into an underground mine are prohibited, unless specifically approved by the cabinet after a demonstration that the discharge will:

(a) Minimize disturbance to the hydrologic balance on the permit area, prevent material damage outside the permit area and otherwise eliminate public hazards resulting from surface mining activities;

(b) Not result in a violation of applicable water quality standards or effluent limitations;

(c) Be at a known rate and quality which shall meet the effluent limitations of 405 KAR 16:070 for pH and total suspended solids, except that the pH and total suspended-solids limitations may be exceeded, if approved by the cabinet; and

(d) Meet with the approval of the Mine Safety and Health Administration.

(2) Discharges shall be limited to the following:

(a) Coal processing waste;

(b) Fly ash from a coal-fired facility;

(c) Sludge from an acid mine drainage treatment facility;

(d) Flue gas desulfurization sludge;

(e) Inert materials used for stabilizing underground mines;

(f) Underground mine development wastes; and

(g) Water.

Section 10. Postmining Rehabilitation of Sedimentation Ponds, Diversions, Impoundments, and Treatment Facilities. Before abandoning the permit area, the permittee shall renovate all permanent sedimentation ponds, diversions, impoundments, and treatment facilities as necessary to meet criteria specified in the detailed design plan for the permanent structures and impoundments.

Section 11. Stream Buffer Zones. (1) No land within 100 feet of an intermittent or perennial stream shall be disturbed by surface mining activities unless the cabinet specifically authorizes surface mining activities closer to, or through, such a stream. The cabinet may authorize such activities only upon finding, as a result of evaluating a permit application, that [under the following conditions]:

(a) Surface mining activities will not cause or contribute to the violation of applicable state or federal water quality standards: [Any temporary or permanent diversions shall comply with 405 KAR 16:080 and shall be constructed prior to any disturbance of the buffer zone;]

(b) Surface mining activities will not cause significant long-term detrimental effects on the water quantity or quality of the intermittent or perennial stream: provided however, this paragraph shall not apply to any reach of that stream that is upstream of an impounding structure located within the permit area and within the stream channel: [That the original stream channel will be restored or relocated in a manner satisfactory to the cabinet; and]

(c) Surface mining activities will not cause significant long-term detrimental effects on other valuable environmental resources, as determined by the cabinet, of the stream: and [During and after the mining, the water quantity and quality of the stream shall not be adversely affected by the surface mining activities as determined by state and federal water quality standards.]

(d) If there will be a temporary or permanent stream-channel diversion, it will comply with 405 KAR 16:080.

(2) The area that is not to be disturbed shall be designated a buffer zone, shall be adequately shown in the permit application, and shall be marked by the permittee as specified in 405 KAR 16:030.

(3) Descriptions, drawings, data, and all other information required by the cabinet to make the findings of subsection (1) of this section shall be submitted in a permit application in a manner prescribed by the cabinet.

(4)(a) The provisions of the amendments to this section shall apply to all surface mining activities, except as provided in paragraph (b) of this subsection.

(b)1. Surface mining activities included in a permit issued on or before September 30, 1987 shall be subject to the provisions that preceded the amendments to this section in lieu of the provisions of subsections (1) through (3) of this section.

2. Surface mining activities included in a permit application determined to be complete pursuant to 405 KAR 8:010, Section 13(1) on or before September 30, 1987 shall be subject to the provisions that preceded the amendments to this section in lieu of the provisions of subsections (1) through (3) of this section.

Section 12. Discharges of Accumulated Water.

(1) Any accumulated water to be removed from a pit, bench, or other disturbed area shall be pumped, siphoned, or otherwise conveyed in a controlled manner to a natural or constructed drainway as approved by the cabinet.

(2) Such accumulated water may be discharged from the permit area without treatment only if the untreated discharge meets the requirements of 405 KAR 16:070, Section 1(1)(g).

(3) The moving of spoil or overburden or the disturbance of the natural barrier required by 405 KAR 16:010, Section 4, in order to release such accumulated water is prohibited, except when specifically authorized by the cabinet.

MARY HELEN MILLER, Secretary

APPROVED BY AGENCY: April 14, 1987

FILED WITH LRC: April 15, 1987 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this proposed amendment has been scheduled to occur on Thursday, May 28, 1987, at 10 a.m. (EDT) in room G-2 of the Capital Plaza Tower, Frankfort, Kentucky. Persons interested in

attending this hearing should submit written notification of such by May 23, 1987; if no written notice of intent to testify is received on or before this deadline, the hearing will be cancelled. To assure an accurate record, the cabinet requests that each person who testifies at the hearing provide the cabinet with a written copy of his or her testimony. Written comments on the proposed regulation may be submitted at any time before 4:30 p.m. (EDT) on May 28, 1987. Comments received after May 28, 1987 will not be considered. Written comments and written requests to attend or testify at the hearing must be submitted to: James B. Hale, Department for Surface Mining Reclamation and Enforcement, 3rd Floor, Capital Plaza Tower, Frankfort, KY 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: George Risk

(1) Type and number of entities affected: The proposed amendment addresses surface mining activities that disturb land within 100 feet of intermittent and perennial streams. The amendment would require the cabinet to make certain findings prior to authorizing activities that cause disturbances within the 100-foot zone, and would require that the demonstrations necessary to make these findings be included in the operation's permit application.

As is stated in the amendment, the new findings and application requirements would not be required for activities under permit as of September 30, 1987, nor would they be required for activities proposed in permit applications determined to be complete prior to September 30. For such activities, the provisions that preceded the subject amendment would apply.

As of the filing of this amendment, there were approximately 1700 surface mines operating under the permanent program - a significant percentage of which had been granted buffer-zone variances. In the future, the percentage of permits issued with buffer-zone variances is likely to decrease because of the new requirements of the amendment. Since the amended buffer-zone provisions will be more comprehensive than those of the current regulation, some variances that would have been approved under the current regulation may not be permissible under the amendment. This is likely to disallow some variance requests and deter some persons from even applying for the variance.

As noted above, the amendment would affect only those operations with applications determined complete and with permits issued after September 30, 1987 - therefore, the amendment will not effect any existing permits. By affecting future permits, the amendment will affect, directly or indirectly and in varying degrees, persons living in or with interests in the coal field regions of Kentucky.

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

1. First year: After September 30, 1987, application requirements beyond those currently needed will be obligatory for some activities: If an applicant wishes to conduct surface mining activities that will disturb land within 100 feet of an intermittent or perennial stream, he will be required to provide sufficient information to allow the cabinet to make certain findings regarding water quality, water quantity, and environmental resources.

Collection and submission of this information will result in additional expense to the applicant.

Moreover, by broadening the scope of the findings necessary to allow a variance from the 100-foot stream buffer zone, some activities that would be permissible under the current requirements may need to be modified or may even be precluded. This may result in redesign of the mine plan and the additional expenses attendant to such.

2. Continuing costs or savings: The costs identified in Part 1 will continue.

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

(b) Reporting and paperwork requirements: As discussed in (a) above, additional application requirements will be imposed on persons seeking approval for conducting surface mining activities that disturb land within 100 feet of certain streams. This will increase the amount of material included in some applications.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: As a result of the amendment, the cabinet will be making findings that are not currently required. These findings will be based upon review of additional information that will be included in certain permit applications. Since additional review time will be needed, the cabinet's expenses will increase.

2. Continuing costs or savings: The costs identified in Part 1 will continue.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: The requirement to make additional findings will result in additional paperwork for the cabinet; however, this increase in paperwork should be minimal.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: The amendment is being proposed in response to deficiencies cited by the federal Office of Surface Mining Reclamation and Enforcement (OSMRE). It should be realized, however, that the deficiencies cited by OSMRE addressed 405 KAR 16:080 rather than 405 KAR 16:060. The cabinet notes that OSMRE's concerns should be resolved by the language changes proposed for 405 KAR 16:060. Since 405 KAR 16:060, Section 11 is cross-referenced by current 405 KAR 16:080, there is no need to revise the latter regulation.

Amending 405 KAR 16:080 to correct the deficiencies would have satisfied OSMRE's immediate concerns, but the cabinet would have needed to amend 405 KAR 16:060 at a future point to correct disparity between federal and state buffer-zone requirements. The amendment currently proposed addresses and resolves the problems voiced by OSMRE and the incongruity of federal and state regulations. Primarily, this approach was taken to minimize the confusion caused by implementing new buffer-zone requirements piecemeal.

(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: 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. Tiering is not applicable to this amendment since, under federal and Kentucky laws, its provisions must apply equally to all applicants and permittee subject to requirements of the permanent program.

FEDERAL MANDATE COMPARISON

1. Compare proposed state compliance standards with minimum uniform standards suggested or contained in the federal mandate: The federal regulations at 30 CFR 816.57 establish the requirements for protection of stream buffer zones. 816.57 prevents surface mining activities from disturbing land within 100 feet of intermittent streams and perennial streams unless such activities are specifically authorized by the state regulatory authority (i.e., in Kentucky, the Natural Resources and Environmental Protection Cabinet). The regulation states that the regulatory authority may authorize activities within 100 feet of intermittent and perennial streams only upon finding that:

1) Surface mining activities will not cause or contribute to the violation of applicable state or federal water quality standards, and will not adversely affect the water quantity and quality or other environmental resources of the stream; and

2) If there will be a temporary or permanent stream-channel diversion, it will comply with the regulatory requirements for diversions.

In addition, the federal regulation requires that the area not to be disturbed be designated a buffer zone and marked with signs posted along the boundary.

Kentucky's counterpart to these federal requirements can be found in Section 11 of 405 KAR 16:060. The cabinet is amending this section to contain provisions similar to those of OSMRE. As proposed, Section 11 would require the 100-foot buffer zone unless the cabinet makes the following findings as a result of evaluating the permit application:

1) That surface mining activities will not cause or contribute to the violation of applicable state or federal water quality standards;

2) That surface mining activities will not cause significant long-term detrimental effects on the water quantity or quality of the intermittent or perennial stream - excluding any reach of the stream that is upstream of an impounding structure located within the permit area and within the stream channel;

3) That surface mining activities will not cause significant long-term detrimental effects on other valuable environmental resources, as determined by the cabinet, of the stream; and

4) If there will be a temporary or permanent stream-channel diversion, that it will comply with the regulatory requirements for diversions.

As with the OSMRE regulation, the cabinet also would require that the boundary of the buffer zone be marked with signs.

Moreover, the proposed amendment states that information required by the cabinet to make its findings must be submitted in the permit application in a manner prescribed by the cabinet. This would provide the cabinet with broad flexibility to evaluate each case

individually and require only the information necessary to make the requisite findings.

The proposed amendment sets September 30, 1987 as the date on which the new standards would become applicable. Activities in permits issued on or before September 30, and activities proposed in applications determined complete on or before that date, would be required to comply with the current standards rather than those of the amendment.

2. Does the proposed regulation impose stricter requirements or other responsibilities on the regulated entities than those required by the federal mandate: The proposed amendment does not impose stricter requirements or other responsibilities on the regulated entities than those required by the federal mandate. Although the wording of the proposed amendment differs from that of the federal regulation, the proposed state standard is not more stringent.

3. If the proposed regulation imposes additional requirements or responsibilities, justify the imposition of these stricter standards, requirements or responsibilities: As indicated above, the proposed amendment does not impose additional requirements or responsibilities on the regulated entities than those required by the federal mandate.

NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET

Department for Surface Mining
Reclamation and Enforcement
(Proposed Amendment)

405 KAR 18:060. General hydrologic requirements.

RELATES TO: KRS 350.100, 350.151, 350.420, 350.421, 350.440, 350.465

PURSUANT TO: KRS Chapter 13A, 350.028, 350.100, 350.151, 350.420, 350.465

NECESSITY AND FUNCTION: KRS Chapter 350 in pertinent part requires the cabinet to promulgate rules and regulations establishing performance standards for protection of people and property, land, water and other natural resources, and aesthetic values, during underground mining activities and for restoration and reclamation of surface areas affected by underground mining activities. This regulation sets forth general requirements for protection of the hydrologic balance, including general requirements for protection of surface and groundwater quantity and quality, prevention and control of drainage from underground workings, control of erosion and sediment, protection of streams, and control of discharges into underground workings.

Section 1. General Requirements. (1) All underground mining activities shall be planned and conducted to minimize disturbance of the hydrologic balance in both the permit area and adjacent areas, in order to:

(a) Prevent material damage to the hydrologic balance outside the permit area;

(b) Support the approved postmining land uses in accordance with the terms and conditions of the approved permit and the performance standards of this regulation.

(2) Changes in water quality and quantity, in the depth to ground water, and in the location of surface water drainage channels shall be

minimized so that the approved postmining land use of the permit area is not adversely affected.

(3) In no case shall federal and state water quality statutes, regulations, standards, or effluent limitations be violated.

(4) Operations shall be conducted to minimize water pollution and, where necessary, treatment methods shall be used to control water pollution.

(a) Each permittee shall emphasize mining and reclamation practices that prevent or minimize water pollution. Changes in flow of drainage shall be used in preference to the use of water treatment facilities.

(b) Acceptable practices to control and minimize water pollution include, but are not limited to:

1. Stabilizing disturbed areas through land shaping;
2. Diverting runoff;
3. Achieving quickly germinating and growing stands of temporary vegetation;
4. Regulating channel velocity of water;
5. Lining drainage channels with rock or vegetation;
6. Mulching;
7. Selectively placing and sealing acid-forming and toxic-forming materials;
8. Designing mines to prevent or control gravity drainage of acid waters;
9. Sealing;
10. Controlling subsidence;
11. Preventing acid mine drainage; and
12. Implementing sediment control measures in Section 2 of this regulation.

Section 2. Sediment Control Measures. (1) Appropriate sediment control measures shall be designed, constructed, and maintained using the best technology currently available to:

(a) Prevent, to the extent possible, additional contributions of sediment to streamflow or to runoff outside the permit area;

(b) Meet the requirements of 405 KAR 18:070, Section 1(1)(g); and

(c) Minimize erosion to the extent possible.

(2) Sediment control measures include practices carried out within and adjacent to the disturbed area. The sediment storage capacity of measures in and downstream from the disturbed areas shall reflect the degree to which successful mining and reclamation techniques are applied to reduce erosion and control sediment. Sediment control measures consist of the utilization of proper mining and reclamation methods and sediment control practices, singly or in combination. Sediment control methods include but are not limited to:

(a) Disturbing the smallest practicable area at any one (1) time during the mining operation through progressive backfilling, grading and prompt revegetation as required in 405 KAR 18:200, Section 1(2);

(b) Stabilizing the backfilled material to promote a reduction in the rate and volume of runoff, in accordance with the requirements of 405 KAR 18:190;

(c) Retaining sediment within disturbed areas;

(d) Diverting runoff away from disturbed areas;

(e) Diverting runoff using protected channels or pipes through disturbed areas so as not to cause additional erosion;

(f) Using straw dikes, riprap, check dams, mulches, vegetative sediment filters, dugout ponds, and other measures that reduce overland flow velocity, reduce runoff volume, or trap

sediment;

(g) Treating with chemicals;

(h) Treating mine drainage in underground sumps; and

(i) Using sedimentation ponds as required in 405 KAR 18:070.

Section 3. Discharge Structures. Discharge from sedimentation ponds, permanent and temporary impoundments, coal processing waste dams and embankments, and diversions shall be controlled, by energy dissipators, riprap channels, and other devices, where necessary, to reduce erosion, to prevent deepening or enlargement of stream channels, and to minimize disturbance of the hydrologic balance. Discharge structures shall be designed according to standard engineering design procedures.

Section 4. Acid-forming and Toxic-forming Materials. Acid drainage and toxic drainage shall be avoided by:

(1) Identifying and burying and/or treating, in accordance with 405 KAR 18:190, Section 3, materials which may adversely affect water quality, or be detrimental to vegetation or to public health and safety if not buried and/or treated;

(2) Storage, burial or treatment practices consistent with other material handling and disposal provisions of this chapter; and

(3) Burying or otherwise treating all acid-forming or toxic-forming underground development waste and spoil within thirty (30) days after they are first exposed on the mine site, or within a lesser period required by the cabinet. Temporary storage of such materials may be approved by the cabinet upon a finding that burial or treatment within thirty (30) days is not feasible and will not result in any material risk of water pollution or other environmental damage. Storage shall be limited to the period until burial or treatment first becomes feasible. Acid-forming or toxic-forming underground waste and spoil to be stored shall be placed on impermeable material and protected from erosion and contact with surface water.

Section 5. Ground Water Protection. In order to protect the hydrologic balance, surface mining activities shall be conducted according to 405 KAR 8:040, Section 32(1) and (2) and ground water quality shall be protected by handling earth materials and runoff in a manner that minimizes acidic, toxic, or other harmful infiltration to ground water systems and by managing excavations and other disturbances to prevent or control the discharge of pollutants into the ground water.

Section 6. Surface Water Protection. In order to protect the hydrologic balance, surface mining activities shall be conducted according to 405 KAR 8:040, Section 32(1) and (2) and the following:

(1) Surface water quality shall be protected by handling earth materials, ground water discharges, and runoff in a manner that:

(a) Minimizes the formation of acidic or toxic drainage;

(b) Prevents, to the extent possible using the best technology currently available, additional contribution of suspended solids to streamflow outside the permit area; and

(c) Will not cause or contribute to a

violation of any federal or state effluent limitations or water quality standards.

(2) If drainage control, restabilization and revegetation of disturbed areas, diversion of runoff, mulching, or other reclamation and remedial practices are not adequate to meet the requirements of this section and 405 KAR 18:070, the operator shall use and maintain the necessary water-treatment facilities or water quality controls for as long as treatment is required under this chapter; and

(3) Surface water quantity and flow rates shall be protected by handling earth materials and runoff in accordance with the steps outlined in the plan approved under 405 KAR 8:040, Section 32(1) and (2).

Section 7. Transfer of Wells. Before final release of bond, exploratory or monitoring wells shall be sealed in a safe and environmentally sound manner in accordance with 405 KAR 18:040. With the prior approval of the regulatory authority, wells may be transferred to another party for further use. At a minimum, the conditions of such transfer shall comply with state and local law and the permittee shall remain responsible for the proper management of the well until bond release in accordance with 405 KAR 18:040.

Section 8. Gravity Discharges from Underground Mines. Surface entries and accesses to underground workings shall be located and managed to prevent or control gravity discharge of water from the mine.

(1) Gravity discharges of water from an underground mine, other than a drift mine subject to subsection (2) of this section, may be allowed by the cabinet if it is demonstrated that the untreated or treated discharge complies with the performance standards of this chapter and any additional KPDES permit requirements.

(2) Notwithstanding anything to the contrary in subsection (1) of this section, the surface entries and accesses of drift mines first used after May 18, 1982 and located in acid-producing or iron-producing coal seams shall be located in such a manner as to prevent any gravity discharge from the mine.

Section 9. Discharges Into an Underground Mine.

(1) Discharges into an underground mine are prohibited, unless specifically approved by the cabinet after a demonstration that the discharge will:

(a) Minimize disturbance to the hydrologic balance on the permit area, prevent material damage outside the permit area and otherwise eliminate public hazards resulting from surface mining activities;

(b) Not result in a violation of applicable water quality standards or effluent limitations;

(c) Be at a known rate and quality which shall meet the effluent limitations of 405 KAR 18:070 for pH and total suspended solids, except that the pH and total suspended-solids limitations may be exceeded, if approved by the cabinet; and

(d) Meet with the approval of the Mine Safety and Health Administration.

(2) Discharges shall be limited to the following:

- (a) Coal processing waste;
- (b) Underground mine development waste;
- (c) Fly ash from a coal-fired facility;
- (d) Sludge from an acid mine drainage

treatment facility;

(e) Flue gas desulfurization sludge;

(f) Inert materials used for stabilizing underground mines; and

(g) Water.

(3) Water from one (1) underground mine may be diverted into other underground workings according to the requirements of this section and as approved in the permit.

Section 10. Postmining Rehabilitation of Sedimentation Ponds, Diversions, Impoundments, and Treatment Facilities. Before abandoning the permit area, the permittee shall renovate all permanent sedimentation ponds, diversions, impoundments and treatment facilities as necessary to meet criteria specified in the detailed design plan for the permanent structures and impoundments.

Section 11. Stream Buffer Zones. (1) No land [surface area] within 100 feet of an intermittent or perennial stream shall be disturbed by underground mining activities [surface operations and facilities,] unless the cabinet specifically authorizes underground mining activities closer to, or through, such a stream. The cabinet may authorize such activities only upon finding, as a result of evaluating a permit application, that [under the following conditions]:

(a) Underground mining activities will not cause or contribute to the violation of applicable state or federal water quality standards. [Any temporary or permanent diversions shall comply with 405 KAR 18:080 and shall be constructed prior to any disturbance of the buffer zone;]

(b) Underground mining activities will not cause significant long-term detrimental effects on the water quantity or quality of the intermittent or perennial stream; provided however, this paragraph shall not apply to any reach of that stream that is upstream of an impounding structure located within the permit area and within the stream channel. [That the original stream channel will be restored or relocated in a manner satisfactory to the cabinet; and]

(c) Underground mining activities will not cause significant long-term detrimental effects on other valuable environmental resources, as determined by the cabinet, of the stream; and [During and after the mining, the water quantity and quality of the stream shall not be adversely affected by the underground mining activities as determined by state and federal water quality standards.]

(d) If there will be a temporary or permanent stream-channel diversion, it will comply with 405 KAR 18:080.

(2) The area that is not to be disturbed shall be designated a buffer zone, shall be adequately shown in the permit application, and shall be marked by the permittee as specified in 405 KAR 18:030.

(3) Descriptions, drawings, data, and all other information required by the cabinet to make the findings of subsection (1) of this section shall be submitted in a permit application in a manner prescribed by the cabinet.

(4)(a) The provisions of the amendments to this section shall apply to all underground mining activities, except as provided in

paragraph (b) of this subsection.

(b)1. Underground mining activities included in a permit issued on or before September 30, 1987 shall be subject to the provisions that preceded the amendments to this section in lieu of the provisions of subsections (1) through (3) of this section.

2. Underground mining activities included in a permit application determined to be complete pursuant to 405 KAR 8:010, Section 13(1) on or before September 30, 1987 shall be subject to the provisions that preceded the amendments to this section in lieu of the provisions of subsections (1) through (3) of this section.

MARY HELEN MILLER, Secretary

APPROVED BY AGENCY: April 14, 1987

FILED WITH LRC: April 15, 1987 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this proposed amendment has been scheduled to occur on Thursday, May 28, 1987, at 10 a.m. (EDT) in room G-2 of the Capital Plaza Tower, Frankfort, Kentucky. Persons interested in attending this hearing should submit written notification of such by May 23, 1987; if no written notice of intent to testify is received on or before this deadline, the hearing will be cancelled. To assure an accurate record, the cabinet requests that each person who testifies at the hearing provide the cabinet with a written copy of his or her testimony. Written comments on the proposed regulation may be submitted at any time before 4:30 p.m. (EDT) on May 28, 1987. Comments received after May 28, 1987 will not be considered. Written comments and written requests to attend or testify at the hearing must be submitted to: James B. Hale, Department for Surface Mining Reclamation and Enforcement, 3rd Floor, Capital Plaza Tower, Frankfort, KY 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: George Risk

(1) Type and number of entities affected: The proposed amendment addresses the disturbance of land, by underground mining activities, within 100 feet of intermittent and perennial streams. The amendment would require the cabinet to make certain findings prior to authorizing activities that cause disturbances within the 100-foot zone, and would require that the demonstrations necessary to make these findings be included in the operation's permit application.

As is stated in the amendment, the new findings and application requirements would not be required for activities under permit as of September 30, 1987, nor would they be required for activities proposed in permit applications determined to be complete prior to September 30. For such activities, the provisions that preceded the subject amendment would apply.

As of the filing of this amendment, there were approximately 1000 underground mines operating under the permanent program - a significant percentage of which had been granted buffer-zone variances. In the future, the percentage of permits issued with buffer-zone variances is likely to decrease because of the new requirements of the amendment. Since the amended buffer-zone provisions will be more comprehensive than those of the current regulation, some variances that would have been approved under the current regulation may not be permissible under the amendment. This is likely

to disallow some variance requests and deter some persons from even applying for the variance.

As noted above, the amendment would affect only those operations with applications determined complete and with permits issued after September 30, 1987 - therefore, the amendment will not effect any existing permits. By affecting future permits, the amendment will affect, directly or indirectly and in varying degrees, persons living in or with interests in the coal field regions of Kentucky.

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

1. First year: After September 30, 1987, application requirements beyond those currently needed will be obligatory for some activities: If an applicant wishes to conduct underground mining activities that will disturb land within 100 feet of an intermittent or perennial stream, he will be required to provide sufficient information to allow the cabinet to make certain findings regarding water quality, water quantity, and environmental resources. Collection and submission of this information will result in additional expense to the applicant.

Moreover, by broadening the scope of the findings necessary to allow a variance from the 100-foot stream buffer zone, some activities that would be permissible under the current requirements may need to be modified or may even be precluded. This result in redesign of the mine plan and the additional expenses attendant to such.

2. Continuing costs or savings: The costs identified in Part 1 will continue.

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

(b) Reporting and paperwork requirements: As discussed in (a) above, additional application requirements will be imposed on persons seeking approval for conducting underground mining activities that disturb land within 100 feet of certain streams. This will increase the amount of material included in some applications.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: As a result of the amendment, the cabinet will be making findings that are not currently required. These findings will be based upon review of additional information that will be included in certain permit applications. Since additional review time will be needed, the cabinet's expenses will increase.

2. Continuing costs or savings: The costs identified in Part 1 will continue.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: The requirement to make additional findings will result in additional paperwork for the cabinet; however, this increase in paperwork should be minimal.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: The amendment is being proposed in response to deficiencies cited by the federal Office of Surface Mining Reclamation and Enforcement (OSMRE). It should be realized, however, that the deficiencies cited by OSMRE addressed 405 KAR 18:080 rather than 405 KAR 18:060. The cabinet notes that OSMRE's concerns should be resolved by the

language changes proposed for 405 KAR 18:060. Since 405 KAR 18:060, Section 11 is cross-referenced by current 405 KAR 18:080, there is no need to revise the latter regulation.

Amending 405 KAR 18:080 to correct the deficiencies would have satisfied OSMRE's immediate concerns, but the cabinet would have needed to amend 405 KAR 18:060 at a future point to correct disparity between federal and state buffer-zone requirements. The amendment currently proposed addresses and resolves the problems voiced by OSMRE and the incongruity of federal and state regulations. Primarily, this approach was taken to minimize the confusion caused by implementing new buffer-zone requirements piecemeal.

(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: 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. Tiering is not applicable to this amendment since, under federal and Kentucky laws, its provisions must apply equally to all applicants and permittee subject to requirements of the permanent program.

FEDERAL MANDATE COMPARISON

1. Compare proposed state compliance standards with minimum uniform standards suggested or contained in the federal mandate: The federal regulations at 30 CFR 817.57 establish the requirements for protection of stream buffer zones. 817.57 prevents underground mining activities from disturbing land within 100 feet of intermittent streams and perennial streams unless such activities are specifically authorized by the state regulatory authority (i.e., in Kentucky, the Natural Resources and Environmental Protection Cabinet). The regulation states that the regulatory authority may authorize such activities only upon finding that:

1) Underground mining activities will not cause or contribute to the violation of applicable state or federal water quality standards, and will not adversely affect the water quantity and quality or other environmental resources of the stream; and

2) If there will be a temporary or permanent stream-channel diversion, it will comply with the regulatory requirements for diversions.

In addition, the federal regulation requires that the area not to be disturbed be designated a buffer zone and marked with signs posted along the boundary.

Kentucky's counterpart to these federal requirements can be found in Section 11 of 405 KAR 18:060. The cabinet is amending this section to contain provisions similar to those of OSMRE. As proposed, Section 11 would require the 100-foot buffer zone unless the cabinet makes the following findings as a result of evaluating the permit application:

1) That underground mining activities will not cause or contribute to the violation of applicable state or federal water quality standards;

2) That underground mining activities will not

cause significant long-term detrimental effects on the water quantity or quality of the intermittent or perennial stream - excluding any reach of the stream that is upstream of an impounding structure located within the permit area and within the stream channel;

3) That underground mining activities will not cause significant long-term detrimental effects on other valuable environmental resources, as determined by the cabinet, of the stream; and

4) If there will be a temporary or permanent stream-channel diversion, that it will comply with the regulatory requirements for diversions.

As with the OSMRE regulation, the cabinet also would require that the boundary of the buffer zone be marked with signs.

Moreover, the proposed amendment states that information required by the cabinet to make its findings must be submitted in the permit application in a manner prescribed by the cabinet. This would provide the cabinet with broad flexibility to evaluate each case individually and require only the information necessary to make the requisite findings.

The proposed amendment sets September 30, 1987 as the date on which the new standards would become applicable. Activities in permits issued on or before September 30, and activities proposed in applications determined complete on or before that date, would be required to comply with the current standards rather than those of the amendment.

2. Does the proposed regulation impose stricter requirements or other responsibilities on the regulated entities than those required by the federal mandate: The proposed amendment does not impose stricter requirements or other responsibilities on the regulated entities than those required by the federal mandate. Although the wording of the proposed amendment differs from that of the federal regulation, the proposed state standard is not more stringent.

3. If the proposed regulation imposes additional requirements or responsibilities, justify the imposition of these stricter standards, requirements or responsibilities: As indicated above, the proposed amendment does not impose additional requirements or responsibilities on the regulated entities than those required by the federal mandate.

NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET

Department for Surface Mining
Reclamation and Enforcement
(Proposed Amendment)

405 KAR 18:190. Backfilling and grading.

RELATES TO: KRS 350.020, 350.093, 350.100, 350.151, 350.405, 350.410, 350.450, 350.465

PURSUANT TO: KRS Chapter 13A, 350.028, 350.100, 350.151, 350.465

NECESSITY AND FUNCTION: KRS Chapter 350 in pertinent part requires the cabinet to promulgate rules and regulations establishing performance standards for protection of people and property, land, water and other natural resources, and aesthetic values, during underground mining activities and for restoration and reclamation of surface areas affected by underground mining activities. This regulation sets forth requirements for backfilling and grading of areas affected by

surface operations, including requirements for backfilling and grading of face-up areas and other cut slopes and limited exemptions, timing of backfilling and grading, covering coal and acid and toxic materials, and regrading or stabilizing rills and gullies.

Section 1. Timing of Backfilling and Grading. Surface areas disturbed incident to underground mining activities shall be backfilled and graded in accordance with a relative time-schedule approved by the cabinet in accordance with 405 KAR 18:020.

Section 2. General Backfilling and Grading Requirements. (1) Except as provided in subsection (8) of this section, all disturbed areas shall be returned to their approximate original contour. All spoil shall be transported, placed in a controlled manner, backfilled, compacted (where advisable to ensure stability or to prevent leaching of toxic materials), and graded to:

(a) Eliminate all highwalls (except as otherwise provided in Section 5 of this regulation), spoil piles, and depressions (excluding depressions and impoundments approved pursuant to subsection (4) or (5) of this section);

(b) Ensure a long-term static factor of safety of at least 1.3 for all portions of the reclaimed land;

(c) Achieve a postmining slope which does not exceed the angle of repose and which does prevent slides;

(d) Minimize erosion and adverse effects on surface and ground water both on and off the site; and

(e) Support the approved postmining land use.

(2) Spoil, except excess spoil disposed of in accordance with 405 KAR 18:130, shall be returned to the excavated surface areas.

(3) Disposal of coal processing waste and underground development waste in the mined-out surface area shall be in accordance with 405 KAR 18:140, except that a long-term static safety factor of 1.3 shall be achieved.

(4) Small depressions may be constructed on backfilled areas, if the depressions:

(a) Are needed to minimize erosion, conserve soil moisture, create or enhance wildlife habitat, or promote vegetation;

(b) Do not restrict normal access;

(c) Are not inappropriate substitutes for lower grades on the reclaimed lands;

(d) Are approved by the cabinet;

(e) Do not adversely affect the stability of the backfilled area; and

(f) Are not located on steep-slope outcrops.

(5) Impoundments on backfilled areas may be approved, if the impoundments:

(a) Meet the applicable requirements of 405 KAR 18:060, Section 10 and 405 KAR 18:100;

(b) Are demonstrated, to the satisfaction of the cabinet in the permit application, to have no adverse effect on the stability of the backfilled area;

(c) Are consistent with and suitable for the approved postmining land use;

(d) Are specifically approved by the cabinet in the permit application; and

(e) Are not located on steep-slope outcrops.

(6) All underground mining activities on slopes above twenty (20) degrees, or on lesser slopes that the cabinet defines as steep slopes,

shall comply with the requirements of 405 KAR 20:060.

(7) All final grading; preparation of overburden before replacement of topsoil, topsoil substitutes, and topsoil supplements; and placement of topsoil, topsoil substitutes, and topsoil supplements shall be done along the contour to minimize subsequent erosion and instability. If such grading, preparation, or placement along the contour is hazardous to equipment operators, then grading, preparation, or placement in a direction other than generally parallel to the contour may be used. In all cases, grading, preparation, and placement shall be conducted in a manner which minimizes erosion and provides a surface for placement of topsoil, topsoil substitutes, and topsoil supplements which will minimize slippage.

(8) The postmining slope may vary from the approximate original contour when approval is obtained from the cabinet for:

(a) A variance from approximate original contour requirements in accordance with 405 KAR 8:050, Section 6; or

(b) Incomplete elimination of highwalls in previously mined areas in accordance with Section 5 of this regulation; [; or]

[(c) Incomplete elimination of face-up areas and similar cut slopes which were created prior to May 3, 1978 in accordance with subsection (9) of this section.]

[(9) Any underground mining activity under permit as of the effective date of this amendment and having a face-up area or similar cut slope which was created prior to May 3, 1978 may comply with the backfilling and grading plan approved in the permit and shall not be required to completely eliminate the pre-existing face-up area or similar cut slope, if such elimination was not required in the approved permit.]

Section 3. Disposal of Acid-forming, Toxic-forming, and Combustible Materials and Coverage of Coal Seams. (1) General. Exposed coal seams, acid-forming materials, toxic-forming materials, and combustible materials which are used, produced, or exposed during surface coal mining and reclamation operations shall be handled; disposed of; treated; and covered with nontoxic-forming, nonacid-forming, and noncombustible materials in a manner which:

(a) Minimizes adverse impacts on surface and ground water, minimizes disturbances to the hydrologic balance, and prevents material damage to the hydrologic balance;

(b) Ensures compliance with 405 KAR 18:060;

(c) Prevents sustained combustion;

(d) Minimizes adverse impacts on plant growth and the approved postmining land use;

(e) Ensures that the affected area is capable of sustaining sufficient vegetation to meet the revegetation requirements of 405 KAR 18:200; and

(f) Ensures that the affected area is capable of meeting the postmining land use requirements of 405 KAR 18:220.

(2) Coverage and treatment. All exposed coal seams, acid-forming materials, toxic-forming materials, and combustible materials which are used, produced, or exposed during surface coal mining and reclamation operations shall be covered and treated as necessary to neutralize toxicity, acidity, and combustibility, in order to ensure long-term and short-term compliance with subsection (1) of this section.

(a) All exposed coal seams shall be covered with a minimum of four (4) feet of nontoxic-forming, nonacid-forming, and noncombustible materials. The cabinet shall require thicker amounts of cover, special compaction of cover, treatment, or other measures as necessary to ensure compliance with subsection (1) of this section and to prevent exposure of the coal seams by erosion.

(b) Excluding exposed coal seams, all acid-forming materials, toxic-forming materials, and combustible materials which are used, produced, or exposed during surface coal mining and reclamation operations shall be:

1. Selectively blended with nontoxic-forming, nonacid-forming, and noncombustible materials; treated; or selectively handled, or an appropriate combination of such measures shall be used, as necessary to ensure compliance with subsection (1) of this section; and

2. Covered with a minimum of four (4) feet of nontoxic-forming, nonacid-forming, and noncombustible materials. The cabinet shall require thicker amounts of cover, special compaction of cover, treatment, or other measures as necessary to ensure compliance with subsection (1) of this section and to prevent exposure of the toxic-forming, acid-forming, or combustible materials by erosion. The cabinet may approve lesser amounts of cover, or no cover (other than topsoil, topsoil substitutes, or topsoil supplements), if the applicant demonstrates, to the satisfaction of the cabinet in the permit application, that the lesser amounts are sufficient to ensure compliance with subsection (1) of this section and to maintain coverage of the toxic-forming, acid-forming, and combustible materials;

3. If required or approved by the cabinet, compacted and placed in an environment which minimizes the oxidation potential of the toxic-forming materials, acid-forming materials, and combustible materials; and

4. If required or approved by the cabinet, disposed so as to minimize surface and ground water contact with acid-forming materials, toxic-forming materials, and combustible materials. Such contact may be minimized by the encasement of such materials in low-permeability substances and by the compaction and selective placement of such materials in locations other than surface drainage courses, ground water recharge areas, or areas of significant ground water flow. As an alternative to minimizing contact with surface and ground water and if feasible based on site conditions, the cabinet may allow acid-forming materials, toxic-forming materials, and combustible materials be placed below the permanent water table.

(3) The cabinet shall require measures in addition to those identified in subsection (2) of this section if necessary to ensure protection of the environment or the health or safety of the public.

Section 4. Regrading or Stabilizing Rills and Gullies. When rills or gullies deeper than nine (9) inches form in areas that have been regraded and topsoiled, the rills and gullies shall be filled, graded, or otherwise stabilized and the area reseeded and/or replanted according to 405 KAR 18:200. The cabinet may specify that rills or gullies of lesser size be stabilized and the area reseeded and/or replanted, if the rills or gullies are disruptive to the approved

postmining land use or to the establishment of vegetation, may result in additional erosion and sedimentation, or may cause or contribute to the violation of a water quality standard.

Section 5. Remining Previously Mined Areas.

(1) General requirements. Remining operations on previously mined areas, including steep slope areas, that contain a pre-existing highwall shall comply with Sections 1 through 4 of this regulation except as provided in this section.

(2) Definitions.

(a) "Highwall remnant" means that portion of highwall that remains after backfilling and grading of a remining permit area.

(b) "Modified highwall" means either:

1. The highwall resulting from remining where the pre-existing highwall face is removed; or

2. The highwall resulting from remining where the pre-existing highwall is vertically enlarged.

(c) "Previously mined area" means land which was disturbed or affected by coal mining operations that occurred prior to May 3, 1978, which was not reclaimed to the standards of this Title, and for which there is no continuing responsibility to reclaim to the standards of this Title.

(d) "Reasonably available spoil" means spoil and suitable coal mine waste material generated by the remining operation and other spoil or suitable coal mine waste material located in the permit area that is accessible and available for use and that when rehandled will not cause a hazard to public safety or significant damage to the environment. For this purpose, the permit area shall include all such spoil in the immediate vicinity of the mining operation.

(e) "Remining" means conducting surface coal mining and reclamation operations which affect previously mined areas.

(3) Variances to backfilling and grading requirements for remining operations. The requirements within Section 2(1)(a) of this regulation to completely eliminate highwalls shall apply to remining operations, except for situations in which the volume of all reasonably available spoil is demonstrated, to the satisfaction of the cabinet in the permit application, to be insufficient to completely backfill and eliminate the pre-existing or modified highwall. The highwall shall be eliminated to the maximum extent technically practicable in accordance with the following criteria:

(a) All reasonably available spoil shall be used to backfill the area.

(b) The backfill shall be graded to a slope which is compatible with the approved postmining land use and which provides adequate drainage and long-term stability (1.3 long-term static factor of safety), provided, however, that the exposed coal seam shall be covered in accordance with Section 3 of this regulation.

(c) Spoil generated or handled by the remining operation shall not be placed on the fill section of any existing or new bench.

(d) Any highwall remnant shall be stable and not pose a hazard to the public health and safety or to the environment. The permittee shall demonstrate, to the satisfaction of the cabinet in the permit application, that the postmining highwall remnant will be stable. If the highwall remnant is determined by the cabinet to be unstable or potentially unstable, the permittee shall perform any corrective

measures required by the cabinet to stabilize the highwall remnant.

(e) Spoil placed on the outslope during previous mining operations shall not be disturbed if such disturbance will cause instability of the remaining spoil or otherwise increase the hazard to the public health or safety or to the environment.

Section 6. Temporary Storage of Materials. (1) After excavation, materials to be used for backfilling in compliance with this regulation shall be returned, for backfilling purposes in accordance with this regulation, to a mined-out area within the permit area or shall be temporarily stored in designated storage areas designs of which have been provided in the permit application and thereby approved by the cabinet.

(2) Temporary storage areas shall be designed and constructed in accordance with the requirements of 405 KAR 18:130 or 405 KAR 18:140, depending on the type of material, except as specified in the following:

(a) If the temporary storage area is to exist for six (6) months or longer, the storage area shall be protected by establishment of an effective cover of nonnoxious, quick-growing, annual and perennial plants seeded or planted during the first normal seeding or planting period following placement of the fill material and re-sown as necessary thereafter.

(b) Topsoil, topsoil substitute, and topsoil supplement materials to be used in final reclamation of the temporary storage area shall either be stockpiled in accordance with 405 KAR 18:050, Section 3(1) through (3) or temporarily redistributed on areas in accordance with 405 KAR 18:050, Section 3(4). The applicant shall submit, in the permit application, a discussion from a qualified soil scientist or qualified agronomist which indicates, to the satisfaction of the cabinet, that the topsoil stockpile or temporary redistribution plan will minimize adverse effects on the quality and quantity of the topsoil, topsoil substitute, and topsoil supplement materials.

(3) Fills designed and constructed in accordance with this section may be retained as permanent structures if:

(a) The cabinet approves a permit revision submitted in accordance with 405 KAR 8:010, Section 20 for retention of the fill as a permanent structure and for the use of alternate materials to backfill areas and return the disturbed areas to their approximate original contour, in accordance with the requirements of this regulation;

(b) Topsoil, topsoil substitute, and topsoil supplement materials are redistributed on the fill in accordance with 405 KAR 18:050;

(c) The fill is revegetated and reclaimed in accordance with 405 KAR 18:200, 405 KAR 18:220, and all other applicable requirements of KRS Chapter 350 and this Title; and

(d) The borrow area or other area from which the alternate backfill material is obtained is permitted under a valid permit from OSMRE and is reclaimed in accordance with the requirements of KRS Chapter 350 and this Title.

MARY HELEN MILLER, Secretary

APPROVED BY AGENCY: April 14, 1987

FILED WITH LRC: April 15, 1987 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on

this proposed amendment has been scheduled to occur on Thursday, May 28, 1987, at 10 a.m. (EDT) in room G-2 of the Capital Plaza Tower, Frankfort, Kentucky. Persons interested in attending this hearing should submit written notification of such by May 23, 1987; if no written notice of intent to testify is received on or before this deadline, the hearing will be cancelled. To assure an accurate record, the cabinet requests that each person who testifies at the hearing provide the cabinet with a written copy of his or her testimony. Written comments on the proposed regulation may be submitted at any time before 4:30 p.m. (EDT) on May 28, 1987. Comments received after May 28, 1987 will not be considered. Written comments and written requests to attend or testify at the hearing must be submitted to: James B. Hale, Department for Surface Mining Reclamation and Enforcement, 3rd Floor, Capital Plaza Tower, Frankfort, KY 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: George Risk

(1) Type and number of entities affected: The proposed amendment will eliminate a backfilling and grading variance for a small group of underground mines subject to the permanent program. The subject variance is codified at current 405 KAR 18:190, Section 2(8)(c) and (9) and pertains to certain non-remining underground mines. The variance states that any underground mine under permit as of February 4, 1986 and having a face-up or similar cut that was created prior to May 3, 1978 may comply with the backfilling and grading plan approved in the permit, even if this plan did not require eliminating the cut completely and returning the area to its approximate original contour (AOC).

In the August 27, 1987 edition of the Federal Register, the federal Office of Surface Mining Reclamation and Enforcement (OSMRE) ruled that the AOC variance at Section 2(8)(c) and (9) was less effective than federal requirements and must be removed. This amendment is being promulgated in accordance with that August directive.

A review of the cabinet records indicates that approximately 200 underground mines were started before May 3, 1978 and are currently operating under non-remining permanent program permits. Of these 200 mines, some have available spoil sufficient to return the disturbed area to approximate original contour and are operating under permits indicating that they will do so. Other mines with pre-1978 cuts were granted AOC variances because of the lack of any readily available spoil. It is this latter group that will be directly affected by the proposed amendment. Although specific numbers are not available for this group, the cabinet speculates that it consists of approximately 100 operations. By affecting these underground mines, the amendment will also affect, directly or indirectly and in varying degrees, persons living in or with interests in the coal field regions of Kentucky.

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

1. First year: The mines that are operating under AOC variances covered by current 405 KAR 18:190, Section 2(8)(c) and (9) will need to revise their permits to establish a plan for highwall elimination and returning the area to

AOC. These permittees will incur expenses associated with preparation and processing of this plan as well as its implementation.

In order to implement the revised backfilling and grading plans, some operations will need to permit and bond additional areas for use in reclamation. Others will need to obtain materials from offsite and transport it to the cut where it can be used as backfill. Although a variety of factors dictate the actual expenses that will be incurred, the costs involved in permitting and bonding additional lands and in transporting materials from offsite can be very high.

It should be noted that the expenses associated with this amendment are not tied to a "first year" type of analysis. Each case will incur expenses at a different time - dependent upon the particular set of conditions.

2. Continuing costs or savings: The costs identified in Part 1 will continue.

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

(b) Reporting and paperwork requirements: For those mines operating under the AOC variance of current 405 KAR 18:190, Section 2(8)(c) and (9), it will be necessary to develop new backfilling and grading plans. After their development, these new plans will need to be submitted to the cabinet for review and approval. The process of developing and submitting the revised plans - as well as the efforts involved in amending the proposed plans to comply with any deficiencies cited by the cabinet - will be additional reporting and paperwork requirements that the permittees will incur.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: The cabinet will need to evaluate the revised mining and reclamation plans to assure that they comply with regulatory requirements. The processing of these new proposals will cause the cabinet to incur additional expenses. Once the cabinet has reviewed and passed judgment on the revised plans, the cabinet will need to assure that the new plans are properly implemented. This may cause minor increases in expenses related to inspecting the mine sites.

2. Continuing costs or savings: The costs identified in Part 1 will continue.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: Associated with the processing and inspection of the revised reclamation plans, a minor increase in the cabinet's paperwork will be incurred.

(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: 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: In the August 27, 1986 edition of the Federal Register, OSMRE was very specific on the action that the cabinet needed to take with respect to the AOC variance for cuts created prior to May

3, 1978. In that Federal Register, OSMRE adopted 30 CFR 917.16(d), which states that the cabinet must propose to "delete the provisions found at 405 KAR 18:190, Section 2(8)(c) and 405 KAR 18:190, Section 2(9)" (51 FR 30492-30493). No discretion was built into the OSMRE ruling - leaving the cabinet little alternative but to propose the subject amendment.

TIERING: Was tiering applied? No. Tiering is not applicable to this amendment since, under federal and Kentucky laws, its provisions must apply equally to all applicants and permittees subject to requirements of the permanent program.

FEDERAL MANDATE COMPARISON

1. Compare proposed state compliance standards with minimum uniform standards suggested or contained in the federal mandate: The proposed amendment will eliminate the backfilling and grading variance currently codified at 405 KAR 18:190, Section 2(8)(c) and (9). The variance, which applies to a small group of non-remining underground mines, states that any underground mine under permit as of February 4, 1986 and having a face-up or similar cut that was created prior to May 3, 1978 may comply with the backfilling and grading plan approved in the permit, even if this plan did not require eliminating the cut completely and returning the area to its approximate original contour (AOC). There is no counterpart to this variance in the federal regulations on the backfilling and grading of underground mines (30 CFR 817.102 through 817.107).

In the August 27, 1987 edition of the Federal Register, the federal Office of Surface Mining Reclamation and Enforcement (OSMRE) ruled that the AOC variance at 405 KAR 18:190, Section 2(8)(c) and (9) was less effective than federal requirements and must be removed. This amendment is being promulgated in accordance with that August directive.

2. Does the proposed regulation impose stricter requirements or other responsibilities on the regulated entities than those required by the federal mandate: The proposed amendment would not impose stricter requirements or other responsibilities on the regulated entities than those required by the federal mandate. As noted above, OSMRE has determined that the variance - which has no parallel at the federal level - is not as effective as federal requirements. Accordingly, OSMRE has directed the cabinet to eliminate the variance. Elimination of the variance will bring 405 KAR 18:190 up to the federal level of strictness.

3. If the proposed regulation imposes additional requirements or responsibilities, justify the imposition of these stricter standards, requirements or responsibilities: As indicated above, the proposed amendment would not impose additional requirements or responsibilities on the regulated entities than those required by the federal mandate.

CORRECTIONS CABINET (Proposed Amendment)

501 KAR 6:020. Corrections policies and procedures.

RELATES TO: KRS Chapters 196, 197, 439

PURSUANT TO: KRS 196.035, 197.020, 439.470,

439.590, 439.640

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

Section 1. Pursuant to the authority vested in the Corrections Cabinet the following policies and procedures are incorporated by reference on April 15 [March 13], 1987 and hereinafter should be referred to as Corrections Policies and Procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Corrections Cabinet, State Office Building, Frankfort, Kentucky 40601.

- 1.1 Legal Assistance for Corrections Staff
- 1.2 News Media
- 1.6 Extraordinary Occurrence Reports
- 1.9 Institutional Duty Officer
- 1.11 Population Counts and Reporting Procedures
- 1.12 Operation of Motor Vehicles by Corrections Cabinet Employees
- 2.1 Inmate Canteen
- 2.10 Surplus Property
- 3.1 Code of Ethics
- 3.2 Inclement Weather and Emergency Conditions Policy
- 3.3 Holding of Second Jobs by Bureau Employees
- 3.7 Employment of Relatives
- 3.10 Staff Clothing and Personal Appearance
- 3.12 Institutional Staff Housing
- 3.14 Corrections Cabinet Payroll Deduction Policy and Procedure
- 4.1 Attendance at Professional Meetings
- 4.2 Staff Training and Development
- 4.3 Firearms and Chemical Agents Training
- 4.4 Educational Assistance Program
- 6.1 Open Records Law
- 7.2 Asbestos Abatement
- 8.4 Emergency Preparedness
- 9.1 Use of Force
- 9.3 Transportation of Convicted Offenders
- 9.4 Transportation of Inmates to Funerals or Bedside Visits
- 9.5 Return of Escapees by Automobile
- 9.6 Contraband
- 9.7 Storage, Issue and Use of Weapons Including Chemical Agents
- 9.8 Search Policy
- 9.9 Transportation of Inmates
- 9.10 Security Inspections
- 9.11 Tool Control
- 9.15 Institutional Entry and Exit Policy and Procedures
- 9.18 Informants
- 9.19 Found Lost or Abandoned Property [(Added 3/13/87)]
- 10.1 Inmates Serving a Sentence of Death
- 10.2 Special Management Inmates
- 10.3 Safekeepers
- 10.4 Special Needs Inmates
- 11.2 Nutritional Adequacy of the Diet for Inmates
- 11.3 Special Diet Procedures
- 12.1 Resident Clothing
- 13.1 Pharmacy Policy and Formulary
- 13.2 Health Maintenance Services
- 13.3 Medical Alert System
- 13.4 Health Program Audits
- 13.5 Acquired Immune Deficiency Syndrome (Added 4/15/87)

- 14.2 Personal Hygiene Items
- 14.3 Marriage of Inmates
- 14.4 Legal Services Program
- 14.6 Inmate Grievance Procedures [(Amended 3/13/87)]
- 15.1 Hair and Grooming Standards
- 15.2 Offenses and Penalties
- 15.3 Meritorious Good Time [(Amended 3/13/87)]
- 15.4 Governor's Meritorious Good Time Award
- 15.5 Restoration of Forfeited Good Time
- 15.6 Adjustment Procedures and Programs
- 16.1 General Inmate Visiting Procedure
- 16.2 Inmate Correspondence
- 16.3 Telephone Calls
- 16.4 Inmate Packages [(Amended 3/13/87)]
- 17.1 Inmate Personal Property
- 17.2 Assessment Center Operations (Amended 4/15/87)
- 17.3 Controlled Intake of Inmates
- 18.4 Classification of the Inmate
- 18.5 Custody/Security Guidelines (Amended 4/15/87)
- 18.6 Classification Document (Amended 4/15/87)
- 18.7 Transfers (Amended 4/15/87)
- 18.8 Guidelines for Transfers Between Institutions
- 18.9 Out-of-State Transfers
- 18.10 Pre-Parole Progress Reports
- 18.11 Kentucky Correctional Psychiatric Center Transfer Procedures
- 18.12 Referral Procedure for Inmates Adjudicated Guilty But Mentally Ill
- 18.13 Population Categories
- 18.15 Protective Custody
- 19.1 Government Services Projects
- 19.2 Community Services Projects
- 20.1 Study Release
- 20.6 Vocational Study Release
- 22.1 Privilege Trips
- 25.1 Gratuities
- 25.2 Public Official Notification of Release of an Inmate
- 25.3 Pre-Release
- 25.4 Inmate Furloughs [(Amended 3/13/87)]
- 25.6 Community Center Program
- 25.7 Expedient Release
- 25.8 Extended Furloughs
- 27.1 Supervision: Case Classification
- 27.2 Risk/Needs Administration
- 27.4 Supervision Plan: General
- 27.8 Travel Restrictions
- 27.9 Conditions of Supervision
- 27.10 Preliminary Revocation Procedures
- 27.11 Apprehension and Transportation of Violators of Probation, Parole and Conditional Release
- 27.12 Fugitive Section/Probation and Parole
- 27.13 Supervision Fee
- 27.14 Interstate Compact
- 27.18 Absconder Procedures
- 27.19 Technical Violators
- 27.20 Intensive Supervision [(Amended 3/13/87)]
- 28.2 Investigations: General
- 28.3 Pre-Sentence Investigations (To the Court)
- 28.4 Pre-Parole (Pre-Sentence) Investigation (To the Institution and State Parole Board)
- 28.5 Special Report to the Parole Board
- 28.7 Out-of-State Investigations

GEORGE W. WILSON, Secretary

APPROVED BY AGENCY: April 15, 1987

FILED WITH LRC: April 15, 1987 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 22,

1987 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: 2087 employees of the Corrections Cabinet, 6416 inmates, 10,875 parolees and probationers, and all visitors to state correctional institutions.

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

1. First year: None

2. Continuing costs or savings: None

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

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None. All of the costs involved with the implementation of the regulation are included in the operational budget.

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

3. Additional factors increasing or decreasing costs: Same as (2)(a)1.

(b) Reporting and paperwork requirements: 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 6:030. 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 April 15 [March 13], 1987 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 01-00-19 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 [(Amended 3/13/87)]

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 04-00-02 Staff Training and Development

KSR 05-00-02 Research Activities

KSR 05-00-03 Management Information Systems

KSR 06-00-01 Inmate Master File

KSR 06-00-02 Records Audit

KSR 06-00-03 Kentucky Open Records Law

KSR 07-00-02 Institutional Tower Room Regulations

KSR 07-00-03 Guidelines for Contractors

KSR 07-00-04 Handling of PCB Articles and Containers

KSR 08-00-07 Inmate Family Emergency - Life Threatening Illness or Death in Inmate's Immediate Family

KSR 08-00-08 Death of an Inmate/Notification of Inmate Family in Case of Serious Injury, Critical Medical Emergency, Major Surgery [(Amended 3/13/87)]

KSR 08-00-09 Emergency Preparedness Training

ADMINISTRATIVE REGISTER - 1898

KSR 09-00-04	Horizontal Gates/Box 1 Entry and Exit Procedure	KSR 15-00-07	Inmate Rules and Discipline - Adjustment Committee Procedures [(Amended 3/13/87)]
KSR 09-00-05	Gate I Entrance and Exit Procedure	KSR 15-00-08	Firehouse Living Area [(Amended 3/13/87)]
KSR 09-00-14	Use of Force	KSR 16-00-01	Visiting Regulations
KSR 09-00-21	Crime Scene Camera	KSR 16-00-02	Inmate Correspondence and Mailroom Operations (Amended 4/15/87)
KSR 09-00-22	Collection, Preservation, and Identification of Physical Evidence	KSR 16-00-03	Inmate Access to Telephones
KSR 09-00-23	Drug Abuse Testing	KSR 17-00-01	Housing Unit Assignment
KSR 09-00-25	Inmate Motor Vehicle Operator's License	KSR 17-00-03	Notifying Inmates' Families of Admission and Procedures for Mail and Visiting
KSR 09-00-26	Contraband Outside Institutional Perimeter	KSR 17-00-04	Assessment/Classification Center Operations, Rules and Regulations
KSR 10-00-02	Special Management Inmates Operations, Rules and Regulations for Unit D	KSR 17-00-05	Dormitory 10 Operations
KSR 10-00-03	Special Needs Unit	KSR 17-00-06	Identification Department Admission and Discharge Procedures
KSR 10-00-04	Unit D Admission/Release Ticket	KSR 17-00-07	Inmate Personal Property
KSR 11-00-01	Meal Planning for the General Population [(Amended 3/13/87)]	KSR 18-00-01	Special Management Inmates - Unit D Classification [(Amended 3/13/87)]
KSR 11-00-02	Special Diets	KSR 18-00-04	Returns from Other Institutions (Amended 4/15/87)
KSR 11-00-03	Food Service Inspections	KSR 18-00-05	Transfer of Residents to Kentucky Correctional Psychiatric Center
KSR 11-00-04	Dining Room Dress Code for Inmates	KSR 18-00-06	Classification
KSR 11-00-06	Health Standards/Regulations for Food Service Employees	KSR 18-00-07	Special Notice Form
KSR 11-00-07	Early Chow Line Passes for Medically Designated Inmates [(Amended 3/13/87)]	KSR 19-00-01	Inmate Work Incentives
KSR 12-00-01	Inmate Summer Dress Regulations	KSR 19-00-02	On-the-Job Training Program
KSR 12-00-02	Sanitation and General Living Conditions	KSR 19-00-03	Safety Inspections of Inmate Work Assignment Locations
KSR 12-00-03	State Items Issued to Inmates	KSR 20-00-01	Vocational School Referral and Release Process (Amended 4/15/87)
KSR 12-00-07	Regulations for Inmate Barbershop	KSR 20-00-03	Academic School Programs
KSR 13-00-01	Identification of Mentally Retarded Inmates	KSR 20-00-04	Criteria for Participation in Jefferson Community College Program
KSR 13-00-02	Hospital Operations, Rules and Regulations [(Amended 3/13/87)]	KSR 20-00-08	Integration of Vocational and Academic Education Programs
KSR 13-00-03	Medication for Inmates Leaving Institution Grounds	KSR 21-00-01	Legal Aide Office and Law Library Services and Supervision
KSR 13-00-04	Dental Care for Inmates [(Amended 3/13/87)]	KSR 21-00-02	Inmate Library Services
KSR 13-00-05	Medical and Dental Sick Call [(Amended 3/13/87)]	KSR 21-00-03	Library Services for Unit D
KSR 13-00-07	Referral of Inmates Considered to Have Severe Emotional Disturbances	KSR 22-00-03	Inmate Organizations
KSR 13-00-08	Institutional Laboratory Procedures [(Amended 3/13/87)]	KSR 22-00-07	Inmate News Magazine
KSR 13-00-09	Institutional Pharmacy Procedures [(Amended 3/13/87)]	KSR 23-00-02	Chaplain's Responsibility and Inmate Access to Religious Representatives
KSR 13-00-10	Requirements for Medical Personnel	KSR 23-00-03	Religious Programming [(Amended 3/13/87)]
KSR 13-00-11	Preliminary Health Evaluation and Establishment of Inmate Medical Record [(Amended 3/13/87)]	KSR 25-00-01	Discharge of Residents to Hospital or Nursing Home
KSR 13-00-12	Vision Care/Optomety Services	KSR 25-00-02	Violations of Law or Code of Conduct by Inmates on Parole Furlough
KSR 13-00-14	Periodic Health Examinations for Inmates	KSR 25-00-03	Pre-Parole Progress Report
KSR 13-00-15	Medical Alert System		
KSR 13-00-16	Suicide Prevention and Intervention Program		
KSR 14-00-01	Inmate Rights		
KSR 14-00-02	A/C Center and Unit D Inmate Access to Legal Aide Services		
KSR 14-00-04	Inmate Grievance Procedure		
KSR 15-00-01	Operational Procedures and Rules and Regulations for Unit A, B, and C		
KSR 15-00-02	Regulations Prohibiting Inmate Control or Authority Over Other Inmate(s)		
KSR 15-00-03	Governor's Meritorious Good Time Award		
KSR 15-00-04	Restoration of Forfeited Good Time		
KSR 15-00-05	Differential Status for SU (QUIT) Inmates		
KSR 15-00-06	Inmate I.D. Cards		

GEORGE W. WILSON, Secretary

APPROVED BY AGENCY: April 15, 1987

FILED WITH LRC: April 15, 1987 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 22, 1987 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: 503 employees of the Kentucky State Reformatory, 1440 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 6:050. Luther Luckett Correctional Complex.

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 April 15 [March 13], 1987 and hereinafter should be referred to as Luther Luckett Correctional Complex 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.

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

- LLCC 02-03-01 Fiscal Management: Audits
- LLCC 02-06-01 Property Inventory
- LLCC 03-01-01 General Guidelines for LLCC Employees
- LLCC 03-01-02 Service Regulations, Attendance Accumulation and use of Leave
- LLCC 03-02-01 Proper Dress for Uniformed Personnel
- LLCC 03-02-02 Replacement of Damaged or Destroyed Personal Property
- LLCC 03-03-01 Employee Grievance Mechanism
- LLCC 03-04-01 Employee Records
- LLCC 03-05-01 Personnel Registers
- LLCC 03-06-01 Work Planning: Employee Evaluations and Evaluation Control
- LLCC 03-08-01 Shift Transfers
- LLCC 03-08-02 Rotation of Correctional Officers Between Central Security and Unit Management Staff
- LLCC 03-09-01 Promotion Board
- LLCC 03-10-01 Affirmative Action: EEO
- LLCC 03-12-01 Confidentiality of Information Roles and Services of Consultants, Contract Personnel and Volunteers
- LLCC 08-01-01 Offender Records
- LLCC 08-04-01 Storage of Expunged Records
- LLCC 10-03-09 Duties and Responsibilities of Building 1 and 2 Officer
- LLCC 11-03-01 LLCC Population Categories
- LLCC 11-07-01 Adjustment Procedures for Minor Rule Violations
- LLCC 11-09-01 Rules and Regulations of the Unit [(Amended 3/13/87)]
- LLCC 11-13-01 Inmate Dress and Use of Access Areas
- LLCC 11-15-01 Post-Parole Furloughs
- LLCC 11-16-01 Restoration of Forfeited Good Time
- LLCC 11-18-02 Use of Monitor Telephone
- LLCC 11-19-01 Unit Shakedowns/Control of Excess Property
- LLCC 11-20-01 Program Services for "Special Needs"/Mentally Ill Inmates
- LLCC 12-01-01 Special Management Inmates [(Amended 3/13/87)]
- LLCC 12-04-01 Guidelines for (7E) PC Unit/General Living Conditions
- LLCC 13-01-01 Dining Room Guidelines
- LLCC 13-04-01 Food Service: Meals
- LLCC 13-04-02 Food Service: Menu, Nutrition and Special Diets
- LLCC 13-05-02 Medical Screening of Food Handlers
- LLCC 13-06-01 Food Service: Inspections and Sanitation
- LLCC 13-07-01 Food Service: Purchasing, Storage and Farm Products
- LLCC 13-08-01 OJT Food Service Training Placement [(Added 3/13/87)]
- LLCC 14-01-01 Sanitation, Living Condition Standards, and Cloting Issue
- LLCC 14-05-01 Institutional Inspections
- LLCC 15-01-01 Health Maintenance Services; Sick Call and Pill Call (Amended 4/15/87)
- LLCC 15-02-01 Mental Health/Psychological Services
- LLCC 15-03-01 Pharmacy
- LLCC 15-03-02 Use of Psychotropic Medications (Amended 4/15/87)
- LLCC 15-04-01 Dental Services
- LLCC 15-05-02 Licensure and Training Standards
- LLCC 15-06-02 Specialized Health Services
- LLCC 15-06-03 Emergency Medical/Dental Care Services (Amended 4/15/87)
- LLCC 15-06-04 First Aid/CPR Training Program

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LLCC 15-06-05 Suicide Prevention and Intervention Program
 LLCC 15-07-01 Health Records (Amended 4/15/87)
 LLCC 15-08-01 Special Diets
 LLCC 15-12-01 Special Needs Unit
 LLCC 15-14-01 Informed Consent
 LLCC 15-15-01 Medical Restraints (Amended 4/15/87)
 LLCC 15-16-01 Health Education/Special Health Programs
 LLCC 15-17-01 Serious and Infectious Diseases (Added 4/15/87)
 LLCC 16-01-01 Inmate Rights and Responsibilities
 LLCC 16-02-01 Inmate Grievance Procedure
 LLCC 16-03-01 Inmate Legal Services
 LLCC 17-01-01 Due Process/Disciplinary Procedure
 LLCC 18-01-01 Inmate Correspondence
 LLCC 18-01-02 Issuance of Legal Mail to Inmate Population
 LLCC 18-02-01 Inmate Visiting
 LLCC 18-02-03 Extended Visit and Furloughs
 LLCC 18-02-04 Meritorious Visits [(Amended 3/13/87)]
 LLCC 18-03-03 Inmate Visiting (DSU/ASU)
 LLCC 20-01-01 Personal Property Control
 LLCC 20-02-01 Authorized Inmate Personal Property
 LLCC 20-03-01 Unauthorized Items
 LLCC 20-04-02 Inmate Canteen
 LLCC 20-05-01 Inmate Control of Personal Funds
 LLCC 20-05-02 Storage and Disposition of Monies Received on Weekends, Holidays, and Between 4 p.m. and 8 a.m. Weekdays
 LLCC 20-06-01 Procedure for Sending Appliances to Outside Dealers for Repair
 LLCC 21-02-01 Classification/Security Levels
 LLCC 21-03-01 Classification Process
 LLCC 22-01-01 OJT/Job Assignments
 LLCC 23-01-01 Academic School
 LLCC 26-01-01 Religious Services
 LLCC 28-01-01 Privileged Trips
 LLCC 28-03-01 Temporary Release/Community Center Release
 LLCC 28-04-01 Pre-Parole Progress Report
 LLCC 28-04-02 Parole Eligibility Dates

GEORGE W. WILSON, Secretary

APPROVED BY AGENCY: April 15, 1987

FILED WITH LRC: April 15, 1987 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 22, 1987 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: 206 employees of the Luther Luckett Correctional Complex, 576 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 April 15 [March 13], 1987 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 01-10-01 Legal Assistance for Staff
 NTC 01-11-01 Political Activities of Merit Employees
 NTC 01-15-01 Establishment of the Warden as Chief Executive Officer (Amended 4/15/87)
 NTC 01-17-01 Relationships with Public, Media and Other Agencies [(Amended 3/13/87)]
 NTC 02-02-02 Warden's Participation in the Agency Budgeting Process
 NTC 02-03-01 Fiscal Management: Audits
 NTC 02-04-01 Internal Control and Monitoring of Accounting Procedures
 NTC 02-08-01 Inmate Canteen
 NTC 02-10-01 Insurance Coverage
 NTC 02-12-01 Inmate Personal Accounts

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NTC 03-01-01	Employee Dress and Personal Appearance	NTC 13-06-01	Licensure and Training Standards <u>(Amended 4/15/87)</u>
NTC 03-02-01	Prohibited Employee Conduct	NTC 13-07-01	Provisions for Health Care Delivery
NTC 03-03-01	Staff Members Suspected of Being Under the Influence of Intoxicants	NTC 13-08-01	Medical and Dental Records <u>(Amended 4/15/87)</u>
NTC 03-04-01	Shift Assignments and Transfers	NTC 13-09-01	Special Diets
NTC 03-06-01	Worker's Compensation	NTC 13-11-01	Inmate Health Screening and Evaluation <u>(Amended 4/15/87)</u>
NTC 03-07-01	Merit System Registers and Placement of Advertisements	NTC 13-12-01	Disabled and Infirm Inmates
NTC 03-08-01	Procedures for New Employees Reporting for Employment	NTC 13-13-01	Medical Alert System
NTC 03-09-01	Maintenance, Confidentiality and Challenge of Information Contained in Employee Personnel File	NTC 13-14-01	Management of Chemically Dependent Inmates
NTC 03-10-01	Employment of Ex-Offenders	NTC 13-15-01	Health Education for Inmates
NTC 03-13-01	Travel Reimbursement for Official Business and Professional Meetings	NTC 13-16-01	Continuity of Health Care
NTC 03-14-01	Selection, Retention, Promotion, and Lateral Transfer of Merit System Employees	NTC 13-17-01	Inmates Assigned to Health Services
NTC 03-14-02	Promotional Opportunities	NTC 13-19-01	Psychological Services
NTC 03-15-01	Time and Attendance; Accumulation and Use of Accrued Time	NTC 13-19-02	Mentally Retarded Inmates
NTC 03-15-02	Sick Leave Abuse	NTC 13-19-03	Suicide Prevention and Intervention Program
NTC 03-15-03	Inclement Weather and Emergency Conditions	NTC 13-20-01	Infectious Disease
NTC 03-16-01	Affirmative Action Program and the Promotion of EEO	NTC 13-21-01	Vision Care/Optomety Services
NTC 03-18-01	Educational Assistance Program	NTC 13-22-01	Informed Consent
NTC 03-19-01	Holding of Second Jobs by Employees	NTC 13-23-01	Special Needs Inmates
NTC 04-01-01	Training and Staff Development <u>(Amended 4/15/87)</u>	NTC 14-01-01	Legal Services Program
NTC 04-04-01	Firearms and Chemical Agents Training <u>(Amended 4/15/87)</u>	NTC 14-02-01	Inmate Grievance Procedure
NTC 06-01-01	Offender Records <u>(Amended 4/15/87)</u>	NTC 14-03-01	Inmate Rights and Responsibilities
NTC 06-01-02	Records - Release of Information <u>(Amended 4/15/87)</u>	NTC 14-03-02	Board of Claims <u>(Added 4/15/87)</u>
NTC 06-01-03	Taking Offender Record Folders onto the Yard	NTC 14-04-01	Inmate Search Policy
NTC 08-05-01	Duties of Fire and Safety Officer	NTC 15-01-01	Restoration of Forfeited Good Time
NTC 08-05-02	Fire Procedures	NTC 15-02-01	Due Process/Disciplinary Procedures
NTC 08-05-03	Fire Prevention	NTC 15-02-02	Extra Duty Assignments
NTC 08-05-04	Storage of Flammables and Dangerous Chemicals and Their Use	NTC 15-02-03	Hearing Officer
NTC 08-06-01	Safety Officer	NTC 15-03-01	Rules for Inmates Assigned to Outside Detail
NTC 10-01-01	Special Management Inmates (SMU) <u>(Amended 4/15/87)</u>	NTC 15-03-02	Rules and Regulations for Dormitories
[NTC 10-01-02	Legal Aide Visits for Special Management Inmates (Deleted 4/15/87)]	NTC 15-04-01	Inmate Identification [(Amended 3/13/87)]
NTC 10-02-01	Security Guidelines for Special Management Inmates	NTC 16-01-01	Mail Regulations
NTC 10-03-01	Protective Custody	NTC 16-02-01	Visiting
NTC 11-03-01	Food Services: General Guidelines	NTC 16-02-03	Honor Dorm Visiting
NTC 11-04-01	Food Service: Meals	NTC 16-03-01	Inmate Furloughs
NTC 11-04-02	Menu, Nutrition and Special Diets	NTC 16-05-01	Telephone Use and Control [(Amended 3/13/87)]
NTC 11-05-02	Health Standards/Regulations for Food Service Employees	NTC 17-01-01	Personal Property Control
NTC 11-06-01	Inspections and Sanitation	NTC 17-01-02	Authorized Inmate Personal Property
NTC 11-07-01	Purchasing, Storage and Farm Products	NTC 17-01-03	Unauthorized Inmate Property
NTC 12-01-01	Institutional Inspections	NTC 17-01-04	Disposition of Unauthorized Property
NTC 12-02-01	Personal Hygiene for Inmates; Clothing and Linens	NTC 17-03-01	Assessment/Orientation
NTC 12-02-02	Issuance of Personal Hygiene Products	NTC 18-01-01	Pre-Parole Progress Report
NTC 13-01-01	Emergency Medical Care Plan	NTC 18-02-01	Classification
NTC 13-01-02	Emergency and Specialized Health Services	NTC 18-02-02	Classification - 48 Hour Notification
NTC 13-02-01	Administration and Authority for Health Services <u>(Amended 4/15/87)</u>	NTC 18-03-01	Special Notice Form
NTC 13-03-01	Sick Call and Pill Call <u>(Amended 4/15/87)</u>	NTC 18-05-01	Transfers of Inmates
NTC 13-04-01	Pharmacy	NTC 18-05-02	Transfer of Inmates to Kentucky Correctional Psychiatric Center
NTC 13-05-01	Dental Services <u>(Amended 4/15/87)</u>	NTC 19-01-01	Inmate Work Program
		NTC 19-01-02	Restricted Outside Work Crew
		NTC 19-01-03	Temporary Leave from Job Assignment
		NTC 19-02-01	Correctional Industries
		NTC 20-01-01	Academic School Program
		NTC 21-01-01	Library Services
		NTC 22-03-01	Conducting Inmate Organizational Meetings and Programs [(Amended 3/13/87)]
		NTC 23-01-01	Religious Services <u>(Amended 4/15/87)</u>
		NTC 23-03-01	Marriage of Inmates
		NTC 24-04-01	Honor Status <u>(Amended 4/15/87)</u>
		NTC 24-05-01	Unit Management
		NTC 25-01-01	Release Preparation Program
		NTC 25-01-02	Temporary Release/Community Center Release

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NTC 25-01-03 Graduated Release [(Added 3/13/87)]
 NTC 25-02-01 Funeral Trips and Bedside Visits
 NTC 25-03-01 Inmate Release Procedure
 NTC 26-01-01 Citizen Involvement and Volunteer Services Program [(Added 3/13/87)]

GEORGE W. WILSON, Secretary

APPROVED BY AGENCY: April 15, 1987

FILED WITH LRC: April 15, 1987 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 22, 1987 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: 244 employees of the Northpoint Training Center, 711 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 6:070. Kentucky Correctional Institution for Women.

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 April 15 [January 14], 1987 and hereinafter should be referred to as Kentucky Correctional Institution for Women 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.

KCIW 01-06-01 Legal Assistance for Corrections Staff
 KCIW 01-08-01 News Media Access (Amended 4/15/87)
 KCIW 02-01-01 Comprehensive Insurance Coverage
 KCIW 02-02-01 Fiscal Management: Audits
 KCIW 02-02-03 Fiscal Management: Checks
 KCIW 02-02-04 Institution Purchasing Procedures
 KCIW 02-03-01 Inventory Control of Non-Expendable Personal Property
 KCIW 02-03-03 Criteria for Selection of Bidders and Vendors
 KCIW 02-04-01 Accounting Procedures
 KCIW 02-05-01 Inmate Canteen/Staff Canteen
 KCIW 02-07-01 Release of C.E.T.A. Money Earned
 KCIW 03-01-01 Travel Expense Reimbursement
 KCIW 03-02-01 General Orders for Staff
 KCIW 03-02-02 Inclement Weather and Emergency Conditions
 KCIW 03-03-01 Employee Grievance Procedure
 KCIW 03-05-01 Employee Personnel File
 KCIW 03-06-01 Affirmative Action and the Equal Employment Opportunity Complaint Procedure
 KCIW 03-08-01 Employee Performance Evaluations
 KCIW 03-09-01 Payroll and Personnel Manning Records
 KCIW 03-10-01 Promotion Committee
 KCIW 03-11-01 Personnel Registers
 KCIW 03-12-01 Criminal History Checks on all Personnel and the Recruitment and Employment of Ex-Offenders
 KCIW 06-01-01 Inmate Records
 KCIW 06-01-02 Transfers to Community Centers and the Minimum Security Unit
 KCIW 06-01-03 Storage of Expunged Records (Amended 4/15/87)
 KCIW 10-01-01 Special Management Unit General Operation and Regulations
 KCIW 10-01-02 Special Management Unit Programs, Placement and Review
 KCIW 11-01-01 Food Service Operation Inspections
 KCIW 11-01-02 Budgeting, Accounting, and Purchasing Procedures for Food Products
 KCIW 11-02-01 Menu Preparation/Special Diets
 KCIW 11-03-01 General Guidelines for Food Service Operations Manager
 KCIW 11-03-02 General Guidelines for Food Service Workers
 KCIW 11-04-01 Health Standards, Regulations for Food Service Workers
 KCIW 12-01-01 Control of Pests and Vermin
 KCIW 12-02-01 Laundry Facilities/Clothing Issuance (Amended 4/15/87)
 KCIW 12-02-03 Donated Items (Amended 4/15/87)
 KCIW 12-04-01 Sanitation and General Living Conditions

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KCIW 13-01-01	Provision of Medical and Dental Care	KCIW 20-01-05	Vocational Programs: Approved, Assessed and Contain Guidelines for Vocational Records
KCIW 13-01-02	Preliminary Health Screening and Appraisal	KCIW 20-01-06	Vocational Education: Staffing Patterns/Requirements <u>(Amended 4/15/87)</u>
KCIW 13-01-03	Use of Pharmaceutical Products	KCIW 20-01-07	Vocational Counselor
KCIW 13-03-01	Emergency Care	KCIW 20-01-08	Vocational Education: Community Resources and the Integration with Academic Progress <u>(Amended 4/15/87)</u>
KCIW 13-03-02	Infirmiry Care and Outside Services	KCIW 20-01-09	Vocational Education: Support Equipment
KCIW 13-03-03	Outside Hospital Security	KCIW 20-01-10	Control of Flammable, Hazardous, Toxic and Caustic Materials in the Vocational Area
KCIW 13-04-01	Medical Alert System	KCIW 22-01-04	Inmate Club Activities
KCIW 13-04-02	Psychiatric/Psychological Services	KCIW 23-01-01	Religious Services
KCIW 13-06-01	Informed Consent <u>(Amended 4/15/87)</u>	KCIW 25-01-01	Pre-Parole Progress Report
KCIW 13-07-01	Detoxification and Alcohol or Chemical Dependency Guidelines	KCIW 25-02-01	Temporary Release/Community Center
KCIW 13-08-01	Medical Exams for New Employees	KCIW 25-02-02	Furloughs
KCIW 13-09-01	<u>Suicide Prevention and Intervention Program (Added 4/15/87)</u>	KCIW 25-03-01	Escorted Leave into the Community
KCIW 14-01-02	Inmate Rights		
KCIW 14-02-01	Access to Attorneys and Designated Counsel Substitutes		
KCIW 14-03-01	Inmates Are Not Subject to Discrimination Based on Race, Religion, National Origin, Sex, Handicap, or Political Beliefs		
KCIW 14-04-01	Inmate Grievance Procedure I <u>(Amended 1/14/87)</u>		
KCIW 15-01-01	Offenses and Penalties		
KCIW 15-01-02	Adjustment Committee Procedures and Programs		
KCIW 15-03-01	Inmate Rule Book		
KCIW 15-04-01	Incentive Levels System		
KCIW 15-06-01	<u>Restriction Guidelines (Added 4/15/87)</u>		
KCIW 16-01-01	Inmate Correspondence		
KCIW 16-01-02	Inmate Mail Distribution		
KCIW 16-01-03	Staff Mail		
KCIW 16-02-01	Inmate Access to Telephone		
KCIW 16-02-02	Intra-Institution Phone Calls		
KCIW 16-03-01	Inmate Visiting Regulations		
KCIW 16-03-02	Unauthorized Items for Picnic Lunches, Food Packages and Regular Packages		
KCIW 16-04-01	Inmate Indigent Fund		
KCIW 16-05-01	Commercial Vendor Packages, Appliance and Drug Store Orders <u>[(Amended 1/14/87)]</u>		
KCIW 17-01-01	Assessment Center Operation and Reception Programs		
KCIW 17-01-02	Assessment/Classification Center Operations, Rules and Regulations		
KCIW 17-01-03	Assessment and Classification Unit Property Guidelines		
KCIW 17-02-01	Identification Department Admissions		
KCIW 17-03-01	Notifying Inmates Families of Admission and Procedures for Mail and Visiting		
KCIW 17-05-01	Inmate Personal Property		
KCIW 18-01-02	Institutional Housing Assignments		
KCIW 18-02-01	Classification Procedures		
KCIW 18-05-01	Special Needs Inmates		
KCIW 18-06-01	Institutional Status Codes		
KCIW 19-01-01	Inmate Work/Program Assignments		
KCIW 19-03-01	Landscape and Maintenance Work Details		
KCIW 20-01-01	Education Programs		
KCIW 20-01-03	Vocational Education: Curriculum Flexible Schedule, Up-grade Programs and Release Preparation Program		
KCIW 20-01-04	Entry - Exit Vocational School <u>(Amended 4/15/87)</u>		

GEORGE W. WILSON, Secretary

APPROVED BY AGENCY: April 15, 1987

FILED WITH LRC: April 15, 1987 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 22, 1987 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: 81 employees of the Kentucky Correctional Institution for Women, 172 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 April 15 [March 13], 1987 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 01-04-01 Confidentiality of Information
Roles and Services of Consultant,
Contract Personnel, Governmental
Services Supervisors and
Volunteers
FCDC 01-05-01 Duties and Responsibilities of
FCDC Duty Officer
FCDC 02-09-01 Inmate Account Draw and Savings
Deposit Transactions Between
Inmates
FCDC 02-10-01 Fiscal Management and Control
FCDC 02-11-01 Fiscal Management: Accounting
Procedures
FCDC 02-12-01 Fiscal Management: Checking
Accounts
FCDC 02-13-01 Purchasing and Receiving
FCDC 03-01-02 Security Manual Part 1: Staff
Guidelines
FCDC 03-10-01 Dress Code
FCDC 03-15-01 Travel Expense Reimbursement
FCDC 03-16-01 Employee Grievance Procedure
FCDC 03-21-01 Time and Attendance
FCDC 06-02-01 Inmate Records
FCDC 11-01-01 Special Diets
FCDC 11-02-01 Menu Preparation
FCDC 11-03-01 Food Services
FCDC 12-03-01 Laundry, Clothing, Hygiene and
Grooming Services
FCDC 12-04-01 Sanitation Practices and
Inspections
FCDC 13-01-01 Use of Pharmaceutical Products
FCDC 13-01-02 Medical Emergencies
FCDC 13-01-03 Informed Consent
FCDC 13-02-01 Inmate Medical Screenings and
Health Evaluations
FCDC 13-03-01 Psychiatric and Psychological
Services
FCDC 13-03-02 Parental Administration of
Medications and Use of
Psychotropic Drugs
FCDC 13-04-01 Intra-System Transfers of
Medical/Psychiatric Problems

FCDC 13-05-01 Family Notification: Serious
Illness, Injury or Major Surgery
[(Added 3/13/87)]
FCDC 13-06-01 Chronic and Convalescent Care
FCDC 13-08-01 Sick Call/Physician's Bi-Monthly
Clinic
FCDC 13-09-01 Management of Serious and
Infectious Diseases
FCDC 13-10-01 Treatment Protocol Regarding
First-Aid Procedures, Routine
Health Care (Amended 4/15/87)
FCDC 13-11-01 Health Education: Provision of
Special Health Care Needs
FCDC 13-12-01 Elective Services
FCDC 13-13-01 Physicians Referrals
FCDC 13-14-01 Health Records
FCDC 13-15-01 Routine and Emergency Dental
Appointments
FCDC 13-16-01 Routine and Emergency Eye
Examinations
FCDC 13-17-01 Inmate Death [(Added 3/13/87)]
FCDC 14-01-01 Prohibiting Inmate Authority Over
Other Inmates
FCDC 14-02-01 Inmate Grievance System
FCDC 14-03-01 Inmates Are Not Subject to
Discrimination Based on Race,
Religion, National Origin, Sex,
Handicap or Political Beliefs and
Are Protected Against Corporal
Punishment
FCDC 14-04-01 Legal Services Program
FCDC 15-01-01 Good Time - Credits
FCDC 15-03-01 Conduct of Adjustment Committee
Hearings (Chairperson)
FCDC 16-01-01 Inmate Visiting
FCDC 16-02-01 Mail Policy
FCDC 16-03-01 Inmate Access to Telephones
FCDC 17-01-01 Inmate Property Control
FCDC 17-02-01 Inmate Reception, Orientation,
and Discharge
FCDC 18-01-01 Inmate Classification
FCDC 18-02-01 Reclassification Document
FCDC 18-03-01 Instructions for Six Month Review
FCDC 19-01-01 Security and Operation of the
Governmental Services Program
FCDC 19-02-01 Inmate Work Program
FCDC 20-01-01 Academic and Vocational Education
FCDC 22-01-01 Privilege Trips
FCDC 22-01-02 Activity Trips
FCDC 22-02-01 Recreation and Inmate Activities
FCDC 23-01-01 Religious Activities
FCDC 24-01-01 Social Service Program
FCDC 24-02-01 Substance Abuse Programs
FCDC 25-01-01 Escorted Leaves
FCDC 25-02-01 Temporary Release/Community
Center Program
FCDC 25-03-01 Release Preparation Program

GEORGE W. WILSON, Secretary

APPROVED BY AGENCY: April 15, 1987

FILED WITH LRC: April 15, 1987 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 22, 1987 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: 35 employees of the Frankfort Career Development

Center, 72 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 6:110. 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 April 15 [January 14], 1987 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 01-04-02 Extraordinary Occurrence Procedure
- RFC 01-06-01 Inmate Access to and Communication with RFC Staff
- RFC 01-07-01 Institutional Legal Assistance
- 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
- Staff Participation in Professional Organization and Conferences; Provisions for Leave and Reimbursement for Expenses
- RFC 01-09-01 Institutional Duty Officer - Responsibilities
- RFC 01-12-01 Fiscal Management: Organization
- RFC 02-01-01 Fiscal Management: Accounting Procedures
- RFC 02-01-02 Fiscal Management: Agency Funds
- RFC 02-01-03 Fiscal Management: Insurance
- RFC 02-02-01 Fiscal Management: Budget
- 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. Weekdays
- RFC 02-02-04 Inmate Accounts
- RFC 02-03-01 Fiscal Management: Audits
- RFC 02-04-01 Purchase Orders
- RFC 02-04-02 Processing of Invoices
- RFC 02-06-01 Property Inventory
- RFC 03-01-01 General Guidelines for RFC Employees
- RFC 03-01-02 Service Regulations, Attendance Accumulation and Use of Leave
- RFC 03-03-01 Employee Grievance Procedures
- RFC 03-04-01 Personnel Records
- RFC 03-05-01 Personnel Vacancies: Promotion Board
- RFC 03-06-01 Work Planning: Employee Evaluations and Evaluation Control
- RFC 03-07-01 Affirmative Action - E.E.O.
- RFC 03-08-01 Confidentiality of Information, Roles and Services of Consultants, Contract Personnel, and Volunteers
- RFC 03-09-01 Personnel Manning Review
- RFC 03-10-01 Employee's Handbook
- RFC 03-11-01 Replacement of Damaged or Destroyed Personal Property
- RFC 03-12-01 Corrections Cabinet Staff Members Entering the Roederer Farm Center While Being Under the Influence Staff/Visitor Meals
- RFC 03-13-01 Employee Training and Development
- RFC 04-01-01 Information System
- RFC 05-01-01 Offender Records
- RFC 06-01-01 Use of Inmate Records/Security of Inmate Records
- RFC 06-02-01 Records Release of Information
- RFC 06-03-01 Storage of Expunged Records
- RFC 06-03-02 Court Trips
- RFC 06-04-01 Receipt of Order of Appearance
- RFC 06-04-02 Fire Prevention
- RFC 08-01-01 Fire Procedures
- RFC 08-02-01 Fire Extinguishers and Their Use
- RFC 08-02-02 Guidelines for the Control and Use of Flammable, Toxic, and Caustic Substances
- RFC 08-08-01 Duties and Responsibilities of the Fire/Safety Officer
- RFC 09-04-03 Search Policy/Disposition of Contraband [(Added 1/14/87)]
- RFC 09-06-01 Drug Abuse Testing
- RFC 09-09-02 Breathalyzer
- RFC 09-09-03 Restricted Areas [(Added 1/14/87)]
- RFC 09-14-01 Use of Force [(Added 1/14/87)]
- RFC 09-22-01 Informants [(Added 1/14/87)]
- RFC 09-24-01 Special Management Inmates
- RFC 10-01-01 Food Services: General Guidelines
- RFC 11-01-01 Food Service: Security
- RFC 11-02-01 Dining Room Guidelines
- RFC 11-03-01 Food Service: Meals
- RFC 11-04-01

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RFC 11-04-02	Food Service: Menu, Nutrition and Special Diets	RFC 20-02-01	Correctional Educator Senior
RFC 11-05-01	Food Service: Kitchen and Dining Room Inmate Work Responsibilities	RFC 21-01-01	Library Services
RFC 11-05-02	Medical Screening of Food Handlers	RFC 22-01-02	Recreational Equipment
RFC 11-06-01	Food Service: Inspections and Sanitation		Check-in/Check-out Procedure
RFC 11-07-01	Food Service: Purchasing, Storage and Farm Products	RFC 22-02-01	Outside Recreation
RFC 11-08-01	Staff/Visitor Meals	RFC 22-02-02	Entry/Exit Procedure for Inmate Outside Recreation
RFC 12-01-01	Sanitation, Living Conditions Standards, Clothing Issues	RFC 22-03-01	Inmate Clubs and Organizations
RFC 12-01-02	Bed Areas - Assignment/Condition Standards	RFC 22-03-02	Privilege Trips
RFC 12-02-01	Issuance of Clean Laundry and Receiving of Dirty Laundry	RFC 22-04-01	Conducting Inmate Organizational Meetings and Programs
RFC 12-03-01	Personal Hygiene Items: Issuance and Placement Schedule	RFC 22-05-01	Woodworking Shop
RFC 12-03-02	Barber Shop Services and Equipment Control	RFC 22-06-01	Playing Cards
RFC 12-04-01	Institutional Inspections	RFC 23-01-01	Religious Services
RFC 12-05-01	Fire Safety	RFC 23-02-01	Security Procedures for the Chapel
RFC 12-05-02	Use of Noncombustible Receptacle	RFC 23-03-01	Visitors for Religious Programs
RFC 12-06-01	Insect and Vermin Control	RFC 23-04-01	Marriage of Inmates
RFC 13-01-01	Organization of Health Services	RFC 24-01-01	Social Services and Counseling Program
RFC 13-02-01	Health Maintenance Services: Sick Call and Pill Call	RFC 25-01-01	Release Preparation Program Description
RFC 13-03-01	Dental Policy/Sick Call	RFC 25-02-01	Temporary Release/Community Center Release
RFC 13-04-01	Inmate Medical Screenings and Health Evaluations	RFC 25-03-01	Furloughs
RFC 13-05-02	Licensure and Training Standards	RFC 25-04-01	Pre-parole Progress Report
RFC 13-06-03	Emergency Medical/Dental Care Services	RFC 25-04-02	Parole Eligibility Dates
RFC 13-06-04	First Aid/CPR Training Program	RFC 25-05-01	Inmate Discharge Procedure
RFC 13-07-01	Health Records	RFC 26-01-01	Citizen Involvement and Volunteer Services Program
RFC 13-10-01	Health Education/Special Health Programs		
RFC 13-11-01	<u>Informed Consent (Added 4/15/87)</u>		
RFC 13-12-01	Mental Health/Provision of Psychiatric Services by KCPC		
RFC 13-12-02	Transfer of Inmates to Kentucky Correctional Psychiatric Center		
RFC 13-15-01	Medical Restraints		
RFC 13-17-01	Vision Care/Optomety Services		
RFC 14-01-01	Inmate Rights and Responsibilities		
RFC 14-02-01	Legal Services Program		
RFC 14-03-01	Inmate Grievance Procedure [(Amended 1/14/87)]		
RFC 14-04-01	Inmate Participation in Authorized Research		
RFC 15-02-01	Hearing Detention		
RFC 16-01-01	Inmate Visiting		
RFC 16-02-01	Telephone Communications (Amended 4/15/87)		
RFC 16-03-01	Mail Regulations		
RFC 16-03-02	Christmas Packages		
RFC 17-01-01	Assessment/Orientation Procedure		
RFC 17-02-01	Inmate Reception Process		
RFC 17-03-01	Inmate Personal Property and Property Control		
RFC 17-04-01	Unauthorized Items		
RFC 17-05-01	Inmate Canteen		
RFC 18-01-01	Institutional Classification Committee		
RFC 18-02-01	Classification/Security Levels		
RFC 18-03-01	Classification Process		
RFC 18-03-02	Classification Program Planning		
RFC 18-03-03	Honor's Program (Amended 4/15/87)		
RFC 18-04-01	Instruction for Six Month Review		
RFC 18-05-01	Transfers to Other Minimum Security Institutions		
RFC 18-06-01	Classification Document		
RFC 19-01-01	Job Assignments		
RFC 20-01-01	Academic Education Program		
RFC 20-01-02	Testing and Verification Procedure		

GEORGE W. WILSON, Secretary

APPROVED BY AGENCY: April 15, 1987

FILED WITH LRC: April 15, 1987 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 22, 1987 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: 56 employees of the Roederer Farm Center, 252 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

ADMINISTRATIVE REGISTER - 1907

(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 6:120. Blackburn Correctional Complex.

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 April 15 [March 13], 1987 and hereinafter should be referred to as Blackburn Correctional Complex and Procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Corrections Cabinet, State Office Building, Frankfort, Kentucky 40601.

BCC 01-07-01 Extraordinary Occurrence Reports
BCC 01-11-01 Roles of Consultants, Contract Employees, Volunteers and Employees of Other Agencies
BCC 01-13-01 Relationships with Public, Media, and Other Agencies
BCC 01-15-01 Internal Affairs Office
BCC 01-16-01 Tours of Blackburn Correctional Complex
BCC 01-19-01 Inmate Access to BCC Staff [(Amended 3/13/87)]
BCC 02-01-01 Inmate Canteen
BCC 02-02-01 Fiscal Responsibility
BCC 02-02-02 Fiscal Management: Accounting Procedures
BCC 02-02-03 Fiscal Management: Checks [(Amended 3/13/87)]
BCC 02-02-04 Fiscal Management: Budget
BCC 02-02-05 Fiscal Management: Insurance
BCC 02-02-06 Fiscal Management: Audits
BCC 02-04-01 Billing Method for Health Services Staff Paid by Personal Service Contract
BCC 02-05-01 Property Inventory [(Added 3/13/87)]
BCC 02-06-01 Purchasing [(Added 3/13/87)]
BCC 02-07-01 Inmate Personal Accounts [(Added 3/13/87)]
BCC 04-02-01 Firearms Training
BCC 05-01-01 Inmate Participation in Authorized Research
BCC 06-01-01 Storage of Expunged Records
BCC 06-02-01 Records - Release of Information
BCC 06-02-02 Offender Records (Amended 4/15/87)

BCC 06-03-01 Reporting Inmate Misconduct Following Favorable Recommendation by the Parole Board
BCC 08-01-01 Simplified Fire Safety System (SFSS)
BCC 08-02-01 Natural Disaster Plan (Tornado)
BCC 08-03-01 Emergency Preparedness Plan Manual
BCC 08-04-01 Fire Safety Plan, Drills and Related Staff Duties (Added 4/15/87)
BCC 08-07-01 Facility Furnishings: Exit and Emergency Lights and Non-Combustible Containers [(Added 3/13/87)]
BCC 09-02-01 Restricted Areas
BCC 09-02-02 Inmate Pass System to Restricted Areas
BCC 09-02-03 Regulation of Inmate Movement (Added 4/15/87)
BCC 09-03-01 Inmate Identification
BCC 09-04-02 Complex Entry & Exit
BCC 09-05-01 Key Control
BCC 09-06-01 Transportation to Courts [(Added 3/13/87)]
BCC 09-07-01 Drug Abuse and Intoxicants Testing
BCC 09-09-01 Population Counts
BCC 09-10-03 Development of Institutional Post Orders (Added 4/15/87)
BCC 09-12-01 Use of Physical Force; Prohibition of Personal Abuse and Corporal Punishment
BCC 09-13-01 Perimeter Patrol [(Added 3/13/87)]
BCC 09-14-01 Prohibiting Inmate Authority Over Other Inmates [(Added 3/13/87)]
BCC 10-01-01 Special Management Inmates (Added 4/15/87)
BCC 11-01-01 Menu and Special Diets
BCC 11-02-01 Food Service: Inspection and Sanitation
BCC 11-03-01 Food Service: Meals
BCC 11-04-01 Dining Room Guidelines
BCC 11-05-01 Food Service Security: Knife & Other Sharp Instrument/Utensil Control
BCC 12-02-01 Personal Hygiene Items
BCC 12-02-02 Personal Hygiene for Inmates: Clothing and Linens
BCC 13-01-01 Sick Call and Pill Call
BCC 13-02-01 Administration and Authority for Health Services
BCC 13-03-01 Provisions of Health Care Delivery
BCC 13-04-01 Licensure and Training Standards
BCC 13-05-01 Medical Alert System
BCC 13-06-01 Health Care Practices
BCC 13-08-01 Inmate Health Screening and Evaluation
BCC 13-09-01 Prohibition on Medical Experimentation
BCC 14-01-01 Office of Public Advocacy Attorney Visits
BCC 14-02-01 Law Library
BCC 14-03-01 Inmate Grievance Procedure
BCC 14-04-01 Inmate Rights and Responsibilities
BCC 14-05-01 Inmate Claims
BCC 15-01-01 Authorized Inmate Personal Property
BCC 15-02-01 Meritorious Living Unit (B-1)
BCC 15-03-01 Rules and Regulation for Dormitories
BCC 15-04-01 Restoration of Forfeited Good Time
BCC 15-05-01 Extra Duty Assignments
BCC 15-06-01 Due Process/Disciplinary Procedures (Added 4/15/87)
BCC 16-01-01 Inmate Furloughs
BCC 16-02-01 Visiting

BCC 16-03-01 Mail Regulations - Packages
 BCC 16-03-02 Outgoing Inmate Packages [(Added 3/13/87)]
 BCC 20-01-01 Academic School
 BCC 20-02-01 College Programs
 BCC 20-04-01 Educational Program Evaluation
 BCC 20-05-01 Educational Program Planning
 (Added 4/15/87)
 BCC 20-06-01 Academic and Vocational Curriculum (Added 4/15/87)
 BCC 21-01-01 Library Services
 BCC 22-01-01 Arts and Crafts/Production and Sale of Items
 BCC 22-02-01 Privileged Trips
 BCC 22-03-01 Recreational Employees (Added 4/15/87)
 BCC 22-04-02 Inmate Clubs and Organizations (Added 4/15/87)
 BCC 24-03-01 Social Services
 BCC 25-01-01 Inmate Check Out Procedure
 BCC 25-02-02 Temporary Release/Community Center Release (Added 4/15/87)

GEORGE W. WILSON, Secretary

APPROVED BY AGENCY: April 15, 1987

FILED WITH LRC: April 15, 1987 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 22, 1987 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: 84 employees of the Blackburn Correctional Complex, 339 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 Department of Highways (Proposed Amendment)

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 width [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 or within a two (2) mile arc of I-275 on the northern side of I-275 between U.S. 22 and U.S. 27 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 excepted area. Such proof is subject to inspection by Transportation Cabinet Vehicle Enforcement Officers and other local and state law enforcement officers.

C. LESLIE DAWSON, Secretary/Commissioner

APPROVED BY AGENCY: March 15, 1987

FILED WITH LRC: March 18, 1987 at 1 p.m.

PUBLIC HEARINGING SCHEDULED: A public comment hearing will be held on this proposed amended administrative regulation on May 20, 1987 at 9 a.m., local prevailing time, in the fourth 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 May 15, 1987 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: None - technical amendment only.

(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: None - technical amendment only.

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

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

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

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. Not applicable to technical amendment.

TRANSPORTATION CABINET Department of Highways (Proposed Amendment)

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 width [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 or within a two (2) mile arc of I-275 on the northern side of I-275 between U.S. 22 and U.S. 27 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 excepted area. Such proof is subject to inspection by Transportation Cabinet Vehicle Enforcement Officers and other local and state law enforcement officers.

C. LESLIE DAWSON, Secretary/Commissioner

APPROVED BY AGENCY: March 15, 1987

FILED WITH LRC: March 18, 1987 at 1 p.m.

PUBLIC HEARINGING SCHEDULED: A public comment hearing will be held on this proposed amended administrative regulation on May 20, 1987 at 9 a.m., local prevailing time, in the fourth 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 May 15, 1987 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: None - technical amendment only.

(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: None - technical amendment only.

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

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

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

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. Not applicable to technical amendment.

**PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Harness Racing Commission
Quarter Horse, Appaloosa & Arabian Rules
(Proposed Amendment)**

812 KAR 1:010. Definitions.

RELATES TO: KRS 230.410 to 230.447

PURSUANT TO: KRS Chapter 13A

NECESSITY AND FUNCTION: To regulate conditions under which Arabian, quarter horse and appaloosa racing shall be conducted in Kentucky. The function of this regulation is to define the terms used in the commission's rules and regulations.

Section 1. Definitions. The following words and phrases, irrespective of literal meaning as defined in recognized dictionaries, have assumed special meaning and connotations as used in racing, and in the context of these rules, shall be construed as having the following special meaning:

(1) "Added money" means cash, exclusive of trophy or other award, added by the association to stake fees paid by subscribers to form the total purse for a stakes race.

(2) "Age" of a horse is reckoned as beginning on the first day of January in the year in which the horse is foaled.

(3) "Allowance race" means a race in which contestants receive weight allowance based on performance and/or winnings as stipulated in the conditions thereof.

(4) "Appaloosa horse" means a horse duly registered with the Appaloosa Horse Club, Inc., Moscow, Idaho.

(5) "Arabian horse" means a horse duly registered with the Arabian Horse Club Registry of America.

(6) [(5)] "Arrears" means money due for entrance fees, jockey fees, nomination or supplemental fees in stake races, fines, purchase money in claiming races, and/or default in any payment due incidental to the rules and regulations or conditions of a race.

(7) [(6)] "Association" means any person, corporation, organization, or partnership licensed by the Kentucky Quarter Horse and Appaloosa Commission under KRS 230.420(2) and engaged in the conduct of a recognized Arabian, quarter horse or appaloosa race meeting.

(8) [(7)] "Authorized agent" means an agent appointed by a notarized document signed by the owner and lodged annually with the Secretary of the Kentucky Quarter Horse and Appaloosa Commission, or if a single meeting only with the secretary of the meeting, to be sent to the commission.

(9) [(8)] "Betting interest" means a single horse, or more than one (1) horse joined as a "mutuel entry" or joined in the "mutuel field," on which a single pari-mutuel wager may be placed.

(10) [(9)] "Bleeder" means any horse known to have bled from its nostrils during a workout or race.

(11) [(10)] "Bred" means the place at which a horse is foaled.

(12) [(11)] "Breeder" of a horse is the owner of its dam at the time of service.

(13) [(12)] "Claiming race" means any race in which every horse running therein may be transferred in conformity with these rules.

(14) [(13)] "Closing" means time published by the association after which entries for a race will not be accepted.

(15) [(14)] "Commission" means the Kentucky Quarter Horse and Appaloosa Commission. "Commissioner" is a member of the commission.

(16) [(15)] "Corrupt practice" shall mean any attempt to enrich oneself or associates or gain an advantage, through unfair, unlawful, or dishonest behavior in connection with the racing of horses.

(17) [(16)] "Day" means any twenty-four (24) hour period beginning at 12:01 a.m., and ending at midnight. "Racing day" is a day on which races are conducted. "Calendar days" are those consecutive days counted irrespective of number of "racing days."

(18) [(17)] "Declaration" means withdrawal of horse entered in a race prior to time of closing of entries therefor in conformance with these rules.

(19) [(18)] "Directive" means an official order issued by the commission.

(20) [(19)] "Disciplinary action" means that taken by the stewards or the commission for a rule violation and can include suspension, revocation, voidance of a license or ejection or exclusion from association grounds, or assessment of a forfeiture, or reprimand, or any combination thereof.

(21) [(20)] "Disqualification" means an order of the stewards or commission revising the order of finish of a race.

(22) [(21)] "Entry" means the act of nominating a horse for a race in conformance with these rules. (See "mutuel entry.")

(23) [(22)] "Equipment" means accoutrements other than ordinary saddle, girth, pad, saddle

cloth, and bridle carried by a horse, and includes whip, blinkers, tongue strap, muzzle, hood, noseband, bit, shadow roll, martingale, breast plate, bandages, boots, and racing plates or shoes.

(24) [(23)] "Exhibition race" means a race between horses of diverse ownership for which a purse is offered by the association, but on which no pari-mutuel wagering is permitted.

(25) [(24)] "Field or mutuel field" means a single betting interest involving more than one (1) horse formed when the number of horses starting in a race exceeds the numbering capacity of the totalizator, and the highest numbered horse within the numbering capacity of the totalizator and all horses of a higher number are grouped in the "mutuel field."

(26) [(25)] "Forfeit" means money due by a licensee because of an error, fault, neglect of duty, breach of contract, or alternative order of the stewards or commission.

(27) [(26)] "Foul" means any action by any jockey that tends to hinder another jockey or any horse in the proper running of the race.

(28) [(27)] "Handicap race" means a race in which the weights to be carried by the horses therein are assigned by the association handicapper with the intent of equalizing the chances of winning for all horses entered therein. A "free handicap" is a handicap for which no nominating fee is required to be weighted, but an entrance or starting fee may be required for starting therein.

(29) [(28)] "Horse" means Arabian, quarter horse or appaloosa registered as such with the American Quarter Horse Association in Amarillo, Texas, or the Appaloosa Horse Club, Inc., in Moscow, Idaho; and when used in these rules to designate any Arabian, quarter horse or appaloosa irrespective of age or sex designation.

(30) [(29)] "Ineligible" means horse or person not qualified under these rules or conditions of a race to participate in a specified racing activity.

(31) [(30)] "Jockey" means rider currently licensed to ride in races as a jockey, or amateur jockey, or a provisional jockey permitted by the stewards to ride in two (2) races prior to applying for a license.

(32) [(31)] "Kentucky bred" is a foal dropped by a mare [in Kentucky] after being bred in Kentucky [and remaining in the state until said foal is weaned].

[(32)] "Kentucky foal" is a foal dropped in Kentucky and whose dam has not been outside the state to be bred more than 120 days from the date of foaling and has remained in the state until foal is weaned.]

(33) "Kentucky race" means a race in which the contestants are Kentucky bred and foaled horses as stipulated in the conditions.

(34) "Lessee" means licensed owner whose interest in a horse is a leasehold.

(35) "Licensee" means person or association that has been duly issued a currently valid license to participate in racing in this Commonwealth by the Kentucky Quarter Horse and Appaloosa Commission.

(36) "Maiden" is a horse which shows in the Daily Racing Form, the American Quarter Horse Chart Book or the Appaloosa Chart Book as never having won a race on a track recognized by the Kentucky Quarter Horse and Appaloosa Commission. A maiden which has been disqualified after finishing first in a race is still a maiden.

(37) "Match race" means race between two (2) horses for which no other horses are eligible.

(38) "Meeting" means the entire period of consecutive days, exclusive of Sundays and dark days, granted by the commission to a licensed association for the conduct of racing, beginning at 10 a.m. of the first racing day and extending through a period ending one (1) hour after the last scheduled race of the last day. (See "recognized meeting.")

(39) "Month" means calendar month.

(40) "Mutuel entry" means single betting interest involving two (2) or more horses entered in the same race and joined for pari-mutuel purposes because of common ties as to ownership or training so that a wager on one (1) horse joined in a "mutuel entry" is a wager on all horses joined in the same "mutuel entry."

(41) "Mutuel field" means the same as "field." (See subsection (24) of this section.)

(42) "Nomination fee." (See "subscription").

(43) "Nominator" means any person in whose name a horse is entered for a stake race.

(44) "Off time" is the moment at which, on signal of the starter, the horses break and run.

(45) "Owner" means any person who holds, in whole or in part, any right, title, or interest in a horse, or any lessee of a horse, who has been duly issued a currently valid owner's license as a person responsible for such horse.

(46) "Place" when used in the context of a single position in the order of finish in a race, means second; when used in the context of pari-mutuel wagering, a "place" wager is one involving a payoff on a betting interest which finished first or second in a race; when used in the context of multiple positions in the order of finish in a race, "place or placing" means finishing first, or second, or third. (See also, "unplaced.")

(47) "Post" means the starting point of a race.

(48) "Post position" means the relative place assigned to each horse, numbered from the inner rail across the track at the starting line, from which each horse is to start a race.

(49) "Post time" means the time set for the arrival at the starting point of the horses in a race.

(50) "Prize" means the combined total of any cash, premium, trophy, and object of value awarded to the owners of horses according to order of finish in a race.

(51) "Purse" means the gross cash portion of the prize for which a race is run.

(52) "Purse race" means any race for which entries close less than ninety-six (96) hours prior to its running, and for which owners of horses entered are not required by its conditions to contribute money toward its purse.

(53) "Quarter horse" means a horse registered with the American Quarter Horse Association of Amarillo, Texas.

(54) "Race" means running contest between horses, ridden by jockeys, over a prescribed course free of obstacles or jumps, at a recognized meeting, during regular racing hours, for a prize.

(55) "Race day" means any period of twenty-four (24) hours beginning at midnight and included in the period of a race meeting.

(56) "Racing official" means racing commissioner, commission staff as duties require, and all association racing department employees, as duties require.

(57) "Recognized meeting" means any race

meeting conducted under jurisdiction of any legally constituted board or commission conducted with approval of the American Quarter Horse Association of Amarillo, Texas, or the Appaloosa Horse Club, Inc., of Moscow, Idaho.

(58) "Recognized tracks" are those conducting recognized meetings.

(59) "Registration certificate" means document issued by the American Quarter Horse Association of Amarillo, Texas, or the Appaloosa Horse Club, Inc., of Moscow, Idaho, certifying as to the name, age, color, sex, pedigree, and breeder of a horse as registered by number with the American Quarter Horse Association or the Appaloosa Horse Club.

(60) "Ruled off" means denial of entrance to premises of any association under jurisdiction of the commission.

(61) "Rules" when used in the plural, shall be deemed to mean all current "rules" promulgated by the commission; when used in the singular, shall be deemed to be confined to the numbered "rule," and subparagraphs thereof, wherein such mention is made.

(62) "Rulings" means all determinations, decisions, or orders of the stewards or of the commission duly issued in writing and posted.

(63) "Schooling race" means a race designed to correct deficiencies in horses before being eligible for entry.

(64) "Scratch" means withdrawal of a horse entered for a race after time of closing of entries therefor in conformance with these rules.

(65) "Scratch time" means time set by the racing secretary as a deadline for horsemen to indicate their desire to scratch out of a race.

(66) "Secretary" means duly appointed and currently serving secretary of the commission.

(67) "Specimen" means sample of blood, urine, or saliva taken or drawn from a horse for chemical testing.

(68) "Stakes" mean all fees paid by subscribers to an added-money or stakes race for nominating, eligibility, entrance, or starting, as may be required by the conditions of such race, such fees to be included in the purse.

(69) "Stakes race" means race which closes more than seventy-two (72) hours in advance of its running and for which subscribers contribute money towards its purse.

(70) "Starter:"

(a) Official who dispatches the horses from the starting gate;

(b) A horse is a starter when the stall doors of the starting gate open in front of it at the time the official starter dispatches the horses.

(71) "Stewards" means duly appointed racing officials with powers and duties set out in KAR 1:025 serving at a current meeting in this Commonwealth.

(72) "Subscription" means a fee to keep a horse eligible to run in a stake race.

(73) "Suspended" means withdrawal by the steward or commission of racing privileges.

(74) "Tote (tote board)" means the totalizator.

(75) "Trial race" is a race designed primarily to determine the class of competing horses. A trial may be run as a purse race or stakes, or it may be run as a "time trial" with no purse at all. Whenever a trial is run for a purse or stakes so small that the value to the winner is less than fifty (50) dollars, the winning of the race shall not be counted against the winner in calculating the weight he must carry under the conditions of a subsequent race.

(76) "Unplaced" means not among the first three (3) horses finishing a race.

(77) "Walkover" means race in which the only starter or all starters represent single ownership.

(78) "Weigh in" means presentation of a jockey to the clerk of scales for weighing after a race.

(79) "Weigh out" means presentation of a jockey to the clerk of scales for weighing prior to a race.

(80) "Weight" means the number of pounds carried or to be carried in a race and includes the jockey, his silks, breeches, and boots, saddle, pad and cloth but excludes the protective helmet, whip, and bridle.

(81) "Workout" means training exercise of a horse on the training track or main track of an association during which such horse is timed for speed over a specified distance.

(82) "Year" means twelve (12) consecutive months beginning with January and ending with December.

CARL B. LARSEN, Executive Director

ROBERT DAVIS, Secretary

APPROVED BY AGENCY: April 10, 1987

FILED WITH LRC: April 15, 1987 at 10 a.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on this regulation on May 27, 1987, at 10 a.m. at the office of the Kentucky Harness Racing Commission. Anyone interested in attending this hearing, shall notify in writing Carl B. Larsen, Executive Director, Kentucky Harness Racing Commission, Suite 300, 535 West Second Street, Lexington, Kentucky, 40508, at least five days before the hearing.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Carl B. Larsen

(1) Type and number of entities affected: Horsemen

(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 additional.

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None additional.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: Not applicable

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

(a) Necessity of proposed regulation if in conflict: 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. Regulation affects all horsemen.

PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Harness Racing Commission
Quarter Horse, Appaloosa & Arabian Rules
(Proposed Amendment)

812 KAR 1:030. Racing officials.

RELATES TO: KRS 230.410 to 230.447

PURSUANT TO: KRS 13A.010 et seq.

NECESSITY AND FUNCTION: To regulate conditions under which quarter horse, appaloosa and Arabian racing shall be conducted in Kentucky. The function of this regulation is to outline the qualifications, duties, powers and responsibilities of the racing officials.

Section 1. Racing Officials. (1) Persons appointed by the association to serve as racing officials during a race meeting must first be approved by the commission and shall serve only so long as approved by the commission, and shall be under the supervision of the stewards. For purposes of this rule, racing officials shall include those persons serving as steward, racing secretary, assistant racing secretary, clerk of the scales, paddock judge, starter, patrol judge, placing judge, timer, identifier and association veterinarian.

(2) No person while serving as a racing official shall, indirectly or directly, own a beneficial interest in an Arabian, quarter horse or appaloosa, or jockey contract, or association under his supervision; nor shall cause to be bought or sold, for himself or another, any Arabian, quarter horse or appaloosa under his supervision; nor shall he buy or sell, for himself or another, any right to or in a contract with a jockey or apprentice jockey under his supervision; nor shall he wager on any race under his supervision; nor shall he write or solicit horse insurance or have any monetary interest in any business which seeks the patronage of horsemen or racing associations as such. For the purposes of the above, the following racing department employees shall also be deemed racing officials: assistant starter, jockey room custodian, jockey room employees, valets, outriders.

(3) Racing officials serving in the capacity of stewards, placing and/or patrol judges, clerk of scales, starter and horse identifier shall take and satisfactorily pass an optical examination within one (1) year prior to the race meeting at which they serve, such examination evidencing corrected twenty-twenty (20-20) vision and an ability to distinguish colors correctly.

(4) Any racing official who desires to leave his employment during the race meeting must first obtain permission from the commission; in the event a vacancy occurs among racing officials other than stewards, the association shall promptly appoint a successor, subject to approval of the commission; in the event the association does not appoint a successor in time to permit the orderly conduct of racing, then the stewards shall immediately appoint a temporary successor.

Section 2. Racing Secretary. The racing secretary shall be responsible for the programming of races during the race meeting, compiling and publishing condition books, assigning weights for handicap races, and shall receive all entries, subscriptions,

declarations, and scratches. Among the duties for which the racing secretary and his staff are responsible are:

(1) Safekeeping of registration of certifications and racing permits for horses, recording information required thereon, and returning same to owners at the conclusion of the racing meeting;

(2) Maintain a record and post daily all subscriptions and nomination fees received for each stake race, amounts received from each owner or trainer, plus added monies and late fees. Said list shall be posted in the racing secretary's office daily, and a copy delivered to the stewards. The racing secretary shall also maintain records of all arrears, jockey's fees, purchase money in claiming races and all other monies received incident to the race meeting and pay over same to persons entitled thereto within fourteen (14) days after race meeting concluded;

(3) Supervision of the horsemen's bookkeeper's handling of the "horseman's account;"

(4) Daily posting of entries for the benefit of the public as soon as possible after the entries have been closed and declarations have been made;

(5) To assign stall applicants such stabling as he may deem proper after consultation with the stewards, and to maintain a record of arrival and departure of all horses stabled on association grounds;

(6) To publish the official daily program, insuring the accuracy therein of the following information:

(a) Sequence of races to be run and post time for the first race;

(b) Purse, conditions, and distance for each race, and current track record for such distance;

(c) The full name of licensed owners of each horse, indicated as leased if applicable, and description of racing colors to be carried;

(d) The full name of the trainer and the full name of the jockey named for each horse together with the weight to be carried;

(e) The saddle cloth number or designation for each horse, and the post position for each horse if there is a variance with the saddle cloth designation;

(f) Identification of each horse by name, color, sex, age, sire and dam;

(g) Such other information as may be requested from time to time by the association or the commission.

Section 3. Clerk of the Scales. One (1) racing official shall serve as clerk of the scales who shall be responsible for the security, regulation, and control of the jockeys room, the equipment therein, and personnel permitted access thereto. Among the duties for which the clerk of scales is responsible are:

(1) Weighing out every jockey no later than fifteen (15) minutes prior to the race the jockey is scheduled to ride and recording all overweights which shall immediately be posted and announced to the public before each race;

(2) Weighing in every jockey immediately after the finish of each race and promptly notifying the stewards whether any jockey weighed in more than two (2) pounds underweight;

(3) Safekeeping of all racing colors;

(4) Reporting all color changes or jockey changes from that listed in the official daily program and causing same to be posted and announced to the public before each race;

(5) Supervision of all valets and the issuance of numbered saddle cloths and equipment for each horse;

(6) Accuracy of the scales and periodic tests thereof;

(7) Submitting to the racing secretary at the close of each racing day a statement of weight carried in each race by each jockey, noting overweight, if any;

(8) All complaints, protests, objections, or disputes submitted to the clerk of the scales shall be immediately transmitted to the stewards, and if the stewards are unavailable, then to the commission.

Section 4. Paddock Judge. One (1) racing official shall serve as paddock judge who shall have general supervision of the paddock and be responsible for:

(1) Assembling the horses and jockeys in the paddock no later than fifteen (15) minutes before the scheduled post time for each race;

(2) Proper identification of all horses entered in each race. The track horse identifier shall be under the supervision of the paddock judge;

(3) Maintaining a written record of all equipment and inspecting all equipment of each horse saddled and reporting any change thereof to the stewards;

(4) Inspection of bandages of a horse; the paddock judge may order such bandages removed or replaced;

(5) Inspection of the feet of each horse to insure that each horse is properly shod;

(6) Paddock schooling of all horses approved for such by the stewards;

(7) Taking such measures as to insure that the saddling of all horses is orderly, open to public view, free from interference, and that horses are mounted at the same time, and leave the paddock for the post in proper sequence.

Section 5. Starter. (1) The starter shall be responsible for the fair and equal start of all horses in a race at the scheduled starting time by means of a starting gate and bell, or other device activated by his signal. The starter may employ such assistant starters as he may deem necessary and shall daily change the gate position of each assistant starter without notice to the assistant starters until the field for the first race shall come upon the track.

(2) No horse shall be permitted to start in a race unless approval is given by the starter. The starter shall maintain a schooling list which shall be posted in the racing secretary's office listing the names of all horses ineligible to start for want of adequate training leaving the gate. Horses shall be schooled under the supervision of the starter or his assistants.

(3) The starter shall report to the stewards any disobedience of his orders or attempts to take unfair advantage at the starting gate and recommend penalties for offenders.

(4) No assistant starter shall handle a horse until instructed to do so by the starter. No assistant starter shall strike or use abusive language to a jockey.

(5) No starter or assistant starter shall accept any gratuity or payment other than his regular salary directly or indirectly, for services in starting a race, nor shall he wager on a race.

(6) The starter shall maintain a written record showing the names of all starters during the day and the names of the assistant starters who handled each horse, such record to be made available to the stewards upon request.

(7) The starter shall have constant radio or telephone communication with the stewards from the time the horses leave the paddock until the field is sent away.

Section 6. Patrol Judges. A race for a distance of 440 yards or less shall have at least one (1) patrol judge; a race for a distance over 440 yards shall have at least two (2) patrol judges. Racing officials shall serve as patrol judges who shall be stationed in elevated stands at points designated by the stewards to observe the running of each race. Each patrol judge shall have instant radio or telephone communication with the stewards to report observations, particularly as to any suspected foul riding, during the running of each race. Patrol judges shall assist in making up the film list and shall review all patrol films or video tapes before commencement of the next succeeding race program.

Section 7. Placing Judges. Three (3) racing officials shall serve as placing judges who shall occupy a stand directly above the finish line during the running of each race. The placing judges shall take special note of racing colors and distinguishing equipment carried by each horse. The placing judges shall determine the order of the horses as they cross the finish line by consideration of the respective noses of such horses. The placing judges shall cause the numbers of the first four (4) horses to cross the finish line to be flashed on the result board. A photo-finish camera approved by the commission shall be used as an aid by the placing judges in determining the order of the horses as they cross the finish line; placing judges may request a photo to assist in determining margins of less than a half-length.

Section 8. Timer. A racing official shall serve as timer who shall occupy a stand directly above the finish line during the running of each race and record the official time thereof. The timer shall record the fractional time of leading horses during each race and the final time of each [the first] horse to cross the finish line. An electrical or mechanical timing device approved by the commission shall [may] be used as an aid by the timer in determining the official time of each race. The timer shall maintain a written record of fractional and finish times of each race and file same with the racing secretary at the close of each racing day.

CARL B. LARSEN, Executive Director

ROBERT DAVIS, Secretary

APPROVED BY AGENCY: April 10, 1987

FILED WITH LRC: April 15, 1987 at 10 a.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on this regulation on May 27, 1987, at 10 a.m. at the office of the Kentucky Harness Racing Commission. Anyone interested in attending this hearing, shall notify in writing Carl B. Larsen, Executive Director, Kentucky Harness Racing Commission, Suite 300, 535 West Second Street, Lexington, Kentucky, 40508, at least five days before the hearing.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Carl B. Larsen

(1) Type and number of entities affected: Horsemen

(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 additional.

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None additional.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: Not applicable.

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

(a) Necessity of proposed regulation if in conflict: 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. Regulation affects all horsemen.

PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Harness Racing Commission
Quarter Horse, Appaloosa & Arabian Rules
(Proposed Amendment)

812 KAR 1:035. Associations.

RELATES TO: KRS 230.410 to 230.447

PURSUANT TO: KRS 13A.010 et seq.

NECESSITY AND FUNCTION: To regulate conditions under which quarter horse, appaloosa and Arabian racing shall be conducted in Kentucky. The function of this regulation outlines the requirements for racing associations.

Section 1. Maintenance of Grounds, Facilities and Uniform Track. Each association shall at all times maintain its grounds and facilities so as to be neat and clean, painted and in good repair, with special consideration for the comfort and safety of patrons, employees, and other persons whose business requires their attendance; with special consideration for the health and safety of horses there stabled, exercising, or entered to race; and shall have available adequate and proper implements to maintain uniform track, weather conditions permitting.

Section 2. Result Boards, Totalizers Required. Each association shall provide and maintain mechanically operated totalizers and electronic boards showing odds, results, and other race information located in plain view of patrons.

Section 3. Starting Gate. Each association shall provide and maintain a working starting gate on every day horses are permitted to exercise on its racing strip. Each association shall have in attendance one or more men qualified to keep said starting gates in good working order whenever said gates are in use, and each association shall provide for periodic inspections of said gates.

Section 4. Stabling. Each association shall be responsible for providing and maintaining fire-resistant barns and stalls in good repair, and in a clean and sanitary condition; each barn and each stall shall be numbered in consecutive order for ready ascertainment of location and identification and adequate drainage therefor shall be maintained. The racing secretary shall submit to the stewards prior to the opening of each race meeting a list of locations of approved off-track stabling facilities from which horses may be permitted to race; such locations shall be considered for purposes of these rules "association grounds."

Section 5. Stands for Officials. Each association shall provide and maintain stands commanding an uninterrupted view of the entire racing strip for racing officials, such stands and location thereof to be approved by the commission. Patrol judge stands shall be constructed so the floor thereof shall be at least six (6) feet higher than the track rail.

Section 6. Permanent markers must be located at each standard Arabian, quarter horse and appaloosa distance as applicable. Distance pole markers and permanent markers must be located where they can be seen clearly from the judge's stand. Each post shall be identified by color: such as, 220 yds., white; 250 yds., blue; 300 yds., yellow; 330 yds., green; 350 yds., red; 400 yds., black; 440 yds., orange; 550 yds., blue and white stripe; 660 yds., yellow and white stripes; 770 yds., green and white stripes; and 870 yds., red and white stripes. In addition, for appaloosa races, markers shall be located at six (6) and six and one-half (6 1/2) furlongs to be painted yellow and white and orange and white, respectively.

Section 7. Lighting. Each association shall provide and maintain flood lights so as to insure adequate illumination in the stable area and parking area. Adequacy of track lighting for night racing shall be determined by the commission.

Section 8. Facilities for Stable Employees. Each association shall provide and maintain in good repair adequate living quarters and conveniently located sanitary facilities such as showers, toilets, and wash basins, for stable employees. No person shall be permitted to sleep in any stall.

Section 9. Facilities for Jockeys. Each association shall provide and maintain adequate facilities for jockeys scheduled to ride each day, such facilities to include accommodations for rest and recreation of jockeys on racing days, showers, toilets, wash basins, mirrors, arrangements for safekeeping of apparel and personal effects, snack bar, and other

accommodations as requested by the clerk of scales.

Section 10. Facilities for Commission. Each association shall provide adequate office space for the commission on association grounds and shall make available to the commission, and mark accordingly, a season box of six (6) to eight (8) seats and appropriate parking places for use of the commission throughout each racing day. Each association shall honor for access to preferred parking facilities and all other areas on association grounds any ring, lapel button, or automobile emblem issued at any time by the commission, or by the National Association of State Racing Commissioners.

Section 11. Sanitary Facilities for Patrons. Each association shall on every racing day, provide adequate and sanitary toilets and wash rooms, and furnish free drinking water for patrons and persons having business at the association.

Section 12. Manure Removal. Each association shall provide and maintain adequate manure pits of such size and construction to handle refuse from stalls. The contents of said manure pits shall be removed from the stable area as promptly as is possible.

Section 13. Photo-finish Cameras. Each association shall provide and maintain at the finish line two (2) electronic photo-finish cameras with mirror image for photographing the finish of races and recording the time of each horse in hundredths of a second; one (1) electronic camera to be held in reserve. The photo-finish photographer shall promptly furnish to the stewards and placing judges prints of all finishes as may be requested and in such number as may be required for public posting. The association shall maintain a one (1) year file of all such photo-finishes.

Section 14. Patrol Films or Video Tapes. Each association shall at all times during a race meeting provide and maintain personnel and equipment necessary to produce adequate motion pictures or video tapes and record with same each race from start to finish.

(1) Projection or viewing equipment shall be adequate to permit simultaneous showing of head-on and side-angle views of the running of each race.

(2) Such films and video tapes shall be retained and secured by the association for not less than one (1) year and shall be available at all times to the commission and stewards. Each visual record of a race involving any question, dispute, or controversy shall be filed with the commission upon order of the stewards.

(3) Such films, or video tapes, shall be made available for viewing at the track by licensees who owned, trained, or rode a horse in the race requested to be viewed, and to members of the press.

Section 15. (1) Horse ambulances. Each association shall provide and maintain [at least one (1) man-ambulance and] at least one (1) horse-ambulance during times horses are permitted to exercise or race. Said ambulance[s] shall be equipped, with a screen for use when an animal must be destroyed in view of the public

and also a winch to lift dead or injured animals onto the ambulance. It shall be manned, ready for immediate duty and shall be located at an entrance to the racing strip. [manned, ready for immediate duty, and shall be located at an entrance to the racing strip.]

(2) Ambulance. At all extended pari-mutuel meetings the licensee shall provide an ambulance equipped consistent with that required by the state of Kentucky to transport a sick, injured or for any other reason, person to a hospital or medical facility. Said ambulance shall be maintained by two (2) or more persons certified by the state to transport individuals to a hospital or medical facility over a public thoroughfare. The ambulance shall be stationed at an entrance to the racing surface allowing for visual contact with the race in progress and shall make a prompt response in the event that one (1) or more jockeys or horses are involved in an accident or there is any other need for emergency transportation. This ambulance shall be stationed no less than one (1) hour before post time of the first race and until the last race is completed. If the ambulance must leave its station for any reason, there shall be a replacement before the next event is contested. Such ambulance shall be stationed at all programmed races, time trials and qualifying races under the rules and regulations of the Kentucky Harness Racing Commission.

Section 16. First-aid Room. Each association shall equip and maintain adequate first-aid facilities with not less than two (2) beds and attendance of a competent physician and registered nurse during race hours.

Section 17. Track Kitchen. Each association shall provide adequate eating facilities within the stable area, maintained in a clean and sanitary manner at all times horses are stabled on association grounds.

Section 18. Communication System. Each association shall install and maintain in good working service communication systems between the stewards stand and patrol judges, pari-mutuel department, starting gate, public address announcer, and clerk of the scales.

Section 19. Fire Prevention. Each association shall be responsible for maintaining an adequate program for fire prevention and fire suppression. Each association within fifteen (15) days before commencement of a race meeting shall be inspected by the state or local fire marshal whose certification that the association plant and stable area meet fire safety requirements is necessary for the commission to approve commencement of the race meeting. Each association shall maintain a firefighting unit of trained personnel equipped with high expansion foam fire extinguishers and other equipment as may be recommended by the local fire inspection authority. Each association shall prohibit:

(1) Smoking in stalls, under shed rows, and in feed rooms;

(2) Open fires, oil or gas lamps in stable area; and

(3) Locking of stalls occupied by horses.

Section 20. Telephone Restricted. (1) No association shall permit communication by any

electrical, mechanical, manual, or visual method from wagering area [association grounds] of any information pertaining to any race conducted by the association until at least thirty (30) minutes after the last race of the day is declared official; excepting from the effect of this rule such information as may be transmitted by duly accredited members of the news media for the benefit of the public at large.

(2) All telephones and telegraph wires in wagering areas [on association grounds] shall be closed from fifteen (15) minutes before post time of the first race and remain closed until thirty (30) minutes after the finish of the last race is declared official and no calls or wires shall be allowed to be made or received while such telephone and telegraph wires are closed.

(3) Excepted from the effect of this rule shall be the transmission of information pertaining to racing by duly accredited members of the news media, and the ordinary conduct of business as may be transmitted by members of the commission and its staff or association officials.

(4) No association employee shall furnish, other than to authorized persons, any information with respect to entries, scratches, jockey changes, or track conditions for any race.

Section 21. Association Police. Each association shall provide and maintain competent police and watchman services, night and day, in and about association grounds, and shall furnish daily to the commission a report on any disturbances, drunkenness, or disorderly conduct committed by any person on association grounds.

Section 22. Security. Each association shall cause to be excluded from association grounds all persons designated by order of the commission or stewards to be excluded. Each association shall take such measures as to maintain security of horses on association grounds so as to protect from injury due to frightening of or tampering with said horses. Each association shall exclude from the paddock area, race strip, and winner's entrance all persons who have no immediate connection with the horses entered except members of the commission, racing officials, and duly accredited members of the news media.

Section 23. Vendors and Suppliers. Each association shall supervise the practice and procedures of all vendors of food, horse feed, medication, and tack, who have entry to the stable area. No association by virtue of this rule shall attempt to control or monopolize proper selling to owners, trainers or stable employees, nor shall an association grant a concession to any vendor of feed, racing supplies, or racing services. Any vendor of horse feeds or medications shall file with the commission veterinarian a list of products which he proposes to sell, including any new preparation or medication. No association shall permit the sale of any alcoholic beverage, beer excepted, within the stable area.

Section 24. Ejection or Exclusion from Association Grounds. (1) Associations may eject or exclude any persons, licensed or unlicensed, from association grounds or a part thereof solely of its own volition and without any reason or excuse given therefor, provided,

however, such ejection or exclusion is not founded on race, creed, color, or national origin.

(2) Associations shall eject or exclude from association grounds all persons believed to be engaged in a bookmaking activity or solicitation of bets or touting, and a report thereof shall be submitted promptly to the commission, to the stewards, and to the local police.

(3) Associations shall eject or exclude from the stable area on association grounds all persons except those whose presence in the stable area is authorized as:

(a) Persons licensed to conduct an activity, the conduct of which requires the presence of such licensee in the stable area;

(b) Duly accredited members of the news media;

(c) Guests of a licensed owner or licensed trainer physically in the company of such owner or trainer;

(d) Persons physically in the company of and under the control and supervision of a racing official, or association security guard, or association public relations department representative.

(4) Reports of all ejections or exclusions from association grounds for any reason shall be made immediately to the commission and the stewards, such reports stating the name of all persons and circumstances involved.

Section 25. Ownership of Associations. Each association shall file with the commission a revised list of persons whose identity is required by 812 KAR 1:040, immediately upon transfer of any beneficial interest or control in the association as from time to time may occur.

Section 26. Plan of Association Grounds. Each association shall file with the commission existing maps and plans of association grounds, showing all structures, piping, fire hydrants, fixed equipment, and racing strip, noting elevation as filled, drained, and gapped, and composition of track base and cushion. Each association shall file revised maps or plans of association grounds upon any material change as may occur from time to time.

Section 27. Attendance Report. (1) Each association shall file with the commission daily attendance reports showing a turnstile count of all persons admitted to association grounds where pari-mutuel wagering is conducted; such attendance report shall indicate the daily number of paid admissions and free admissions.

(2) On request from the commission, each association shall file with the commission a current badge list showing the names of all persons issued tax exempt admission credentials.

(3) Tax exempt admission credentials shall not be transferable and associations shall exclude or eject from association grounds any person attempting to use such tax exempt admissions credentials not issued to him by the association.

Section 28. Financial Report. In addition to filing with the commission copies of reports required by KRS 138.530 to be filed with the Department of Revenue on pari-mutuel, each association shall furnish to the commission within sixty (60) days after the close of its fiscal year three (3) copies of its balance sheet and of its operating statement for such

fiscal year with comparison to prior year, the same to be duly sworn to by the treasurer of the association and certified by a licensed certified public accountant. Such financial report shall be in such form as may be prescribed from time to time by the commission.

Section 29. Horseman's Bookkeeper. (1) Each association shall maintain a separate bank account, to be known as the "horsemen's account," with at all time sufficient funds in such account to pay all money owing to horsemen in regard to purses, stakes, rewards, claims, and deposits. This account shall at all times be subject to audit by the commission, and the horsemen's bookkeeper in charge of such account shall be bonded in an amount approved by the commission.

(2) The association shall deposit the total purse money for each day's racing prior to post time of the first race and shall exhibit proof thereof to the stewards. All portions of purse money shall be made available to earners thereof within forty-eight (48) hours (Sundays excluded) after the result of the race in which such money was earned has been declared official; except, however, when the stewards shall order money withheld until final adjudication of a dispute determining which persons are entitled to such money in dispute.

(3) All monies received by the association for stakes nominations and subscriptions shall be deposited daily in a separate escrow account to be known as the "Stakes Account" and the association shall exhibit proof thereof to the stewards. This account shall be subject to audit by the commission, and the bookkeeper in charge of said account shall be bonded in an amount approved by the commission.

(4) No portion of purse money other than jockey fees shall be deducted by the association for itself or for another, unless so requested in writing by the person to whom such purse monies are payable, or his duly authorized representative. Irrespective of whether requested, the horsemen's bookkeeper shall mail to each owner a duplicate of each record of a deposit, withdrawal or transfer of funds affecting such owner's racing account at the close of each race meeting.

Section 30. Outriders. Each association shall employ at least two (2) outriders to escort starters to the post and to assist in the returning of all horses to the unsaddling area. No outrider shall lead any horse that has not demonstrated unruliness, but shall assist in the control of any horse which might cause injury to a jockey or others. Each association shall wear traditional apparel. Outriders shall be required to be present on the racing strip, mounted, and ready to assist in the control of any unruly horse or to recapture any loose horse, at all times horses are permitted on the racing strip for exercising or racing.

Section 31. Association Veterinarian. (1) Each association shall employ a graduate veterinarian, licensed in Kentucky, experienced in equine medicine and practice, who shall be responsible for inspecting and reporting all horses entered for racing soundness; maintaining and posting in the racing secretary's office a veterinary list of horses ineligible to race because of sickness or unsoundness; control of

communicable equine diseases; insect control; sanitary conditions in the stable area, and observe and report all cruel or inhumane treatment of horses to the stewards.

(2) The association veterinarian shall be attendant on the stewards and the racing secretary at scratch time each day, and shall examine such horses as such racing officials may request, and shall make reports to such racing officials as promptly as possible.

(3) The association veterinarian shall be responsible for inspecting every horse entered on the day of the race for which such horse is entered. Such inspection shall be for physical fitness, general conditions, and for any noticeable unsoundness or peculiarities that may affect the racing condition of the horse or be considered for scratching a horse on a muddy or sloppy track. Such pre-race examinations shall be recorded on a health record for every starter at the race meeting.

(4) The association veterinarian shall be present in the paddock for saddling, shall accompany each field to the starting post, and observe all horses after the finish of each race. If, in the opinion of the association veterinarian, a horse suffers an injury while in the paddock, during the post parade, or at the starting gate, which injury shall render such horse unfit to race, he shall recommend to the stewards that the horse be excused and placed on the veterinary list. All horses requested to be scratched for physical reasons after scratch time shall be inspected by the association veterinarian who shall report the condition of such horse to the stewards.

(5) No association veterinarian during his employment by an association shall be permitted to engage in private veterinary practice involving Arabians, quarter horses or appaloosa; nor be employed by or receive any compensation directly or indirectly from any licensed owner or trainer; nor sell or buy, for himself or another, any Arabian, quarter horse or appaloosa; nor place any wager in any manner on any race run at the association; nor sell any drug supplies; nor sell horse insurance; nor be licensed to participate in racing in any other capacity.

Section 32. Horse Identifier. Each association shall employ one (1) or more persons to be charged with the responsibility of proper identification of all horses entered to be raced. A horse identifier may accompany the association veterinarian on the pre-race examination of all starters. Every starter shall be examined in the paddock by a horse identifier for sex, age, color, markings, and lip tatoo, for comparison with its registration certificate; photographs may be used as an aid in identification. If a horse identifier has any doubt as to the identity of a horse entered to be raced, the horse identifier shall so notify the paddock judge and the stewards.

Section 33. Valets. Each association shall employ a sufficient number of persons licensed as valets to attend each individual rider on a day's racing program. Such valets shall be under the immediate supervision and control of the clerk of scales. No rider shall employ a valet or be attended by any person other than the valet assigned to him by the clerk of scales. No valet shall be assigned to the same rider for

more than two (2) consecutive racing days. Valets shall be responsible for the care and cleaning of his assigned riders apparel and equipment; shall insure his rider has the proper equipment and colors for each race; shall present the proper equipment and attend the saddling of his rider's mount; and shall attend the weighing out of his rider. No valet or other jockey room attendant may place a wager for himself or another, directly or indirectly, on races run while he is serving as a valet. Each association shall provide uniform attire for valets who shall wear same at all times while performing their duties within public view.

Section 34. Minimum Purse and Stakes Values. No association shall program or run any race the purse for which is less than \$500 in cash without special permission of the commission. No association shall program or run any stakes race the added value of which is less than \$1,000 in cash added by the association to stakes fees paid by owners. Such minimum cash amounts paid by the association shall be exclusive of nomination, eligibility, entrance, and starting fees, and exclusive of other cash awards, premiums, prizes, or objects of value.

Section 35. Maximum Number of Races. No association shall program or run more than nine (9) races on any single racing day without special permission of the commission.

CARL B. LARSEN, Executive Director
ROBERT DAVIS, Secretary

APPROVED BY AGENCY: April 10, 1987

FILED WITH LRC: April 15, 1987 at 10 a.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on this regulation on May 27, 1987, at 10 a.m. at the office of the Kentucky Harness Racing Commission. Anyone interested in attending this hearing, shall notify in writing Carl B. Larsen, Executive Director, Kentucky Harness Racing Commission, Suite 300, 535 West Second Street, Lexington, Kentucky, 40508, at least five days before the hearing.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Carl B. Larsen

(1) Type and number of entities affected: Horsemen

(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 additional.

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: None.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None additional.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: Not applicable.

(5) Identify any statute, administrative regulation or government policy which may be in

conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: 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. Regulation affects all horsemen.

PUBLIC PROTECTION AND REGULATION CABINET Kentucky Harness Racing Commission Quarter Horse, Appaloosa & Arabian Rules (Proposed Amendment)

812 KAR 1:040. Owners.

RELATES TO: KRS 230.410 to 230.447

PURSUANT TO: KRS Chapter 13A

NECESSITY AND FUNCTION: To regulate conditions under which Arabian, quarter horse and appaloosa racing shall be conducted in Kentucky. The function of this regulation is to outline the requirements for owners.

Section 1. License Required. No horse may be entered or raced in this state unless the owner or each of the part owners has been granted a current owner's license; except that, the commission may, through its licensing committee as provided by 812 KAR 1:020, cause a temporary license to be issued which will be valid for entering and racing pending administrative processing and final action by the commission on such owner's license application, but in no event shall such temporary license be considered valid later than two (2) weeks after such license application was submitted.

Section 2. Requirements for Owner's License.

(1) In addition to rules applicable to licensees under 812 KAR 1:020, a holder of an owner's license:

(a) Must be an individual person, eighteen (18) years or older; provided, however, the commission may grant an owner's license to a person less than eighteen (18) years of age who is a son or daughter of a licensed owner in this state, if the parent thereof holding an owner's license in this state files with the license application of such minor an agreement whereby such parent assumes responsibility for meeting all financial, contractual, or other obligations relating to racing of such applicant son or daughter.

(b) Must carry workmen's compensation insurance covering employees in connection with racing as required by Kentucky law.

(c) Must own or have under lease a horse eligible to race, and be prepared to prove same upon call of the stewards.

(d) Must not engage in an activity directly or indirectly involving the racing performance of horses on association grounds owned by others.

(2) The commission may deny, suspend, or revoke an owner's license for the spouse, or any member of the immediate family or household, of a person ineligible to be licensed as an owner, unless, there is a showing on the part of the applicant or licensed owner, and the commission so finds, that his participation in racing as an owner will in no way circumvent the intent of the rule by permitting a person, under the

control or direction of a person ineligible for an owner's license, to serve in essence as a substitute for such eligible person.

(3) A licensed owner or trainer may personally serve as a farrier or jockey for horses he owns or are registered as in his care, provided he has received from the stewards a certificate of said licensee's fitness as a competent farrier or jockey.

Section 3. Ownership Disclosure. (1) Licensed owners and licensed trainers shall be held jointly responsible for making a full disclosure of the entire ownership of each horse in their care.

(2) Such disclosure shall identify in writing all individual persons who directly, or indirectly, through a lien, or a lease, or partnership, or corporate stockholding, or syndication, or other joint venture, hold any present or reversionary right, title, or interest in and to such horse, and those individual persons who by virtue of any form of interest might exercise control over such horse or can benefit from the racing of such horse; the degree and type of such ownership held by each individual person shall be designated.

(3) Such disclosure shall be made when registering each horse with the racing secretary upon arrival on association grounds, or at time of entry, whichever event occurs first, and shall be revised immediately upon any subsequent change in such ownership.

(4) Such disclosure together with all written agreements, and affidavits setting out oral agreements, pertaining to the ownership of or rights in and to a horse, shall be attached to the registration certificate for such horse and filed with the racing secretary, who shall be responsible for the care and security of such papers while such horses thereunto pertaining are located on association grounds.

(5) Such disclosure is made for the benefit of the public and all documents pertaining to the ownership or lease of a horse filed with the racing secretary shall be available for public inspection.

(6) The stewards shall review the ownership of each horse entered to race and insure each registration certificate is properly endorsed by the transferor to the present owner. The stewards may determine the validity for racing purposes of all leases, transfers, and agreements pertaining to ownership of a horse; and may call for adequate evidence of ownership at any time. The stewards may declare ineligible to race any horse, the ownership or control of which, is in question.

Section 4. Joint Ownership. (1) No more than four (4) individual persons may be licensed as owners of a single horse.

(2) In the event more than four (4) individual persons own interests in a single horse, through a partnership, or corporation, or syndication, or other joint venture, then such individual persons may designate in writing a member of the partnership, corporation, syndicate, or joint venture to represent the entire ownership of and be responsible for such horse [as the licensed owner thereof].

(3) Such agreement, or lease, shall accompany the application for an owner's license. Each person designated as representing the entire ownership of a horse must be licensed.

(4) The commission may deny, suspend, or revoke the license of any owner whose ownership of a horse is qualified or limited in part by rights or interest in or to such horse being held or controlled by any other individual person or persons who would be ineligible to be licensed as an owner under 812 KAR 1:020.

Section 5. Program Listing of Owners. Names of all individual persons licensed as owners of each horse shall be listed in the daily program; if space limitations preclude listing of first names, then at least two (2) initials shall precede surnames. Stable names, or corporate names, registered in other racing jurisdictions may be shown parenthetically if space limitations permit. Lessees licensed as owners shall be designated on the program as lessee of each leased horse.

Section 6. Leases. Horses may be raced under lease provided the lease agreement is annexed to the horse's registration certificate and is approved by the stewards. Validity of a lease for the purposes of racing a horse in this state may be suspended temporarily or voided by the stewards at any time. No lease may be approved by the stewards for racing purposes unless:

(1) Lessee is licensed as an owner.

(2) Each of the signatures of the lessors and lessees on the lease agreement is subscribed and sworn to before a notary public.

(3) Term of the lease is no less than one (1) year, unless sooner terminated by claim or retirement of subject horses.

(4) Conditions of the lease specify, as to parties to the lease, whether the subject horse can be entered in a race to be claimed. If agreeable to lessor that the subject horse may be entered to be claimed, conditions of the lease must specify the minimum price for which the subject horse can be entered, the name of the payee of claiming price.

(5) Conditions of the lease specify that upon claim of subject horse the lease shall terminate and all rights in and to such horse shall pass to claimant as a bona fide purchaser.

(6) After reviewing the full ownership of such leased horses, and the interests of all persons involved in such lease, and the term and conditions of such lease, the stewards in their discretion find that such lease:

(a) Completely divests lessors or sublessors of further control or direction of the racing performance of such horse while under lease; and

(b) The resultant program-listing of lessee would not mislead the betting public by reason of the absence in the program-listing of the name of a person or persons possessing a beneficial interest in such leased horse.

Section 7. Racing Colors. (1) Owners shall be responsible for designing and providing individual racing colors, consisting of jackets and caps of distinctive color and pattern to be worn by jockeys during a race, such racing colors to be registered with the commission.

(2) Racing colors must be registered annually, application therefor to accompany application for an owner's license.

(3) Registration of racing colors shall be at the discretion of the commission. Disputes as to rights to particular racing colors shall be determined by the commission. The commission may refuse to accept for registration racing colors

which:

(a) Are not readily distinguishable by color and pattern from racing colors currently registered in this state or with the Jockey Club;

(b) Include advertising, promotional, or cartoon symbols or words, or which, in the opinion of the commission, are not in keeping with the traditions of the turf.

(4) No horse may be raced in racing colors other than those registered in the name of the horse's owner without special permission of the stewards. If an owner races two (2) or more horses in the same race, jackets shall be identical while caps shall be varied in color or design. Any deviation from registered colors granted by the stewards shall be immediately posted on the public notice board.

(5) Owners and trainers shall be jointly responsible for the condition of racing colors, insuring that they are neat, clean, and in good repair, and that an adequate number of sets of racing colors are placed in the care of the clerk of scales.

(6) The clerk of scales, and the valet serving a jockey, shall be jointly responsible for having the correct jacket and cap on each rider when leaving the jockey room for the paddock.

Section 8. Employees Licensed. No owner or trainer may employ or contract with an unlicensed person to perform an activity on association grounds for which a license is required. An owner shall immediately notify the racing secretary upon change of trainer during a race meeting.

Section 9. Authorized Agent. A licensed owner may, as a principal, authorize any person, as an agent, to act in such owner's behalf in all matters pertaining to racing in this state and ownership of horses on association grounds, provided by 812 KAR 1:020. A licensed owner, as a principal, shall be jointly liable and responsible with his licensed authorized agent for all acts and omissions of such authorized agent serving in such owner's behalf in a racing matter, until written notification from such owner revoking such agency is received by the commission.

Section 10. Suspension. In the event the license of an owner is suspended or revoked, all horses owned wholly or in part by such owner shall not be permitted to race during such suspension unless such horses are transferred to a licensed owner, and such transfer is approved by the stewards as completely divesting of such suspended former owner of control of or benefit from the subsequent racing of such horses.

Section 11. Partnerships. (1) Partnerships must be registered with the commission. Partnership papers shall set forth the following:

(a) The name and address of every person having an interest in the horse or horses involved.

(b) The relative proportion of such interests.

(c) To whom the winnings are payable.

(d) In whose name the horse or horses shall run.

(e) With whom the power of entry and declaration rests.

(f) The terms of any contingency, lease, or any other arrangement.

(g) The names of the horse or horses involved.

(2) Any partner transacting business on behalf of a partnership must own an interest therein at least equal to that owned by any other partner.

(3) All partnership registrations must be signed by all of the partners or by their authorized agent.

(4) Any alteration in a recorded partnership must be reported in writing to the commission and signed by all the partners, or their authorized agent.

(5) All the parties in a partnership and each of them shall be jointly and severally liable for all stakes, fees, and other obligations.

CARL B. LARSEN, Executive Director

ROBERT DAVIS, Secretary

APPROVED BY AGENCY: April 10, 1987

FILED WITH LRC: April 15, 1987 at 10 a.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on this regulation on May 27, 1987, at 10 a.m. at the office of the Kentucky Harness Racing Commission. Anyone interested in attending this hearing, shall notify in writing Carl B. Larsen, Executive Director, Kentucky Harness Racing Commission, Suite 300, 535 West Second Street, Lexington, Kentucky, 40508, at least five days before the hearing.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Carl B. Larsen

(1) Type and number of entities affected: Horsemen

(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 additional.

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None additional.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: Not applicable.

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

(a) Necessity of proposed regulation if in conflict: 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. Regulation affects all horsemen.

PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Harness Racing Commission
Quarter Horse, Appaloosa & Arabian Rules
(Proposed Amendment)

812 KAR 1:060. Pari-mutuel wagering.

RELATES TO: KRS 230.410 to 230.447

PURSUANT TO: KRS 13A.010 et seq.

NECESSITY AND FUNCTION: To regulate conditions under which quarter horse, appaloosa and Arabian racing shall be conducted in Kentucky. The function of this regulation is to outline the requirements for the operation of pari-mutuel wagering.

Section 1. Pari-mutuel System of Wagering Required. Each association licensed to conduct racing in this state may permit wagering only on races conducted by such association on the grounds of such association; no association may accept wagers on races conducted elsewhere by another association. All such permitted wagering shall be under the pari-mutuel system, employing an electric totalizator approved by the commission. All systems of wagering other than pari-mutuel, such as bookmaking and auction-pool selling, are prohibited and any person participating or attempting to participate in prohibited wagering shall be ejected or excluded from association grounds.

Section 2. Totalizator Required. Each association shall install and operate during its race meeting an electric totalizator approved by the commission. Such totalizator shall be tested daily under the supervision of the commission to insure its proper working order.

Section 3. Records to be Maintained. The pari-mutuel manager shall maintain complete records of all wagering so the commission may upon review ascertain for any race: the opening line and subsequent odds fluctuations, the amount, and at which window, wagers were placed on any betting interest, and such other information as the commission may from time to time require. A copy of such wagering records shall be retained by each association and safeguarded for a period not less than two (2) years and may not be destroyed without permission of the commission.

Section 4. Calculation and Distribution of Pools. The only pari-mutuel wagering pools permitted in this state shall be for win, place, show, daily double, exacta and quinella, each with separate and independent calculation and distribution. From each pool there shall be deducted by each association the commission as provided by KRS 138.515, with the remainder being the net pool for distribution as payoffs to ticket holders as follows:

(1) Win pool. The amount wagered on the horse or betting interest which finished first is deducted from the net pool, the balance remaining being the profit; the profit is divided by the amount wagered on the horse or betting interest finishing first, such quotient being the profit per dollar wagered to win; payoff includes return of amount wagered and profit thereon.

(a) In the event of a dead heat for first involving horses of two (2) different betting interests, the win pool is distributed as if a

place pool; if involving horses of three (3) different betting interests, the win pool is distributed as if a show pool.

(b) In the event no win ticket is sold on the horse which finishes first, the net in pool is distributed to holders of win tickets on the horse finishing second.

(2) Place pool. The amounts wagered to place on the first two (2) horses to finish are deducted from the net pool to determine the profit; the profit is divided into two (2) equal amounts; one-half (1/2) of the profit is divided by the amount wagered to place on the first finisher, such quotient being the profit per dollar wagered to place on the first finisher; and one-half (1/2) of the profit is divided by the amount wagered to place on the second finisher, such quotient being the profit per dollar wagered to place of such second finisher; payoffs include return of amount wagered and profit thereon as to each of the first two (2) finishers.

(a) In the event of a dead heat for first: between horses representing the same betting interest, the place pool is distributed as if a win pool; if between horses representing two (2) different betting interests, the place pool is distributed as if one (1) betting interest finished first and the other finished second; if between horses representing three (3) different betting interests, the place pool is distributed as if a show pool.

(b) In the event of a dead heat for second: between horses representing the same betting interest, the place pool is distributed as if no dead heat occurred; if between horses representing two (2) or more different betting interests, the profit is divided in half, with one-half (1/2) allocated for wagers to place on the horse which finished first, and other half divided equally so as to allocate one-fourth (1/4) of the profit on the net place pool for wagers to place on each of two (2) horses finishing in a dead heat for second, or one-sixth (1/6) of the profit for wagers to place on each of three (3) horses finishing in a dead heat for second.

(c) In the event the first and second finishers comprise a single betting interest, the place pool is distributed as if a win pool.

(d) In the event no place ticket is sold on a horse which finishes first or second, then the horse which finished third shall replace that horse in the distribution of wagers in the place pool.

(3) Show pool. The amounts wagered to show on the first three (3) horses to finish are deducted from the net pool to determine the profit; the profit is divided into three (3) equal amounts; one-third (1/3) of the profit is divided by the amount wagered to show on the first finisher, such quotient being the profit is divided by the amount wagered to show on the second finisher, such quotient being the profit per dollar wagered to show on such second finisher; and one-third (1/3) of the profit is divided by the amount wagered to show on the third finisher, such quotient being the profit per dollar wagered to show on such third finisher; payoffs include return of amount wagered and profit thereon as to each of the first three (3) finishers.

(a) In the event of a dead heat for first: between two (2) horses involving different betting interests, or three (3) horses involving

three (3) different betting interests, the show pool is distributed as if no dead heat occurred; if between two (2) horses involving the same betting interest two-thirds (2/3) of the profit is allocated to wagers to show on the coupled betting interest, and one-third (1/3) allocated to wagers to show on the other horse among the first three (3) finishers; if between three (3) horses involving one (1) betting interest, the show pool is distributed as if a win pool.

(b) In the event of a dead heat for second: between two (2) horses involving two (2) different betting interests, the show pool is distributed as if no dead heat occurred; if between horses involving the same betting interest, two-thirds (2/3) of the profit shall be allocated to wagers to show on the coupled betting interest, and one-third (1/3) allocated to wagers to show on the horse finishing first; if between three (3) horses involving two (2) or three (3) betting interests, one-third (1/3) of the profit is allocated to wagers to show on the horse finishing first, and the remaining two-thirds (2/3) of the profit is divided equally by the number of betting interests finishing in a dead heat for second for proportionate distribution on wagers to show for each such betting interest finishing in a dead heat for second.

(c) In the event of a dead heat for third: between horses involving the same betting interests, the show pool is distributed as if no dead heat occurred; if between horses involving two (2) or more betting interests, two-thirds (2/3) of the profit shall be allocated to wagers to show on the first two (2) finishers, and the remaining one-third (1/3) is divided equally by the number of betting interests finishing in a dead heat for third for proportionate distribution on wagers to show for each such betting interest finishing in a dead heat for third.

(d) In the event the first three (3) horses to finish comprise one (1) betting interest, the show pool shall be distributed as a win pool. In the event two (2) horses coupled as a single betting interest finish first and second, or first and third, or second and third, two-thirds (2/3) of the profit shall be allocated to wagers to show on the other horse among the first three (3) finishers.

(e) In the event one (1) horse coupled in the betting by reason of being in the mutuel field or part of a mutuel entry finishes first or second, and another horse included in the same betting interest finishes in a dead heat for third; one-half (1/2) of the profit in the show pool shall be allocated to wagers on such field or entry, one-third (1/3) of the profit in the show pool shall be allocated to wagers on the horse finishing first or second, and the remaining one-sixth (1/6) of such profit shall be allocated to wagers on the horse finishing in a dead heat for third with such field or entry.

(f) In the event only two (2) horses finish, the show pool, if any, shall be distributed as if a place pool; if only one (1) horse finishes, the place and show pools, if any, shall be distributed as if a win pool; if no horse finishes, all money wagered on such race shall be refunded upon presentation and surrender of pari-mutuel tickets sold thereon. In the event no show ticket is sold on a horse which finishes first, or second, or third, then, the horse which finished fourth shall replace that horse

in the distribution of wagers in the show pool.

(4) Daily double pool. The amount wagered on the winning combination, such being the horse or betting interest which finishes first in the first daily double race, is deducted from the net pool to determine the profit; the profit is divided by the amount wagered on the winning combination, such quotient being the profit per dollar wagered on the winning daily double combination; payoff includes the amount wagered and profit thereon.

(a) In the event of a dead heat for first involving two (2) different betting interests, in one (1) of the two (2) daily double races, the daily double pool is distributed as if a place pool, with half the profit allocated to wagers combining the single winner of one (1) daily double race and one (1) of the betting interests involved in the dead heat in the other daily double race, with the other half of the profit allocated to wagers combining the single winner of one (1) daily double race and the other betting interest involved in the dead heat in the other daily double race.

(b) In the event of dead heats for first involving different betting interests in each of the daily double races, resulting in four (4), or six (6), or nine (9), winning combinations for proportionate allocation for each such winning daily double wager.

(c) In the event no daily double ticket is sold combining the horse or betting interest which finishes first in one (1) of the daily double races, the daily double pool is distributed as if win pool with the profit allocated to wagering combinations which include the horse or betting interest which finished first in one (1) of the daily double races.

(d) In the event no daily double ticket is sold combining the horses or betting interests which finished first in both the first and second race of the daily double, then the winning combination for distribution of the daily double profit shall be that combining the horses or betting interests which finished second in each of the daily double races.

(e) If after daily double wagering has commenced and a horse not coupled with another as a betting interest in the first race of the daily double is excused by the stewards or is prevented from racing because of failure of the starting-gate to open properly, then daily double wagers combining such horse shall be deducted from the daily double pool and refunded upon presentation and surrender of daily double tickets thereon.

(f) If, prior to closing of the daily double wagering, a scheduled starter in the second half of the daily double which is not coupled in the betting with another horse is excused by the stewards, then daily double wagers combining such horse shall be deducted from the daily double pool and refunded upon presentation and surrender of daily double tickets thereon.

(g) If after the first race of the daily double has been run, and a horse not coupled with another as a betting interest in the second race of the daily double is excused by the stewards or prevented from racing because of failure of the starting-gate door to open properly, then daily double wagers combining the winner of the first daily double race with such horses prevented from racing in the second daily double race shall be allocated consolation payoffs:

1. Consolation daily double payoffs shall be determined by dividing the net daily double pool by the amount wagered combining the winner of the first daily double race with every horse or betting interest scheduled to start in the second daily double race, such quotient being the consolation payoff per dollar wagered combining the winner of the first daily double race with such horse prevented from racing in the second daily double race;

2. Such consolation payoffs shall be deducted from the net daily double pool before calculation and allocation of wagers on the winning daily double combination.

(h) If for any reason the first daily double race is cancelled or declared "no race" by the stewards, then the entire daily double pool shall be refunded upon presentation and surrender of daily double tickets thereon. If for any reason the second daily double race is cancelled or declared "no race" by the stewards after the first daily double race is declared official, then the net daily double pool shall be distributed to wagering combinations which include the horse or betting interest which finished first in the first daily double race.

(i) If no daily double ticket is sold requiring distribution, then the entire daily double pool shall be refunded upon presentation and surrender of daily double tickets thereon.

(5) Quinella pool. The amount wagered on the winning combination, such being the first two (2) finishers irrespective of which horse finishes first and which horse finishes second, is deducted from the net pool to determine the profit; the profit is divided by the amount wagered on the winning combination, such quotient being the profit per dollar wagered on the winning quinella combination; payoff includes the amount wagered and profit thereon.

(a) In the event of a dead heat for first: between horses involving two (2) different betting interests, the net quinella pool is distributed as if no dead heat occurred; if between horses involving three (3) different betting interests, the net quinella pool is distributed as if a show pool and is allocated to wagers combining any of the three (3) horses finishing in a dead heat for first.

(b) In the event of a dead heat for second: between horses involving two (2) different betting interests, the net quinella pool is distributed as if a place pool and is allocated to wagers combining the first finisher with either horse finishing in a dead heat for second; if between horses involving three (3) different betting interests, the net quinella pool is distributed as if a show pool, and allocated to wagers combining the first horse with each of the three (3) horses finishing in a dead heat for second.

(c) In the event horses representing a single betting interest finish first and second, the net quinella pool shall be allocated to wagers combining such single betting interest with the horse or betting interest which finishes third.

(d) In the event no quinella ticket is sold combining:

1. The first finisher with one (1) of the horses finishing in a dead heat for second, then the net quinella pool is allocated to wagers combining the first finisher with the other horse finishing in a dead heat for second;

2. The first finisher with either of the horses finishing in a dead heat for second, then

the net quinella pool is allocated to wagers combining the two (2) horses which finished in the dead heat for second;

3. The first finisher with either of the horses finishing in a dead heat for second, or combining the two (2) horses which finished in a dead heat for second, then the net quinella pool is distributed as if a show pool and is allocated to wagers combining any of the first three (3) finishers with any other horses;

4. The first two (2) finishers, then the net quinella pool shall be distributed as if a place pool and is allocated to wagers combining the first finisher with any other horses, and wagers combining the second finisher with any other horse.

5. Horses or betting interest as would require distribution, then the entire quinella pool shall be refunded upon presentation and surrender of quinella tickets thereon;

(6) Exacta pool. The exacta pool is a contract by the purchaser of a ticket combining two (2) horses in a single race, selecting the two (2) horses that will subsequently finish first and second in that race. Payment of the ticket shall be made only to the purchaser who has selected the same order of finish as officially posted.

(a) The exacta is not a "parlay" and has no connection with or relation to the win, place and show betting and will be calculated as an entirely separate pool.

(b) If no ticket is sold on the winning combination of an exacta pool, the net pool shall be distributed equally between holders of tickets selecting the winning horse to finish first and/or holders of tickets selecting the second place horse to finish second.

(c) If no ticket is sold that would require distribution of an exacta pool to winner as above defined, the association shall make a complete and full refund of exacta pool.

(d) In case of a dead heat between two (2) horses for first place, the net exacta pool shall be calculated and distributed as a place pool to holders of tickets of the winning combinations. In case of a dead heat between two (2) horses for second place, the exacta pool shall be figured as a place pool, the holders of tickets combining the winning horse and the two (2) horses finishing second participating in the payoff.

(e) In the event of a dead heat for second place, if no ticket is sold on one (1) of the two (2) winning combinations, the entire net pool shall be calculated as a win pool and distributed to those holding tickets on the other winning combination. If no tickets combine the winning horse with either of the place horses in the dead heat, the exacta pool shall be calculated and distributed as a place pool to holders of tickets representing any interest in the net pool.

(f) In the event of an entry finishing first and second, the net exacta pool shall be distributed to holders of tickets selecting the entry to win combined with the horse finishing third.

(7) Trifecta pool. The trifecta is a contract by the purchaser of a ticket combining three (3) horses in a single race, selecting the three (3) horses that will subsequently finish first, second and third in that race. Payment of the ticket shall be made only to the purchaser who has selected the same order of finish as officially posted.

(a) The trifecta is not a parlay and has no connection with or relation to the win, place and show betting and will be calculated as an entirely separate pool.

(b) If no ticket is sold on the winning combination of a trifecta pool, the net pool shall be distributed to the holders of tickets selecting the win and place finishers in that order. If no ticket is sold combining the win and place finish, the net pool will be distributed to the holders of tickets selecting the winner.

(c) If no ticket is sold that would require distribution of the net trifecta pool to a winner as above defined, the association shall make a full refund of the trifecta pool.

(d) In the event of a dead heat or dead heats, all trifecta tickets selecting the correct order of finish, counting a horse in a dead heat as finishing in either position dead heated, shall be winning tickets. The payoff will be calculated as a place pool.

(e) No entries or field horses shall be allowed in any race that the trifecta is being sold.

(f) For the purpose of trifecta wagering the trifecta race shall be drawn to consist of eight (8) starters and four (4) also eligibles.

(8) Refunds.

(a) If after win, place, or show wagering has commenced, a horse not coupled with another as a betting interest is excused by the stewards or is prevented from racing because of failure of the starting-gate door to open properly, the wagers on such horse shall be deducted from the win, place, and show pools, as the case may be, and refunded upon presentation and surrender thereof. If more than one (1) horse represents a single betting interest by reason of coupling as a mutuel entry or mutuel field, such single betting interest being the sole subject of a wager or part of a combination in a daily double, exacta or quinella or trifecta wager, then there shall be no refund unless all of the horses representing such single betting interest are excused by the stewards and/or are prevented from racing because of failure of the starting-gate doors to open properly.

(b) If after exacta and, quinella and trifecta wagering has commenced, a horse not coupled with another as a betting interest is excused by the stewards or is prevented from racing because of failure of the starting-gate to open properly, then exacta and, quinella and trifecta wagers combining such horse with any other horse or betting interest shall be deducted from the exacta and, quinella and trifecta pool and refunded upon presentation and surrender of exacta and, quinella and trifecta quinella tickets thereon.

(9) Race cancelled. If for any reason a race is cancelled or declared "no race" by the stewards after wagering has commenced on such race, then all wagering thereon shall be refunded upon presentation and surrender of pari-mutuel tickets thereon; except as to daily double wagers upon cancellation of the second daily double race, which shall be distributed as provided under subsection (4)(h) of this section.

(10) Totalizator breakdown. In the event of an irreparable breakdown of the totalizator during the wagering on a race, the wagering on that race shall be declared closed and the payoff shall be computed on the sums wagered in each pool up to the time of the breakdown.

Section 5. Minimum Wager and Payoff. The minimum wager to be accepted by any licensed association shall be two (2) dollars. The minimum payoff on a two (2) dollar wager shall be two (2) dollars and twenty (20) cents. In the event of a minus pool, the minimum payoff on each one (1) dollar wager shall be one (1) dollar and five (5) cents.

Section 6. Minors Prohibited from Wagering. No minor shall be permitted by any licensed association to purchase or cash a pari-mutuel ticket.

Section 7. Odds or Payoffs Posted. Approximate odds, based on win pool betting for finishing first for each betting interest, shall be posted on one (1) or more boards or television screens within view of the wagering public, at intervals of not more than ninety (90) seconds. If daily double wagering is conducted, before off-time of the second daily double race, the possible payoff for each two (2) dollar daily double wager combining the winner of the first daily double race with every horse or betting interest in the second daily double race; excepting that, in the event of a dead heat for first in the first daily double race, or a scheduled starter in the second daily double race is excused so as to cause a consolation daily double pool, then posting of all possible payoffs shall not be mandatory, but the association shall make every effort to compute such daily double prices and advise the public of same by posting or public-address announcement as soon as possible and prior to the running of the second daily double race.

Section 8. Betting Explanation. Each association shall cause to be published in the daily race program a general explanation of pari-mutuel betting and an explanation of each type of betting pool offered; such explanation also shall be posted in conspicuous places about the association grounds so as to adequately inform the public. Such explanation shall be submitted to the state steward prior to publication so as to insure an absence of conflict with these rules.

Section 9. Prior Approval Required for Betting Pools. Each association desiring to conduct more than nine (9) betting races on a single day, or desiring to offer daily double, exacta or quinella wagering, shall first apply therefor in writing to the commission and obtain specific approval as to number of betting races and type of wagering to be offered on a single day.

Section 10. Pools Dependent Upon Entries. (1) Unless the commission approves a prior written request from the association to alter wagering opportunities for a specific race, each association shall offer win, place, and show wagering on all programmed races involving six (6) or more betting interests.

(2) If horses representing five (5) or fewer betting interests qualify to start in a race, then the association may prohibit show wagering on that race; if horses representing four (4) or fewer betting interests qualify to start in a race, then the association may prohibit both place and show wagering on that race.

(3) If, by reason of a horse being excused by the stewards after wagering has commenced or a

horse is prevented from racing because of failure of a starting-gate door to open properly, the number of actual starters representing different betting interests is:

(a) Reduced to five (5), then the association may cancel show wagering on that race and the entire show pool shall be refunded upon presentation and surrender of show tickets thereon;

(b) Reduced to four (4) or fewer, then the association may cancel both place and show wagering on that race and the entire place pool and show pool shall be refunded upon presentation and surrender of such place and show tickets thereon.

Section 11. Pari-mutuel Ticket Sales. (1) No pari-mutuel tickets shall be sold except by the association conducting the races on which wagers are made[, and the same shall be sold only at regular "seller" windows properly designated by signs showing the type and denomination of tickets to be sold at such windows]. No pari-mutuel ticket may be sold after the totalizator has been locked and no association shall be responsible for ticket sales entered into but not completed by issuance of a ticket before the totalizator has been locked.

(2) Any claim by a person that he has been issued a ticket other than that which he requested, must be made before such person leaves the seller window and before the totalizator is locked.

(3) After purchasing a ticket and after leaving a ticket window, a person shall not be entitled to enter for issuance an incorrect ticket, or claim refund or payment for tickets discarded, or lost, or destroyed, or mutilated beyond identification.

(4) Payment on valid pari-mutuel tickets shall be made only upon presentation and surrender thereof to the association where such wager was made within two (2) years following the running of the race on which such wager was made. Failure to present any such ticket within two (2) years shall constitute a waiver of the right to receive payment thereon.

(5) Payment of valid pari-mutuel tickets shall be made on the basis of the order of finish as purposely posted on the infield results board and declared "official" by the stewards; any subsequent change in such order of finish or award of purse money as may result from a subsequent ruling by the stewards or commission, shall in no way affect the pari-mutuel payoff.

(6) The association shall be responsible for the correctness of all payoff prices posted as "official" on the infield results board. If an error is made in posting the payoff figures on the public board, and ascertained before any tickets are cashed thereon, then such posting error may be corrected accompanied by a public address announcement, and only the correct amounts shall be used in the payoff, irrespective of the initial error on the public board.

(7) Prior to posting payoffs, the pari-mutuel manager shall require each of the computer printout sheets (calculating sheets) of such race to be proven by the computer (calculator) and the winners verified. Such proof shall show the amounts for commission, breakage, and payoffs, which added together shall equal the total pool. All pay slips are to be checked with

computer printout sheets (calculating sheets) as to winners and prices before being issued to cashiers, and all board prices are to be rechecked with the computer printout sheet (calculator) before released to the public.

(8) Whenever the recapitulation of the sales registered by each ticket issuing machine subsequently proves that the actual amount in the pool or pools, is less than the amount used in calculating the payoff, such deficiency shall be deposited in the pool or pools by the association. Should the recapitulation of sales prove that the actual amount in the pool or pools is greater than the amount used in calculating the payoff due to a mechanical error of the totalizator such error resulting in underpayment to the public, then the aggregate of such underpayments shall be paid into the corresponding pool of the next race or races, in such amounts as may be determined by the state steward and the pari-mutuel manager. If any such error should occur in computing the daily double pool, the underpayment shall be added to the daily double pool of the following day. Overpayments and underpayments subsequently discovered upon recapitulation after the close of a meeting may be adjusted, and any underpayment resulting from such final adjustment shall be paid to the Department of Revenue.

Section 12. Betting Interests Involving More Than One (1) Horse. When two (2) or more horses entered for the same race are determined by the stewards to have common ties through ownership or training and are joined by the stewards as a "mutuel entry," such mutuel entry shall become a single betting interest and a wager on one (1) horse in a mutuel entry shall be a wager on all horses in the same mutuel entry. When the number of horses competing in a race exceeds the numbering capacity of the totalizator, the racing secretary shall assign the highest pari-mutuel numbers to horses so that the highest numbered horse within the numbering capacity of the totalizator, together with horses of higher numbers, shall be grouped in the "mutuel field" as a single betting interest, and a wager on one (1) horse in the mutuel field shall be a wager on all horses in the same mutuel field.

Section 13. Emergency Situations. In the event any emergency arises in connection with the operation of the pari-mutuel department not provided for by these rules, then the pari-mutuel manager shall make an immediate decision and render a full report to the commission.

CARL B. LARSEN, Executive Director
ROBERT DAVIS, Secretary

APPROVED BY AGENCY: April 10, 1987

FILED WITH LRC: April 15, 1987 at 10 a.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on this regulation on May 27, 1987, at 10 a.m. at the office of the Kentucky Harness Racing Commission. Anyone interested in attending this hearing, shall notify in writing Carl B. Larsen, Executive Director, Kentucky Harness Racing Commission, Suite 300, 535 West Second Street, Lexington, Kentucky, 40508, at least five days before the hearing.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Carl B. Larsen

(1) Type and number of entities affected: Horsemen

(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 additional.

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None additional.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: Not applicable.

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

(a) Necessity of proposed regulation if in conflict: 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. Regulation affects all horsemen.

PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Harness Racing Commission
Quarter Horse, Appaloosa & Arabian Rules
(Proposed Amendment)

812 KAR 1:065. Registration; racing requirements.

RELATES TO: KRS 230.410 to 230.447

PURSUANT TO: KRS Chapter 13A

NECESSITY AND FUNCTION: To regulate conditions under which Arabian, quarter horse and appaloosa racing shall be conducted in Kentucky. The function of this regulation is to outline the requirements for horses entered to be raced.

Section 1. Registration Required. No horse may be entered or raced in this state unless duly registered and named in the registry office of the American Quarter Horse Association of Amarillo, Texas or Appaloosa Horse Club, Inc., Moscow, Idaho and unless the registration certificate or racing permit issued by the American Quarter Horse Association or Appaloosa Horse Club, Inc., for such horse is on file with the racing secretary; except, however, the stewards may for good cause, in their discretion, waive this requirement if the horse is otherwise correctly identified to the steward's satisfaction.

Section 2. Ringers Prohibited. (1) No horse may be entered or raced in this state designated by a name other than the name under which such horse is currently registered with the American

Quarter Horse Association of Amarillo, Texas or Appaloosa Horse Club, Inc., Moscow, Idaho. In the event a horse's name is changed by the American Quarter Horse Association or Appaloosa Horse Club, Inc., such horse's former name shall be shown parenthetically in the daily race program the first three (3) times such horse races after such name change.

(2) No person shall at any time cause or permit the correct identity of a horse to be concealed or altered, nor shall any person refuse to reveal the correct identity of a horse he owns, or which is in his care, to a racing official or member of the regular news media.

(3) No horse shall race in this state without a legible lip tattoo number applied by agents of the American Quarter Horse Association of Amarillo, Texas or Appaloosa Horse Club, Inc., Moscow, Idaho; except, however, the stewards may for good cause, in their discretion, waive this requirement if the horse is otherwise correctly identified to the steward's satisfaction. The stewards shall require that a horse without a lip tattoo number be lip tattooed within a reasonably practical time.

(4) No horse may be entered or raced in this state if previously involved in a "ringer" case to the extent that: a person having control of such horse knowingly entered or raced such horse while designated by a name other than the name under which such horse was registered with the American Quarter Horse Association or Appaloosa Horse Club, Inc.; or such person having control of such horse participated in or assisted in the entry or racing of some other horse under the name registered as belonging to such horse in question.

Section 3. Denervng. (1) Any horse on which a neurectomy has been performed shall have such fact designated on its registration certificate or racing permit. It shall be the joint responsibility of the practicing veterinarian who performed the operation and the trainer of such denervd horse to insure that such fact is designated on the registration certificate or racing permit.

(2) Any horse whose ulnar, radial, or median nerve has been either blocked or removed (known as high nerved), or whose volar or plantar nerve has been blocked or removed bilaterally, shall not be entered or raced in this state.

(3) Any horse whose volar or plantar nerve has been removed unilaterally or which has had a posterier digital neurectomy (known as low nerve), may be permitted to race provided such denervng has been reported by the trainer to the stewards, and such horse has been approved for racing by the association veterinarian prior to being entered for a race.

(4) In the event a horse races in violation of this rule and participates in the purse distribution, then no protest thereon will be considered unless submitted in writing to the stewards within forty-eight (48) hours after such race.

(5) In the event a horse races in violation of this rule and is claimed, then no protest thereon will be considered unless the successful claimant submits such protest in writing within forty-eight (48) hours requesting the claim be voided. Should the claim be voided, the horse shall be returned to the owner who started such horse in such race, and the claim price shall be returned to the claimant.

(6) A list of all denerved horses shall be posted in the racing secretary's office. No person shall report a horse as having a neurectomy when in fact such horse has not.

Section 4. Bleeders. Any horse known to have bled from its nostrils during a race or workout may not be entered or raced without prior approval for racing by the association veterinarian. In the event a horse bleeds a second time, such horse shall be placed on the veterinarian's list and prohibited from racing for a minimum of six (6) months; in the event a horse bleeds a third time, such horse shall be thereafter prohibited from racing in this state.

Section 5. Health Certificate Required. No horse may be stabled on association grounds unless, within ten (10) days of arrival on association grounds, such horse has been examined by an accredited practicing veterinarian who certifies as to the identity of such horse, temperature at time of examination, and that to the best of his knowledge and belief such horse is free from any infectious or contagious disease or exposure thereto and observable extoparasites, and further certifies as to such other matters as may be required from time to time by the Kentucky State Veterinarian in Frankfort. Notice of this requirement shall accompany stall applications and be included in the condition book.

Section 6. Workouts. No horse may be scheduled in the paddock, or taken onto a track on association grounds for training or workout, other than during normal training hours posted by the association, without special permission of the stewards.

Section 7. Removal from Association Grounds. No horse may be removed from association grounds without prior approval of the stewards and unless released by the racing secretary. No dead or sick horse may be removed from association grounds without prior approval of the commission veterinarian.

Section 8. Age Restrictions. No horse five (5) years of age or older may be entered or raced in a race restricted to maidens. No horse thirteen (13) years of age or older may be entered or raced.

Section 9. Fillies and Mares Bred. Any filly or mare that has been covered by a stallion shall be so reported to the racing secretary prior to being entered in a race. A list of all fillies and mares so reported, showing the names of stallions to which they have been bred, shall be posted in the racing secretary's office. No filly or mare that has been covered by a stallion may be entered in a claiming race unless a written release from the stallion owner is attached to such filly or mare's registration certificate indicating that the stallion service fee has been paid or satisfied.

Section 10. Serviceable for Racing. No horse may be entered or raced that: (1) Is not in serviceable, sound racing condition. The stewards may at any time cause a horse on association grounds to be examined by a qualified person.

(2) Is posted on a veterinarian's list, or

steward's list, or starter's list or is suspended, in any racing jurisdiction.

(3) Has been administered any drug in violation of 812 KAR 1:095.

(4) Is blind or has seriously impaired vision in both eyes.

(5) Is not correctly identified to the satisfaction of the stewards.

(6) Is owned wholly or in part by, or is trained by, an ineligible person.

Section 11. Equipment. (1) Whips and blinkers must be used consistently on a horse. Permission to change use of any equipment used on a horse in its last previous start must be obtained from the stewards. A horse's tongue must be tied down during a race with a clean bandage or gauze, if needed. A horse's bridle may weigh no more than two (2) pounds; war bridles are prohibited. No horse may race in ordinary training shoes; bar shoes may be used for racing only with permission of the stewards.

(2) Use on a horse either in a race or workout of any goading device, or chain, or spurs, or electrical or mechanical device, or appliance other than the ordinary whip which could be used to alter the speed of such horse, is prohibited.

(3) No whip shall be used that weighs more than one (1) pound or is longer than thirty (30) inches with one (1) popper. No stingers or projections extending through the hole of a popper or any metal part on a whip shall be permitted. Indiscriminate or brutal use on a horse of an ordinary whip, as determined by the stewards in their sole discretion, is prohibited.

Section 12. Sex Alteration. Any alteration in the sex of a horse must be reported by such horse's trainer to the racing secretary promptly, and the racing secretary shall note same on such horse's registration certificate.

CARL B. LARSEN, Executive Director

ROBERT DAVIS, Secretary

APPROVED BY AGENCY: April 10, 1987

FILED WITH LRC: April 15, 1987 at 10 a.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on this regulation on May 27, 1987, at 10 a.m. at the office of the Kentucky Harness Racing Commission. Anyone interested in attending this hearing, shall notify in writing Carl B. Larsen, Executive Director, Kentucky Harness Racing Commission, Suite 300, 535 West Second Street, Lexington, Kentucky, 40508, at least five days before the hearing.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Carl B. Larsen

(1) Type and number of entities affected: Horsemen

(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 additional.

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing

costs:

(b) Reporting and paperwork requirements: None additional.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: Not applicable.

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

(a) Necessity of proposed regulation if in conflict: 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. Regulation affects all horsemen.

PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Harness Racing Commission
Quarter Horse, Appaloosa & Arabian Rules
(Proposed Amendment)

812 KAR 1:070. Entries, subscriptions and declarations.

RELATES TO: KRS 230.410 to 230.447

PURSUANT TO: KRS 13A.010 et seq.

NECESSITY AND FUNCTION: To regulate conditions under which quarter horse, appaloosa and Arabian racing shall be conducted in Kentucky. The function of this regulation is to outline requirements for entry, subscription and declaration of horses in order to race.

Section 1. Entering Required. No horse shall be qualified to start in any race unless such horse has been and continues to be duly entered therein. Entries or subscriptions for any horse, or the transfer of same, may be refused or cancelled by the association without notice or reason given therefor.

Section 2. Procedure for Making Entries. (1) All entries, subscriptions, declarations, and scratches shall be lodged with the racing secretary and shall not be considered as having been made until received by the racing secretary who shall maintain a record of time of receipt of same.

(2) Every entry must be in the name of such horse's licensed owner, as completely disclosed and registered with the racing secretary under these rules, and made by the owner, or trainer, or a person deputized by such owner or trainer.

(3) Every entry must be in writing, or by telegraph promptly confirmed in writing; except that an entry may be made by telephone to the racing secretary, but must be confirmed promptly in writing should the stewards, the racing secretary, or an assistant to the racing secretary so request.

(4) Every entry shall clearly designate the horse so entered. When entered for the first time during a meeting, every horse shall be designated by name, age, color, sex, sire, dam, and broodmare sire, as reflected by such horse's registration certification.

(a) No horse may race unless correctly identified to the satisfaction of the stewards as being a horse duly entered.

(b) In establishing identity of a horse,

responsibility shall be borne by any person attempting to identify such horse as well as the owner of such horse, all such persons being subject to appropriate disciplinary action for incorrect identification.

(5) No alteration may be made in any entry after the closing of entries, but an error may be corrected.

(6) No horse may be entered in two (2) races to be run on the same day.

(7) First time starters and horses without a past performance record at a pari-mutuel race track must complete two (2) official timed work-outs, one (1) from the gate, [schooling races] and be approved to start by the stewards and starter before entering any race. Horses entered to race around a turn must have officially started in a race around a turn or will be required to have an official work around the turn where they are racing and must be approved by the stewards.

Section 3. Stabling Requirement. No entry shall be accepted for any horse not stabled on association grounds where such race is to be run, unless its stabling elsewhere has been approved by the racing secretary as provided by 812 KAR 1:035.

Section 4. Limitation as to Spouses. An [No] entry in any race may not [shall] be accepted for a horse owned wholly or in part by, or trained by, a person whose husband or wife is under license suspension at time of such entry; except that if the license of a jockey has been suspended for a routine riding offense, then the stewards may waive this rule as to the duly licensed husband or wife of such suspended jockey.

Section 5. Mutuel Entries. (1) All horses entered in the same race and trained by the same trainer shall be joined as a mutuel entry and single betting interest except that in order to make up to eight (8) separate betting interests, the horses may be allowed to run as separate betting interests where a trainer enters more than one (1) horse, each having bona fide separate owners, at the discretion of the stewards. All horses entered in the same race and owned wholly, or in part by the same owner or spouse thereof, shall be joined as a mutuel entry and single betting interest.

(2) No more than two (2) horses having common ties through ownership or training as to be joined as a mutuel entry may be entered in a purse race. When making such double entry, a preference for one (1) of the horses must be made.

(3) In no case may two (2) horses having common ties through ownership start in a race to the exclusion of a single interest. In races in which the number of starters is limited to ten (10) or less, no two (2) horses having common ties through training may start to the exclusion of a single entry.

Section 6. Subscriptions. (1) Nominations to or entry of a horse in a stakes race is a subscription. Any subscriber to a stakes race may transfer or declare such subscription prior to closing.

(2) Joint subscriptions and entries may be made by any one of joint owners of a horse, and each such owner shall be jointly and severally

liable for all payments due thereon.

(3) Death of a horse, or a mistake in its entry when such horse is eligible, does not release the subscriber or transferee from liability for all stakes fees due thereon. No fees paid in connection with a subscription to a stakes race that is run shall be refunded, "except as otherwise stated in the conditions of a stake race."

(4) Death of a nominator or original subscriber to a stakes race shall not render void any subscription, entry, or right of entry thereunder. All rights, privileges, and obligations shall attach to the successor owner, including the legal representatives of the decedent.

(5) When a horse is sold privately, or sold at public auction, or claimed, stakes engagements for such horse shall be transferred automatically with such horse to its new owner; except that, if such horse is transferred to a person whose license is suspended or otherwise unqualified to race or enter such horse, then such subscriptions shall be void as of the date of such transfer.

(6) All stakes fees paid toward a stakes race shall be allocated to the winner thereof unless otherwise provided by the condition for such stakes race. In the event a stakes race is not run for any reason, all such subscription fees paid shall be refunded.

Section 7. Closings. (1) Entries for purse races and subscriptions to stakes races shall close at the time designated by the association in previously published conditions for such races. If a race is not split, no entry, subscription, or declaration shall be accepted after such closing time; except that in event of an emergency, or if a purse race fails to fill them the racing secretary may, with the approval of the steward, extend such closing time.

(2) If the hour of closing is not specified for stakes races, then subscriptions and declarations therefor may be accepted until midnight of the day of closing; provided, they are received in time for compliance with every other condition of such race.

(3) Entries which have closed shall be compiled without delay by the racing secretary along with declarations, be posted.

Section 8. Number of Starters in a Race. (1) The maximum number of starters in any race shall be limited to the number of starting positions afforded by the association starting gate approved by the commission as can be positioned across the width of the track at the starting point for such race; and such maximum number of starters further shall be limited by the number of horses which, in the opinion of the stewards, considering the safety of the horses and riders, and the distance from the start to the first turn, can be afforded a fair and equal start.

(2) Any claiming race in the printed condition book for which eight (8) or more horses representing different betting interests are entered must be run. All other purse races in the printed condition book for which six (6) or more horses representing different betting interests are entered must be run.

(3) If any purse race in the printed condition book fails to fill with the minimum number of entries required by subsection (2) of this section to be run, then the association may

cancel or declare off such race. The names of all horses entered therein shall be publicly posted in the office of the racing secretary not later than 1:00 p.m. the same day.

Section 9. Split or Divided Races. (1) In the event a race is cancelled or declared off, the association may split any race programmed for the same day and which may previously have been closed. Races printed in the condition book shall have preference over substitute and extra races.

(2) When a purse race is split, forming two (2) or more separate races, the racing secretary shall give notice thereof not less than fifteen (15) minutes before such races are closed so as to grant time for the making of additional entries to such split races.

(3) Division of entries upon the splitting of any race shall be made in accordance with the conditions under which entries and subscriptions therefor were made, and in the absence of specific prohibition by such conditions:

(a) Horses originally joined as a mutuel entry may be placed in different divisions of a split race unless the person making such multiple entry, at the time of such entry, indicates such coupling of horses is not to be uncoupled when such race is split.

(b) Division of entries in any split stakes race may be made according to age, or sex, or both.

(c) Entries for any split race not divided by any method provided above by this rule, shall be divided by lot so as to provide a number of betting interests as near equal as possible for each division of such split race.

Section 10. Post Positions. Post positions for all races shall be determined by lot, drawn in the presence of those making the entries for such race. Post positions in split races also shall be redetermined by lot in the presence of those making the entries for such split race. The racing secretary shall assign pari-mutuel numbers for each starter to conform with the post position drawn, except when a race includes two (2) or more horses joined as a single betting interest.

Section 11. Also Eligible List. (1) If the number of entries for a purse race exceed the number of horses permitted to start in such race as provided by Section 8 of this regulation, then the names of as many as eight (8) horses entered but not drawn into such race as starters shall be posted on the entry sheet as "also eligible" to start.

(2) After any horses have been excused from a purse race at scratch time, [a new drawing shall be taken as to horses on the also-eligible list, and] the starting and post position of [such horses drawn from] the also-eligible list shall be determined by the best preference date. Horses having equal preference dates shall be drawn by lot. [the sequence drawn.]

(3) Any owner or trainer of any horse on the also-eligible list who does not wish to start such horse in such race shall so notify the racing secretary prior to scratch time for such race and such horse shall forfeit any preference to which it may have been entitled.

(4) Where entries are closed two (2) racing days prior to the running of a race, any horse on an also-eligible list, and which also has

been drawn into a race as a starter for the succeeding day, shall not be given an opportunity to be drawn into the earlier race for which he had been listed as also-eligible.

Section 12. Preferred List; Stars. (1) The racing secretary shall maintain a list of horses which were entered but denied an opportunity to race because eliminated from a race programmed in the printed condition book either by overfilling or failure to fill. Horses so eliminated shall be awarded a preference "star" for each such elimination, and as to drawing in from the also-eligible list to subsequent races of similar distance and similar conditions, such horses shall be given preference over horses with fewer number or no preference stars.

(2) No preference shall be given a horse otherwise entitled thereto for a race if such horse also is entered for a race on the succeeding day.

(3) No preference shall be given a horse otherwise entitled thereto for a race unless preference is claimed at the time of entry by indicating same on the entry with the word "preferred."

Section 13. Arrears. No horse may be entered or raced if the owner thereof is in arrears as to any stakes fees due by such owner; except with the approval of the racing secretary.

Section 14. Declaration. Withdrawal of a horse from a race before closing thereof by the owner or trainer or person deputized by either, such being known as a "declaration," shall be made in the same manner as to form, time, and procedure as provided for the making of entries. Declarations and scratches are irrevocable. No declaration fee shall be required by any licensed association.

Section 15. Scratches. Withdrawal of a horse from a race after closing thereof by the owner or trainer or person deputized by either, such being known as a "scratch," shall be permitted only under the following conditions:

(1) A horse may be scratched from a stakes race for any reason at any time up until fifteen (15) minutes prior to post time for the racing preceding such stakes race by the filing in writing of such intention with the racing secretary. Upon receiving a scratch from a stakes race, the racing secretary shall promptly notify the stewards and pari-mutuel manager, and shall cause public announcement of same to be made.

(2) No horse may be scratched from a purse race without approval of the stewards and unless such intention to scratch has been filed in writing with the racing secretary or his assistant at or before the time conspicuously posted as "scratch time." Scratch of one (1) horse coupled in a mutuel entry in a purse race must be made at or before the posted scratch time, unless permission is granted by the stewards to allow both horses to remain in the race until a later appointed scratch time therefor.

(3) In purse races, horses that are physically disabled or sick shall be permitted to be scratched first. Should horses representing more than ten (10) betting interests in either of the two (2) daily double races, or horses representing more than eight (8) betting

interests in any other purse race, remain in after horses with physical excuses have been scratched, then owners or trainers may be permitted at scratch time to scratch horses without physical excuses down to such respective minimum number for such races, this privilege to be determined by lot if an excessive number of owners or trainers wish to scratch their horses.

(4) Entry of any horse which has been scratched, or excused from starting by the stewards, because of a physical disability or sickness shall not be accepted until the expiration of three (3) calendar days after such horse was scratched or excused.

CARL B. LARSEN, Executive Director

ROBERT DAVIS, Secretary

APPROVED BY AGENCY: April 10, 1987

FILED WITH LRC: April 15, 1987 at 10 a.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on this regulation on May 27, 1987, at 10 a.m. at the office of the Kentucky Harness Racing Commission. Anyone interested in attending this hearing, shall notify in writing Carl B. Larsen, Executive Director, Kentucky Harness Racing Commission, Suite 300, 535 West Second Street, Lexington, Kentucky, 40508, at least five days before the hearing.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Carl B. Larsen

(1) Type and number of entities affected: Horsemen

(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 additional.

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None additional.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: Not applicable.

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

(a) Necessity of proposed regulation if in conflict: 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. Regulation affects all horsemen.

PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Harness Racing Commission
Quarter Horse, Appaloosa & Arabian Rules
(Proposed Amendment)

812 KAR 1:080. Claiming races.

RELATES TO: KRS 230.410 to 230.447

PURSUANT TO: KRS 13A.010 et seq.

NECESSITY AND FUNCTION: To regulate conditions under which quarter horse, appaloosa and Arabian racing shall be conducted in Kentucky. The function of this regulation is to establish the requirements for claiming horses.

Section 1. Claiming Races. (1) In claiming races any horse is subject to claim for its entered price by any licensed owner, in good standing, or by the holder of a certificate of eligibility to claim. The procedure for obtaining a certificate of eligibility to claim shall be as follows:

(a) Applicant shall, [fifteen (15) days] prior to entering a claim, submit an application for owners original license, to be accompanied by a financial statement: the name of a licensed trainer or person eligible to be licensed as a trainer, who will assume care and responsibility for the horses claimed; and requisite fee for owners license.

(b) This certificate will be valid for the remainder of the calendar year.

(2) A claim may be made by an authorized agent, but an agent may claim only for the account of those for whom he is licensed as agent, and the name of the authorized agent, as well as the name of the owner for whom the claim is being made, shall appear on the claim slip.

(3) No person shall claim his own horse, or cause his own horse to be claimed, directly or indirectly, for his own account. No claimed horse shall remain in the same stable or under the care or management of the owner or trainer from whom claimed.

(4) No person shall claim more than one (1) horse from any one (1) race. No authorized agent, although representing several owners, shall submit more than one (1) claim for any race. When a stable consists of horses owned by more than one (1) person, trained by the same trainer, not more than one (1) claim may be entered on behalf of such stable in any one (1) race. An owner who races in a partnership may not claim except in the interest of the partnership, unless he has also started a horse in his own individual interest.

(5) A claimed horse shall not run for thirty (30) days after being claimed in a race in which the determining eligibility price is less than twenty-five (25) percent more than the price for which the horse was claimed. The day claimed shall not count but the following calendar day shall be the first day, and the horse shall be entitled to enter whenever necessary so that it may start on the thirty-first (31st) calendar day following the claim. This provision shall not apply to starter handicaps, in which the weight to be carried is assigned by the handicapper.

(6) No horse claimed in a claiming race shall be sold or transferred, wholly or in part, to anyone within thirty (30) days after the day it was claimed, except in another claiming race. No horse shall race elsewhere until after the close of the meeting at which it was claimed.

(7) Each claim shall be made in writing on a form and in an envelope supplied by the association. Both form and envelope must be filled out completely[, and must be accurate in every detail].

(8) Claims must be deposited in the claim box at least fifteen (15) minutes before post time of the race from which the claim is being made. No money or its equivalent shall be put in the claim box. For a claim to be valid the claimant must have at the time of filing the claim a credit balance in his account with the horseman's bookkeeper of not less than the amount of the claim, plus the Kentucky sales tax.

(9) The stewards, or their designated representative, shall open the claim envelopes for each race as soon as the horses leave the paddock en route to the post. They shall thereafter check with the horseman's bookkeeper to ascertain whether the proper credit balance has been established with the association, and whether the claimant has established claiming privileges [by starting a horse at the meeting].

(10) If more than one (1) valid claim is filed for the same horse, title to the horse shall be determined by lot under the supervision of the stewards or their designated representative.

(11) Any horse that has been claimed shall, after the race has been run, be taken to the paddock for delivery to the claimant, who must present written authorization for the claim from the racing secretary. No person shall refuse to deliver to the person legally entitled thereto a horse claimed out of a claiming race, and furthermore the horse in question shall be disqualified from further racing until delivery is made.

(12) Claims are irrevocable. Title to a claimed horse shall be vested in the successful claimant from the time the said horse is a starter, and said claimant shall then become the owner of the horse whether it be alive or dead, sound or unsound, or injured during the race, or after it. A claimed horse shall run in the interest of and for the account of the owner from whom claimed.

(13) No person shall offer, or enter into, an agreement to claim or not to claim, or attempt to prevent another person from claiming any horse in a claiming race. No person shall attempt by intimidation to prevent anyone from running a horse in any claiming race. No owner or trainer shall make an agreement with another owner or trainer for the protection of each other's horses in a claiming race.

(14) Claims which are not made in keeping with the rules shall be void. The stewards may at any time in their discretion require any person filing a claim to make affidavit in writing that he is claiming in accordance with the rules. The stewards shall be the judges of the validity of the claim, and if they feel that a "starter" was nominated for the purpose of making its owner eligible to claim, they made invalidate the claim.

(15) Any person holding a lien of any kind against a horse entered in a claiming race must record the same with the racing secretary and/or horseman's bookkeeper at least thirty (30) minutes before post time for that race. If none is so recorded, it shall be assumed that none exists.

[(16) Should a stable at a meeting be eliminated by sale or removable from the grounds, save to other stabling approved by the

stewards, the right to claim in void. An owner whose stable has been completely eliminated by claiming shall have the right to claim during the remainder of the meeting at which his stable was eliminated, or for thirty (30) Kentucky racing days, whichever period is longer. If the thirty (30) day period should extend into the next succeeding meeting, the owner must obtain a certificate from the stewards of the meeting at which he lost his last horse, and must present this certificate when filing a claim at the next meeting. After claiming a horse under the conditions of this rule the owner shall be required to reinstate his eligibility to claim by starting a horse, before being eligible to make another claim.]

(16) [(17)] The engagements of a claimed horse pass automatically with the horse to the claimant.

(17) [(18)] Notwithstanding any designation of sex or age appearing on the racing program or in any racing publication, the claimant of a horse shall be solely responsible for determining the age or sex of the horse claimed.

CARL B. LARSEN, Executive Director

ROBERT DAVIS, Secretary

APPROVED BY AGENCY: April 10, 1987

FILED WITH LRC: April 15, 1987 at 10 a.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on this regulation on May 27, 1987, at 10 a.m. at the office of the Kentucky Harness Racing Commission. Anyone interested in attending this hearing, shall notify in writing Carl B. Larsen, Executive Director, Kentucky Harness Racing Commission, Suite 300, 535 West Second Street, Lexington, Kentucky, 40508, at least five days before the hearing.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Carl B. Larsen

(1) Type and number of entities affected: Horsemen

(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 additional.

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None additional.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: Not applicable.

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

(a) Necessity of proposed regulation if in conflict: 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. Regulation affects all horsemen.

PUBLIC PROTECTION AND REGULATION CABINET Kentucky Harness Racing Commission Quarter Horse, Appaloosa & Arabian Rules (Proposed Amendment)

812 KAR 1:085. Running of the race.

RELATES TO: KRS 230.410 to 230.447

PURSUANT TO: KRS Chapter 13A

NECESSITY AND FUNCTION: To regulate conditions under which Arabian, quarter horse and appaloosa racing shall be conducted in Kentucky. The function of this regulation outlines the requirements relating to the running of a race.

Section 1. Post Time. Post time for the first race on each racing day shall be approved by the commission. Post time for subsequent races on the same program shall be fixed by the pari-mutuels manager. At tracks where night racing is conducted, no race shall be started after 11:55 p.m.

Section 2. Horses in Paddock Not to be Touched. No person shall touch a horse while in the paddock except its licensed owner, its licensed trainer, authorized stable personnel, the paddock judge, the horse identifier, its assigned valet, a steward, a farrier, [or] an outrider, or jockey.

Section 3. Trainer Responsibility. The trainer shall be responsible for arrival in the paddock, at the time prescribed by the paddock judge, of each horse entered by the trainer and shall supervise the saddling of such horse. If a trainer is to be absent from a track where his horses are participating in races, he must provide his own assistant trainer or licensed trainer to substitute for him during his absence.

Section 4. Withdrawal of a Horse. Every horse whose starting is obligatory is expected to run the course; except, however, that the stewards may order the withdrawal of a horse at any time up to the actual start of a race.

Section 5. Walkover. If at the time for saddling, only one (1) horse or horses owned by only one (1) stable shall be weighed out, such horse or horses of single ownership shall be ridden past the stewards' stand, go to the post and then move over the course before determination of the winner.

Section 6. Parade to the Post; Time. All horses shall parade and carry their declared weight from the paddock to the starting post, such parade to pass the stewards' stand. After passing the stewards' stand once, horses may break formation and canter, warm-up, or go as they please to the post. The parade to the post shall not exceed twelve (12) minutes from the time the field enters upon the track, except in cases of unavoidable delay. If a jockey is thrown on the way to the post, such jockey must remount at the point at which thrown. In the event the jockey is so injured as to require a substitute jockey to be named for the horse by the stewards, the horse shall be returned to the paddock where the horse shall be mounted by a

substitute jockey.

Section 7. Lead Pony. When, by permission of the paddock judge, a horse is led to the post by a pony, such horse may be excused from parading with the other horses, but must en route to the post, pass the stewards' stand. Lead ponies may be excluded from the saddling enclosure or walking ring, at the discretion of the stewards and paddock judge.

Section 8. Control of Horses and Jockeys by Starter. The horses and jockeys shall be under the control of the starter from the moment they enter the track until the race is started. If an accident happens to any jockey or his equipment, the starter may grant a delay to permit the substitution of a jockey or repair of equipment. During such delay the starter may permit any jockey to dismount. Should a horse break through the gate or unseat its jockey after any of the field is loaded in the starting gate, and such horse is not immediately taken in hand by the outrider and brought back for reloading, the starter shall unload the horses in the gate and reload such horses in their proper order when the runaway horse is brought back to position for reloading. All causes of delay shall be reported by the starter to the stewards. No person other than the jockey or starter or assistant starter shall be permitted to strike a horse or attempt, by shouting or other fashion, to assist such horse in getting a start.

Section 9. Starting Gate to be Used. A starting gate approved by the commission shall be used in starting all races on the flat except in cases permitted by the stewards. When a race is started without a starting gate, there shall be no start until, and no recall after, the assistant starter has dropped the flag in answer to the starter.

Section 10. Horses Left at Post. (1) If a door at the front of the starting gate should fail to open timely when the starter dispatches the field, or if a horse inadvertently has not been loaded in his scheduled position in the starting gate when the field is dispatched, thereby causing such horse to be left at the post, the starter immediately shall report such circumstance to the stewards who shall immediately post the "inquiry" sign on the infield results board and advise the public to hold all mutuel tickets. After consulting with the starter and viewing the patrol films or video tapes, the stewards then shall determine whether such horse was precluded from obtaining a fair start.

(2) If the stewards find such horse was precluded from obtaining a fair start, the stewards shall rule such a horse a non-starter and shall order money wagered on such horse deducted from the pari-mutuel pool and refunded to holders of pari-mutuel tickets thereon; provided, however, if such horse ruled a non-starter is part of a mutuel entry and another horse in such entry is not left at the post, there shall be no pari-mutuel refund.

(3) Stakes fees for such ruled non-starter shall be refunded to the owner.

(4) The starter may, in his discretion, place an unruly or fractious horse on the outside of the starting gate and one (1) length behind the starting line. If such horse so stationed

outside the starting gate by the starter dwells or refuses to break with the field, and thereby is left at the post, there shall be no refund of pari-mutuel wagers thereon nor refund of stakes fees paid therefor.

Section 11. Leaving Course; Losing Jockey. If a horse leaves the course during the running of a race, such horse must turn back and run the course from the point at which it left the course, or such horse shall be ruled unplaced. Any horse which starts in a race, but does not cross the finish line, or is not ridden across the finish line by the jockey with whom it starts the race, shall be declared unplaced. Any portion of a purse that would normally accrue to such horse shall revert to the association.

Section 12. Fouls. A leading horse when clear is entitled to any part of the track. Except in a straightaway racing, every horse must maintain position as nearly as possible in the lane in which it starts. If a leading horse, or any other horse in a race, swerves or is ridden to either side so as to interfere with or intimidate or impede any other horse or jockey, or to cause same, it is a foul; if a jockey strikes another horse or jockey, it is a foul. If in the opinion of the stewards, a foul alters the finish of a race, any offending horses may be disqualified by the stewards.

Section 13. Stewards to Determine Foul Riding. Every jockey shall be responsible for making his best effort to control and guide his mount in such a way as not to cause a foul. The stewards shall take cognizance of riding which results in a foul, irrespective of whether an objection is lodged, and if in the opinion of the stewards, a foul is committed as a result of a jockey not making his best effort to control and guide his mount to avoid a foul, whether intentionally or through carelessness or incompetence, such jockey may be penalized at the discretion of the stewards.

Section 14. Horses to be Ridden Out. Every horse in every race must be ridden so as to win or finish as near as possible to first and demonstrate the best and fastest performance of which it is capable at the time; no horse shall be eased up without adequate cause even if it has no apparent chance to earn a portion of the purse money. A jockey who unnecessarily causes a horse to shorten stride may be penalized at the discretion of the stewards. Stewards shall take cognizance of marked reversal of form of all horses and shall conduct inquiries of the licensed owner, licensed trainer, and all other persons connected with such horse suspected of unformful racing; and if the stewards find that such horse was deliberately restrained or impeded in any way by any means so as not to win or finish as near as possible to first, any person found to have contributed to such circumstance may be penalized at the discretion of the stewards.

Section 15. Use of Whips, Other Means of Altering Performance. Whips are to be used uniformly and the stewards shall take cognizance of unusual use or non-use of a whip by a jockey. No appliance, electrical or mechanical, other than the ordinary whip, shall be used to affect the speed of a horse in a race or workout. No

sponge or other object may be used to interfere with the respiratory system of a horse. Use or non-use of ordinary racing equipment shall be consistent and any change thereof must be approved by the stewards.

Section 16. Official Order of Finish as to Pari-mutuel Payoff. In the event of foul riding, or other cause for disqualification of any horses in a race, is brought to the attention of the stewards by the time the last jockey in a race has been weighted in, the stewards shall rule on the extent of disqualification, if any, and shall determine the placing of the horses in the official order of finish for purposes of pari-mutuel payoff. After the stewards have caused the "official" sign to be flashed on the infield result board, the order of finish so declared official shall be final, and no right of appeal thereof shall exist, insofar as the pari-mutuel payoff is concerned. Any subsequent change in the order of the finish or award of purse money after the result of a race has been so declared official by the stewards shall in no way affect the pari-mutuel payoff.

CARL B. LARSEN, Executive Director
ROBERT DAVIS, Secretary

APPROVED BY AGENCY: April 10, 1987

FILED WITH LRC: April 15, 1987 at 10 a.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on this regulation on May 27, 1987, at 10 a.m. at the office of the Kentucky Harness Racing Commission. Anyone interested in attending this hearing, shall notify in writing Carl B. Larsen, Executive Director, Kentucky Harness Racing Commission, Suite 300, 535 West Second Street, Lexington, Kentucky, 40508, at least five days before the hearing.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Carl B. Larsen

(1) Type and number of entities affected: Horsemen

(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 additional.

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None additional.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: Not applicable.

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

(a) Necessity of proposed regulation if in conflict: 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. Regulation affects all horsemen.

PUBLIC PROTECTION AND REGULATION CABINET Kentucky Harness Racing Commission Quarter Horse, Appaloosa & Arabian Rules (Proposed Amendment)

812 KAR 1:090. Objections and complaints.

RELATES TO: KRS 230.410 to 230.447

PURSUANT TO: KRS Chapter 13A

NECESSITY AND FUNCTION: To regulate conditions under which Arabian, quarter horse and appaloosa racing shall be conducted in Kentucky. The function of this regulation relates to the requirements and procedures in lodging of objections and complaints.

Section 1. Persons Eligible to Lodge Objections or Complaints. Objections or complaints against a horse or jockey entered in a race shall be received only when duly lodged by the owner or authorized agent of the owner, or the trainer, or the jockey, of another horse engaged in the same race and whose horse suffered or could suffer by the alleged rule violation. An inquiry also can be made by a racing official.

Section 2. Form for Objections and Complaints. Objections as to interference or fouls occurring during the running of the race may be lodged orally by the trainer or jockey with the clerk of scales or with the stewards; all other objections or complaints shall be made in writing and bear the signature of the complainant. Objections or complaints lodged during a race meeting shall be addressed to the stewards. Objections or complaints lodged after the termination of a race meeting shall be addressed to the commission secretary at the commission general office. An objection or complaint once lodged cannot be withdrawn without permission of the stewards.

Section 3. Time for Lodging Objections or Complaints. Objections or complaints based on the following rule violations must be lodged by persons aggrieved thereby within the time prescribed therefor; except that the stewards may declare a horse ineligible or disqualified at any time:

(1) At least one (1) hour before post time if objection is based on incorrect weight allowance claimed for a horse entered to race.

(2) Before the race has been posted as official on the infield result board if objection is based on interference by a horse, improper course run by a horse, foul riding by a jockey, or any other matter occurring during and incident to the running of the race.

(3) Not later than one (1) year after the race was run if the objection or complaint is based on fraudulent or willful misstatement in entry under which a horse has run.

(4) Not later than forty-eight (48) hours, exclusive of Sunday, after the race was run if objections or complaints are based on any other rule violation.

Section 4. Final Determination of Objections to Acts in Race. The stewards shall make all

findings of fact as to all matters occurring during and incident to the running of a race; shall determine all objections, and inquiries based on interference by a horse, improper course run by a horse, foul riding by a jockey, and all other matters occurring during and incident to the running of a race; and, shall determine the extent of qualifications, if any, of horses in a race for a foul committed during such race. Such findings of fact and determinations shall be final and no appeal may be taken thereon. In determining the extent of disqualification, the stewards in their discretion may:

(1) Disqualify and place the offending horse, and any horses coupled with it as an entry, behind such horses as may have suffered by reason of the foul;

(2) Disqualify and declare the offending horse, and any horses coupled with it as an entry, unplaced;

(3) Disqualify the offending horse, and any horses coupled with it as an entry, from participation in all or any part of the purse;

(4) Declare null and void a track record set or equaled by a disqualified horse, or any horses coupled with it as an entry;

(5) Affirm the placing judges' order of finish and suspend a jockey if in the stewards' opinion the foul riding did not affect the order of finish;

(6) Disqualify the offending horse and not suspend a jockey if in the stewards' opinion the interference to another horse in a race was not the result of an intentional foul or careless riding on the part of a jockey.

Section 5. Dispute of a Race After Declared Official for Pari-mutuel Payoff. In the event the result of a race is placed in dispute by the lodging of an objection or complaint, or by discovery of an alleged rule violation, after such race has been declared official for pari-mutuel payoff (for example, discovery of a ringer or otherwise ineligible starter, or violation of the medication rule), then pending final determination of such disputed race:

(1) Purse money and trophy to which the horse objected to may have been entitled shall be withheld and placed in escrow by the association until final adjudication of the dispute; provided, however, any portion of the purse money whose distribution would not be affected by the determination of such dispute, at the discretion of the stewards, may be distributed.

(2) If purse money or trophy has been awarded to an owner prior to the lodging of an objection or discovery of an alleged rule violation which places the outcome of a race in dispute, such money or trophy shall be returned immediately to the association on order of the stewards. Upon final adjudication of the dispute, the person deemed to be entitled to the purse money or trophy shall be entitled to an order of recovery from any person or association holding same.

(3) The horse which crossed the finish line first and any other horse for which the race is claimed, shall be liable for all penalties attaching to the winner of that race until the matter is finally adjudicated.

Section 6. Determination of a Disputed Race. The stewards shall determine all objections, complaints, or alleged rule violations lodged or discovered after a race has been declared

official for pari-mutuel payoff and shall issue a ruling thereon. If the stewards find that rule was violated, the stewards may penalize the persons responsible therefor, disqualify any horses in the disputed race, and award the purse money and trophy in accordance with any resulting revised order of finish in such disputed race.

Section 7. Revised Order of Finish After Race Declared Official for Pari-mutuel Payoff. In the event a horse is disqualified after a race has been declared official for pari-mutuel payoff and thereby causes revision of the order of finish in such race:

(1) The pari-mutuel payoff shall in no way be affected.

(2) The stewards shall be responsible for causing appropriate corrections to be made in official records for the race and in racing statistics as may pertain to the respective horses, jockeys, trainers, owners, breeders, sires, dams, and broodmare sires, by reporting such corrections to the racing secretary and to the Daily Racing Form.

Section 8. Complaints Against Officials. All complaints or protests by any licensee based on any decision or act of a racing official other than the stewards, or concerning any matter as should occur on association grounds not provided for by Sections 4 and 5 of this regulation shall be made in writing, shall be signed by the complainant, and shall be submitted to the stewards. All complaints or protests by any persons based on any decision, or act, or conduct of the stewards shall be submitted to the commission, as provided by 812 KAR 1:105.

CARL B. LARSEN, Executive Director

ROBERT DAVIS, Secretary

APPROVED BY AGENCY: April 10, 1987

FILED WITH LRC: April 15, 1987 at 10 a.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on this regulation on May 27, 1987, at 10 a.m. at the office of the Kentucky Harness Racing Commission. Anyone interested in attending this hearing, shall notify in writing Carl B. Larsen, Executive Director, Kentucky Harness Racing Commission, Suite 300, 535 West Second Street, Lexington, Kentucky, 40508, at least five days before the hearing.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Carl B. Larsen

(1) Type and number of entities affected: Horsemen

(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 additional.

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None additional.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: Not applicable.

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

(a) Necessity of proposed regulation if in conflict: 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. Regulation affects all horsemen.

PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Harness Racing Commission
Quarter Horse, Appaloosa & Arabian Rules
(Proposed Amendment)

812 KAR 1:105. Hearings, reviews and appeals.

RELATES TO: KRS 230.410 to 230.447

PURSUANT TO: KRS Chapter 13A

NECESSITY AND FUNCTION: To regulate conditions under which Arabian, quarter horse and appaloosa racing shall be conducted in Kentucky. The function of this regulation outlines the procedures and requirements relating to hearings, reviews, and appeals.

Section 1. Hearings, Reviews, Appeals. (1) Before holding any stewards' hearing provided for under these rules, notice in writing must be given to any party charged with a violation other than a routine riding offense occurring in a race unless waived in writing by the person charged.

(2) The notice required by Section 2(1), of this regulation shall:

(a) Notify the party of the specific rule or rules, the infraction for which he is charged, and a brief statement of the facts supporting said charge.

(b) State the time and place of hearing.

(c) State that the party charged may be represented by legal counsel, or by a representative of any racing trade organization of which he is a member.

(3) All stewards' hearings shall be closed and the stewards shall cause no public announcement to be made concerning a matter under investigation until conclusion of the hearing, and the party charged has been notified of the decision.

(4) The state steward shall conduct the hearing in such a manner as to ascertain and determine the substantial rights of the parties involved and shall not be bound by technical rules of procedure and evidence.

(5) All testimony of such hearings shall be given under oath, and a record shall be made of the hearing, either by use of a tape recorder or by court reporter's transcript. The party charged with the violation may, however, waive the recording and the transcription of the testimony. The stewards will not be required to receive testimony under oath in cases where their ruling is based solely upon a review of the video tapes of a race.

(6) If, at the conclusion of said hearing the stewards shall find that a rule has been

violated, they shall promptly issue a written ruling which sets forth the full name of every person charged with the rule violation, identification of such persons, if licensed by license classification and address, the rule number and pertinent parts of the rule violated, the finding by the stewards as to the violation of such rule, and the penalty affixed by the stewards. Copies of such rulings shall be delivered to each party in interest, delivered to the commission, posted in the racing secretary's office, and forwarded to the office of the National Association of State Racing Commissioners.

(7) At least the state steward and one (1) association steward shall be present at all times at the hearing.

(8) Review and appeal. Any party who is the subject of any order or ruling of the stewards may apply to the commission for a review of such stewards' order or ruling other than as to extent of disqualification for a foul in a race or as to a finding of fact as occurred during an incident to the running of a race.

(9) Application for review. An application to the commission for review of a steward's order or ruling must be made within ten (10) days after such order or ruling is issued in writing, and shall:

(a) Be in writing and addressed to the commission secretary at the commission general office.

(b) Contain the signature of the applicant, and the address to which notices may be mailed to applicant.

(c) Set forth the order or ruling requested to be reviewed and the date thereof.

(d) Set forth the reasons for making such applications.

(e) Request a hearing.

Section 2. Commission Hearings. Before holding any commission hearing provided for under these rules, the commission shall:

(1) Give written notice forthwith to all parties personally or by mail. If indispensable and necessary parties propose a large class, notice shall be served upon a reasonable number thereof as representatives of such class. Such notice shall include a statement of:

(a) Time and place of such hearing as designated by the commission chairman, but such time shall not be less than five (5) days and no more than thirty (30) days after service of notice unless at the request of a party and in order to provide a fair hearing;

(b) The legal authority and jurisdiction under which the hearing is to be held;

(c) Specific designation of the particular rules or statutes alleged to have been violated; and

(d) A clear and concise factual statement sufficient to inform each party with reasonable definiteness of the type of acts or practices alleged to be in violation of the act or rules promulgated thereunder. In fixing the times and places for hearings, due regard shall be had for the convenience of the parties and their representatives.

(2) The right of any party to subpoena witnesses and documentary evidence through the commission, employing such rights of discovery and use of subpoenas as would be available under the Kentucky Rules of Civil Procedure, pretrial and trial procedures shall be governed by

Kentucky Rules of Civil Procedure.

Section 3. Special Prosecutor. (1) The commission may request the Attorney General to appoint a special prosecutor to carry the burden of proof showing a rule violation if the matter involved a rule violation and requires a proceeding of an adversary nature; such prosecutor being one who has had no prior participation in the matter of any kind. The commission also may request that the Attorney General, or a member of his staff other than the special prosecutor, serve as law officer for the commission to assist the presiding officer in rendering decisions of a judicial nature. The special prosecutor shall have the services of the Kentucky State Police for investigatory purposes.

(2) The commission shall permit all parties that so desire to be represented by counsel; shall permit all parties to respond and present evidence and argument on all issues involved; and shall permit all parties to examine commission memoranda and data and all other information which is or has been considered by the commission in investigating and hearing the matter or which may be offered as evidence.

(3) The commission shall administer oaths and issue subpoenas upon its own motion or when requested by an appearing party. Each party shall pay the cost of its subpoenas and the expenses of its witnesses. When a subpoena is disobeyed, any party may apply to the Franklin Circuit Court for an order requiring obedience; failure to comply with such order shall be cause for punishment as a contempt of the court under KRS 421.110.

(4) Unless varied by the commission, the order of proof in the de novo hearing may be:

(a) Evidence presented by the prosecution as to alleged violations of a rule;

(b) Cross examination of prosecution witnesses; re-direct examination;

(c) Evidence presented by a party charged, in defense or explanation;

(d) Cross examination of party charged, and his witnesses; re-direct examination;

(e) Rebuttal or other evidence, on behalf of the prosecution or any other party in interest as deemed pertinent by the presiding officer;

(f) Closing argument by party charged; and

(g) Closing argument by prosecution.

(5) The commission shall keep a record of each hearing which shall include:

(a) All pretrial and trial pleadings, motions, and interlocutory rulings;

(b) All evidence received or considered;

(c) A statement of matters officially noticed;

(d) Questions and offers of proof and rulings thereon;

(e) Proposed findings and exceptions;

(f) All commission memoranda or data submitted to the commission in connection with the commission's consideration of the case;

(g) All stenographic recordings taken and transcriptions made; oral proceedings, or any part thereof, shall be reported stenographically upon request of any party and shall be paid for by such parties desiring copies; and

(h) Final adjudication including findings of fact, based exclusively on evidence presented at the hearing and matters officially noticed, and any decision, opinion, and ruling by the commission on the matter.

(6) The commission may exclude evidence that

is irrelevant, immaterial, or unduly repetitious and may admit evidence that would be inadmissible under the Rules of Civil Procedure but is evidence of the type commonly relied upon by reasonably prudent men in the conduct of their affairs.

(a) Objections to evidentiary offers may be made and shall be noted in the record; and

(b) All or part of the evidence may be received in written form if the interest of the appearing parties will not be substantially prejudiced thereby.

(7) The commission may take official notice of technical facts or customs or procedures common to racing, but all appearing parties to the hearing shall be duly notified. Appearing parties shall have an opportunity to contest facts so noticed, including commission memoranda or commission data.

(8) Members of the commission participating in the adjudication of a matter before it shall not, directly or indirectly:

(a) In connection with any issue of fact in the matter before the commission, consult with any person or party who was engaged in the investigation or prosecution of the matter before the commission, or conduct any personal investigation outside the record, without giving an opportunity for all appearing parties to participate.

(b) In connection with any issue at law, no party or representative shall be consulted without giving all parties an opportunity to participate.

(9) The commission may make an informal disposition of the matter by stipulation, agreed settlement, consent order, or by default.

(10) Upon conclusion of the hearing, the commission shall take the matter under advisement, shall render a decision as promptly as possible, and shall issue a ruling in final adjudication of the matter. Such ruling shall set forth the full name of every person charged with a rule violation; identification of such person, if licensed, by license classification and address; the rule number and pertinent parts of the rule alleged to have been violated; a separate statement of findings of fact; a separate statement of conclusions of law; a separate statement of reasons for the decisions; and penalties fixed by the commission, if any. Copies of such ruling shall be delivered to each party in interest, posted in the racing secretary's office of the association where the matter arose, and forwarded to the office of the National Association of State Racing Commissioners.

Section 4. Appeal from Commission Order or Ruling. Any person or licensee aggrieved by any order or decision of the commission may appeal same to the Franklin Circuit Court. Such appeal must be made within ten (10) days after the entry of such order or decision of the commission by posting and filing in the office of the Franklin Circuit Court Clerk:

(1) A bond to secure the costs of the action in a sum approved by the circuit clerk, said bond to be secured by corporate surety approved by the Department of Insurance.

(2) An attested copy of the order or decision appealed from.

(3) An attested copy of the transcript of evidence heard by the commission, the cost of such transcript of evidence heard by the

commission, the cost of such transcript being borne by the appellant. Appeals from a commission order or decision shall be taken as provided in KRS 243.560 to 243.590.

Section 5. Suspensions Pending Appeal. The commission may, for cause shown and provided that sufficient facts are presented by affidavit to warrant such action, lift a suspension until the final determination of the commission, unless:

(1) In any case where a licensee is alleged to have committed a flagrant violation of the prescribed rules and regulations of racing which presents a clear and present danger to the immediate integrity of racing; or

(2) Wherein it is impossible for the commission to secure necessary scientific evidence or indispensable witnesses within forty-eight (48) hours, then the commission or its designated hearing officer may refuse a request for the stay of any penalty imposed, as long as a hearing is held no later than thirty (30) days from the initial steward's determination of a violation.

Section 6. Continuances. (1) All applications for continuance made prior to a hearing shall be in writing, shall set forth the reasons therefor, and shall be filed with the commission after giving notice of such application by mail or otherwise to all parties or their attorney. At the time of the hearing, applications for continuance may be made orally. If requested, and in the manner prescribed by the commission, the party applying for the continuance shall substantiate the reasons contained in such application.

(2) When application is made for continuance of a cause because of the illness of an applicant, licensee, witness, or counsel, such application shall be accompanied by a medical certificate attesting to such illness and inability.

(3) An application for continuance of any commission hearing must be received by the commission at least ninety-six (96) hours prior to the time fixed for a hearing. An application received by the commission within the ninety-six (96) hour period will not be granted unless a satisfactory arrangement in writing is made with the commission for the payment of all expenses resulting from such continuance. However, the commission may waive payment of such expenses for extenuating circumstances.

(4) If the commission approves the application for continuance, the commission forthwith shall set a date for the continued hearing.

Section 7. Commission Hearing Officer. The commission may, by written order, designate counsel for the commission or any other qualified person designated by the commission as an officer to take testimony, conduct hearings, and submit findings to the commission.

Section 8. Disqualification of Commission Members and Hearing Officer. A commission member or hearing officer may at any time withdraw from the proceeding if he deems himself disqualified, and upon the filing in good faith before the termination of the hearing of an affidavit of personal bias or disqualification of any such member or hearing officer, the commission shall determine the matter as a part of the record and

decision in the case. In the event of such withdrawal or disqualification, any other member of the commission, if there be such participating in the hearing, shall have the authority to complete the hearing and to participate in the decision. In cases where the hearing is conducted by the commission, members participating in the decision shall hear all the evidence, or shall read the evidence prior to making a decision thereon. At least three (3) members of the commission must hear all the evidence or read the record before making a final decision.

CARL B. LARSEN, Executive Director

ROBERT DAVIS, Secretary

APPROVED BY AGENCY: April 10, 1987

FILED WITH LRC: April 15, 1987 at 10 a.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on this regulation on May 27, 1987, at 10 a.m. at the office of the Kentucky Harness Racing Commission. Anyone interested in attending this hearing, shall notify in writing Carl B. Larsen, Executive Director, Kentucky Harness Racing Commission, Suite 300, 535 West Second Street, Lexington, Kentucky, 40508, at least five days before the hearing.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Carl B. Larsen

(1) Type and number of entities affected: Horsemen

(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 additional.

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None additional.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: Not applicable.

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

(a) Necessity of proposed regulation if in conflict: 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. Regulation affects all horsemen.

PUBLIC PROTECTION & REGULATION CABINET
Department of Housing, Buildings & Construction
Division of Plumbing
(Proposed Amendment)

815 KAR 20:070. Plumbing fixtures.

RELATES TO: KRS Chapter 318

PURSUANT TO: KRS 318.130

NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation relates to the kind, type and quality of plumbing fixtures that are to be used in the construction of plumbing systems.

Section 1. Materials. All receptacles used as water closets, urinals, or otherwise for the disposal of human excreta, shall be of vitrified earthenware, hard natural stone, or cast-iron with a light color porcelain enameled on the inside, except as indicated in Section 4 of this regulation.

Section 2. Installation. All plumbing fixtures shall be installed free and open in a manner to afford access for cleaning. Where practical, all pipes from fixtures shall be run to the wall and no trap or pipe shall extend nearer to the floor than twelve (12) inches except laundry trays or similar fixtures.

Section 3. Water Closet Bowls. Water closet bowls shall be made of one (1) piece and of such form as to hold a sufficient quantity of water when filled to the trap overflow to prevent fouling of its interior surfaces, and it shall be provided with an integral flushing rim so constructed as to flush the entire interior of the bowl.

Section 4. Plastic Water Closet Bowl and Tank. Plastic water closet bowl and tank shall be made with a polypropylene lining inside the one (1) piece bowl and tank. The outer surface of the bowl shall be constructed of PVC material and the filler material between the two (2) surfaces shall be made of polyurethane foam. The bowl shall have a three (3) inch water seal and shall have a two and one-eighth (2 1/8) inch waste opening passage.

Section 5. Frost-Proof Closet. A frost-proof water closet may be installed only in a building that has at least a twelve (12) inch air break between it and any building used for habitation or occupancy. The room shall be tightly enclosed and accessible from the outside only. The soil pipe between the trap and hopper shall be of extra heavy cast-iron, four (4) inches in diameter and shall be light colored porcelain enamel on the inside. The building must have a non-absorbent floor. Each frost-proof water closet shall have a four (4) inch vent.

Section 6. (1) Floor drains and shower drains. A floor drain or a shower drain is considered a plumbing fixture and shall be provided with a strainer.

(2) Shower drain pan construction. Shower drain pans shall be constructed of sheet lead weighing not less than four (4) pounds per square foot, non-plasticized chlorinated polyethylene conforming to ASTM D-412-66,

D-12-4-54 and D-568-61 not less than 0.040 inches, non-plasticized polyvinyl chloride (PVC) sheet material conforming to ASTM D-1004, D-2240, D-412 and D-1790 not less than 0.040 inches thick or other approved material. Shower pans shall be constructed without seams and shall extend to a minimum height of six (6) inches on all vertical walls. Shower pans shall not be required on a concrete floor below the outside grade level.

(3) Fiberglass bathtubs, showers, tub enclosures and shower stalls. Fiberglass bathtubs and tub enclosures shall conform to Commercial Standards CS 221-59. Acrylic-faced bathtubs shall conform to ASTM E-84B or E-162. Fiberglass shower stalls and shower receptors shall conform to Commercial Standards CS 222-59.

(4) Metamorphosed carbonate aggregate polyester resinous matrix-marbleoid bathtubs, lavatories and shower stalls. Metamorphosed carbonate aggregate polyester resinous matrix-marbleoid bathtubs, lavatories and shower stalls shall conform to ANSI Z-124-3.

Section 7. Floor Drains, Shower Drains or Urinal Drains in Inaccessible Places. Floor drains, shower drains or urinal drains shall have a cast-iron P trap when installed under concrete floors or in inaccessible places. They shall be either caulk or screw type.

Section 8. Fixture Strainers. All fixtures other than water closets and pedestal urinals shall be provided with a fixed strong, metallic or porcelain strainer. The total outlet area shall not be less than that of the interior area of the trap.

Section 9. Fixture Overflow. The overflow from a fixture shall be optional, but if used, shall be connected to the inlet side of a trap and be so arranged that it may be readily and effectively cleaned.

Section 10. Ventilation of Rooms Containing Fixtures. Refer to BOCA Basic Mechanical Code M-1602.9 and BOCA One and Two Family Dwelling Codes, R-204.3.

Section 11. Fixture Additions. Any fixture or fixtures added to a plumbing system shall be installed to comply with the other sections of this code, and the discharge from the additional fixture or fixtures shall enter the soil pipe below the lowest vented opening.

Section 12. Defective Fixtures. Any newly installed fixtures found defective or old fixtures found to be in any unsanitary condition, shall be repaired, replaced, or removed within thirty (30) days upon written notice from the department.

Section 13. Water Heaters. (1) A water heater is an appliance for supplying potable hot water for domestic or commercial purposes. It may be used for space heating if the water temperature does not exceed 140 degrees Fahrenheit. Water heaters shall be properly connected to the hot and cold water supply and shall be connected to an adequate size flue or chimney, but in no case shall this be connected to a flue serving a coal burning apparatus. The flue or chimney shall extend two (2) feet above the roof and be properly flashed and shall not terminate within

six (6) feet of a door or window. No fuel fired water heater, with the exception of those having direct-vent or through the wall vent systems, shall be placed in any bathroom, toilet room or a room used for sleeping. If a water heater is placed in a closed room or closet the door must be a louver door or provided with proper ventilation to provide combustion air and circulation. (See 815 KAR 20:120, Section 13.)

(2) Direct venting system location. Residential gas-fired direct vent and through the wall type water heaters shall be vented in accordance with the manufacturer's recommendations and shall have as a minimum the National Fuel Gas Association Standards as follows: (NFPA Pamphlet #54). "(a) The vent terminal of a direct vent appliance with an input of 50,000 BTU per hour or less shall be located at least nine (9) inches from any opening through which flue gases could enter a building, and such an appliance with an input over 50,000 BTU per hour shall require a twelve (12) inch vent termination clearance. The bottom of the vent terminal and the air intake shall be located at least twelve (12) inches above grade." (See 815 KAR 20:120, Section 11.)

Section 14. Conservation of Water. (1) Conservation of hot water.

(a) Showers. Showers used for other than safety reasons shall be equipped with approved flow control devices to limit total flow to a maximum of three (3) gpm per shower head.

(b) Lavatories.

1. Lavatories in restrooms of public facilities shall be equipped with outlet devices which limit the flow of domestic hot water to a maximum of 0.75 gpm.

2. Lavatories (other than those listed in subparagraph 1 of this paragraph) and sink faucets shall be equipped with flow control devices which limit the flow of domestic hot water to a maximum of four (4.0) gpm.

(2) Conservation of cold water.

(a) Showers. Showers used for other than safety reasons shall be equipped with approved control devices to limit total flow to a maximum of three (3.0) gpm per shower head.

(b) Lavatories and sink faucets. Lavatories and sink faucets shall be equipped with flow control devices which limit the flow of domestic cold water to a maximum of four (4.0) gpm.

(c) Water closets.

1. Tank type water closets shall not exceed three and one-half (3 1/2) gallons (thirteen and three-tenths (13.3) liters) per flush.

2. Flushometer type water closets shall not exceed three and one-half (3 1/2) gallons (thirteen and three-tenths (13.3) liters) per flush.

(d) Urinals.

1. Tank type urinals shall not exceed three (3) gallons (eleven and four-tenths (11.4) liters) per flush.

2. Flushometer type urinals shall not exceed one and one-half (1 1/2) gallons (five and seven-tenths (5.7) liters) per flush.

(3) Lavatory faucets located in restrooms intended for public use shall be of the metering or self-closing type except those that are separate for the physically impaired.

(4) The provisions of this section shall apply to all new construction as well as renovations and replacement in existing structures. In satisfaction of the requirements of this

section, the Division of Plumbing shall permit the installation of tank type water closets equipped with devices which are found by the inspector to meet applicable standards, in water closets having a tank capacity in excess of three and one-half (3 1/2) gallons (thirteen and three-tenths (13.3) liters). The Division of Plumbing may also allow the use of standard flush water closets and urinals which do not meet the specific standards when, in the opinion of the division, the configuration of the building drainage system requires a greater quantity of water to adequately flush the system, or where the owner requests the use of antique fixtures which may not be equipped for reduced flow.

(5) The equipment required by this section will be mandatory April 1, 1988.

CHARLES A. COTTON, Commissioner

ROBERT M. DAVIS, Secretary

APPROVED BY AGENCY: April 7, 1987

FILED WITH LRC: April 7, 1987 at 2 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 21, 1987 at 10 a.m. in the office of the Department of Housing, Buildings and Construction, U.S. 127 South, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Judith G. Walden, Office of General Counsel, Department of Housing, Buildings and Construction, The 127 Building, U.S. 127 South, Frankfort, Kentucky 40601. If no written requests to appear at the public hearing are received by May 15, 1987, the hearing may be cancelled.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Carl VanCleve

(1) Type and number of entities affected:

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

1. First year: \$150,000

2. Continuing costs or savings: \$150,000

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

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: N/A

(b) Reporting and paperwork requirements: N/A

(3) Assessment of anticipated effect on state and local revenues: 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: 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 requested by the Public Service Commission in order to enhance energy conservation by requiring less water usage.

TIERING: Was tiering applied? No. N/A

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 November 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 April 15 [March 15], 1987, 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 April 15 [March 15], 1987, edition of the "Central State Hospital Policy Manual" consisting of nineteen (19) volumes relating to the operation of Central State Hospital Facility are hereby adopted by reference.

Section 6. Western State Hospital Policy Manual. The policies and procedures set forth in the March 15, 1987, 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 February 15, 1987, 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 4 is amended as follows:
Eastern State Hospital Policy Manual

Vol D 1, Sec II, page 8 Clinical Resource Committee.

This is a new policy to replace former Patient Care Monitoring policy. The new Clinical Resource Committee will monitor patient care and recommend improvements.

Page 9. Abuse of Patient by Hospital Employees. This policy is revised to add that a physical examination will be conducted, and proper notification will be given.

Page 39. Inclement Weather Policy for Patients. This policy is revised to state that the program director on IT5 shall determine the appropriate staff to patient ratio.

Section 5 is amended as follows:
Central State Hospital Policy Manual.

Vol E 11

Section Y No. 1 - Under procedure Item No. 7-(e) P.D.R. was added. Item No. 8 was added to include the qualifications for the Director of Pharmacy which includes full-time basis, graduate of accredited College of Pharmacy and to have supportive personnel sufficient to meet the needs of the patient. Item No. 9 was added to relate to any new employee of the Pharmacy completing General Orientation. Basic Record checklist was added.

Section Y No. 2 - Under procedure No. 4 - \$300 was changed to \$500.
Section 7 and 8 were added to include the drug storage areas and conditions of sanitation, light, temperature, moisture and security. No. 8 pertains to the use of pharmacy records.

Section Y No. 7 - Items 12, 13, 14 and 15 - were added to page two which includes pharmacist reviewing patient's profile regularly for irregularities, physicians' orders being brought to Pharmacy by the appropriate personnel, P.R.N. orders for medication will be limited to two

weeks, and any new patient's (initial) order shall include the patients' allergies, and medical history. These items were added to meet 1987 Joint Commission Standard.

Section Y No. 8 - Under Procedure No. 1 - an additional sentence was added to read "A record of this will be kept on the patient's profile." No. 3 was added to include (a) through (f) which describes the outpatient medication label and the information that is needed.

Section Y No. 13 - Procedures No. 1 and 2 - were changed with the move to the new facility indicating where the emergency medication will be kept and how the document key will be handled.

Section Y No. 14 - Under Procedure No. 11 - a sentence was added to include a special area in Pharmacy for outdated pharmaceuticals. Item No. 12 was added to relate to the antidote kit on each unit.

The Quality Assurance Plan - was changed to be more in line with what was actually being done. It meets Joint Commission Standards.

Section Y No. 22 - Under Procedure No. 7 - an addition was added to state that concentrate, liquid and syrups are placed in cabinets and locked, or in the medication cart bottom drawer. Item No. 9 was added to read Floor stock medications should be kept to a minimum (tylenol, MOM).

The revised policies have been updated and corrected and no additional funding or staffing will result from these changes.

[Section 4 is amended as follows:
Section 4 Eastern State Hospital Policy Manual

Vol. D-1, Sec II - page 3: Policy on interaction between staff and patients is amended to exclude a "personal" relationship.

Vol. D-4: A new psychology section is submitted with the following changes:

- 1) Organizational Chart updated.
- 2) Psychology Q.A. Program included in these policies.
- 3) Listing of staff deleted from policy manual.
- 4) Since last revision, Patient Education being removed from under the supervision of Psychology Department and will be placed under Activity Therapy Services.
- 5) Infections Control Policy added.

Section 5 - Central State Hospital Policy Manual

Vol E1, Sec HH No. 10.25 is amended to provide stronger protection for the patient in use of Electroconvulsive Therapy.

Vol E1 - New index is added.

Section B No. 11 - Revised policy - section 3 under the Procedure Section had four (4) sentences added to this No. 3 as the Laboratory is doing the skin test annually and Nursing is responsible for the annual health skin tests for the nurses and Staff Development will be responsible for the skin tests for the new employees when they are in Orientation.

Section 7 under the procedure had some wording changed.

Section H No. 3 - Revised policy - the entire Occupational Therapy policy was revised to reflect discipline related standards. These are the result of Kentucky Occupational Therapy Licensure Law 201.KAR 22A.010. There will be no changes in staff organization, cost to the state, and economic or efficiency standards due to this policy revision.

Section AA No. 1 through AA No. 7 - Revised and new policies needed to be put in writing to comply with the JCAH standards. There has been no change in actual working procedures.

Delete Section HH 7.30 as Section HH 7.10 replaced this policy. However, behind Section HH 7.30 are the patients' rights forms, which need to be placed behind Section 7.10.

Section HH 10.86 - Revised policy - under "Procedure" in the second sentence the word inside was changed to "outside."

Second paragraph in the second sentence "Shift Nursing Supervisor" was deleted with "Transportation, Switchboard, Linen and Clothing, Housekeeping, Nursing Shift Supervisor, Dietary and the Clinical Laboratory" being added. On the fourth line various departments were added also.

Section HH 10.86 - New policy - standing orders for monitoring blood pressure on patients at Central State Hospital was written to give clear guidelines and standards to the nursing and medical staff.

Section 6 - Western State Hospital Policy Manual
Section IV

Policy No. 1 - Ward Inspection remains the same. Pharmacy Ward Inspection Form following policy was revised. Form was revised to be more specific and to make it easier for the inspector to use.

Section II - Policies for the Provision of Patient's Pharmaceutical Needs.

Policy No. 14 - The Infection and Epidemiology Committee of WSH has determined an expiration time for opened multidose vials. The pharmacy shall check for these dates and discard vials when necessary.

Section V - Policies for Physician's Drug Order.

Policy No. 1 - List of Authorized Prescribers.

List of authorized medication prescribers for Western State Hospital was updated to list new physicians.

Policy No. 6 - Delivery and Exchange of Infirmary Drug Cart.

A. POLICY: The infirmary cart shall be exchanged twice a week.]

DENNIS D. BOYD, Commissioner
E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: April 8, 1987

FILED WITH LRC: April 14, 1987 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 21, 1987, at 9 a.m. in the Vital Statistics Conference Room, 1st Floor, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 16, 1987 of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, 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:

TIERING: Was tiering applied? Yes.

CABINET FOR HUMAN RESOURCES
Department for Health Services
Division of Radiation and Product Safety
(Proposed Amendment)

902 KAR 55:015. Schedule I substances.

RELATES TO: KRS Chapter 218A

PURSUANT TO: KRS 194.050, 218A.020, 218A.040, 218A.250

NECESSITY AND FUNCTION: KRS 218A.020 authorizes the Cabinet for Human Resources to

add substances to or delete or reschedule substances enumerated in KRS Chapter 218A. After considering the criteria set forth in KRS 218A.020 and 218A.040 and applicable federal regulations, the Cabinet for Human Resources designates the substances set forth in this regulation as Schedule I controlled substances.

Section 1. Opiates. The Cabinet for Human Resources hereby designates as Schedule I controlled substances, in addition to those specified by KRS 218A.050, any of the following opiates, including their isomers, optical isomers, esters, ethers, salts, salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

(1) Acetyl-alpha-methylfentanyl, N-[1-(1-methyl-2-phenyl) ethyl-4-piperidyl]-N-phenylacetamide;

[(2) Alfentanil;]

(2) [(3)] Alpha-methylfentanyl, N-[1-(alpha-methyl-beta-phenyl) ethyl-4-piperidyl] propionanilide;

(3) [(4)] Alpha-methylthiofentanyl, N-[1-(1-methyl-2-(2-thienyl) ethyl-4-piperidyl]-N-phenylpropanamide;

(4) [(5)] Benzylfentanyl, N-[1-benzyl-4-piperidyl]-N-phenylpropanamide;

(5) [(6)] Beta-hydroxyfentanyl, N-[1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide;

(6) [(7)] Beta-hydroxy-3-methylfentanyl, N-[3-methyl-1-(2-hydroxy-2-phenyl) ethyl-4-piperidyl]-N-phenylpropanamide;

(7) [(8)] Difenoixin;

(8) [(9)] 3-Methylfentanyl, N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide;

(9) [(10)] 3-methylthiofentanyl, N-[3-methyl-1-(2-2-thienyl) ethyl-4-piperidyl]-N-phenylpropanamide;

(10) Para-fluorofentanyl;

(11) Thienylfentanyl, N-[1-(2-thienyl) methyl-4-piperidyl]-N-phenylpropanamide; and

(12) Thiofentanyl, N-[1-(2-(2-thienyl)ethyl-4-piperidyl]-N-phenylpropanamide; and

(13) Tilidine.

Section 2. Opium Derivatives. The Cabinet for Human Resources hereby designates as Schedule I controlled substances, in addition to those specified by KRS 218A.050, any of the following opium derivatives, their salts, optical isomers, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, optical isomers, and salts of isomers is possible within the specific chemical designation:

(1) Drotebanol;

(2) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP);

(3) 1-(2-phenylethyl)-4-phenyl-4-acetyloxyperidine (PEPAP).

Section 3. Hallucinogenic Substances. The Cabinet for Human Resources hereby designates as Schedule I controlled substances, in addition to those specified by KRS 218A.050, any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific

chemical designation (for purpose of this paragraph only, the term "isomer" includes the optical position and geometric isomers):

- (1) 4-bromo-2, 5-dimethoxy-amphetamine;
- (2) 2, 5-dimethoxyamphetamine (2, 5 DMA);
- (3) Ethylamine analog of phencyclidine (N-ethyl-1-phenylcyclohexylamine, cyclohexamine, PCE);
- (4) 4-methoxyamphetamine (PMA);
- (5) Parahexyl (Synhexyl);
- (6) Pyrrolidine analog of phencyclidine (1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP); and
- (7) Thiophene analog of phencyclidine (1-(1-(2-thienyl) cyclohexyl) piperidine, TCP, TPCP).

Section 4. Depressants. The Cabinet for Human Resources hereby designates as Schedule I controlled substances, in addition to those specified by KRS 218A.050, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Mecloqualone; and
- (2) Methaqualone (2-methyl-3-o-tolyl-4(3H)-quinazolinone).

Section 5. Stimulants. The Cabinet for Human Resources hereby designates as Schedule I controlled substances, in addition to those specified by KRS 218A.050, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Fenethylamine;
- (2) N-ethylamphetamine; and
- (3) 3,4-methylenedioxymethamphetamine (MDMA).

C. HERNANDEZ, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: March 27, 1987

FILED WITH LRC: April 14, 1987 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 21, 1987, at 9 a.m. in the Vital Statistics Conference Room, 1st Floor, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 16, 1987 of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Edward Crews

(1) Type and number of entities affected: All citizens of the Commonwealth.

(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: None

(2) Effects on the promulgating administrative body: None

(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 for controlled substances regulations.

CABINET FOR HUMAN RESOURCES

Department for Human Resources

Division of Radiation and Product Safety

(Proposed Amendment)

902 KAR 55:020. Schedule II substances.

RELATES TO: KRS Chapter 218A

PURSUANT TO: KRS 194.050, 211.090, 218A.020, 218A.060, 218A.250

NECESSITY AND FUNCTION: KRS 218A.020 authorizes the Cabinet for Human Resources to add substances to or delete or reschedule substances enumerated in KRS Chapter 218A. After considering the criteria set forth in KRS 218A.020 and 218A.060 and applicable federal regulations, the Cabinet for Human Resources designates the substances set forth in this regulation as Schedule II controlled substances.

Section 1. Reschedule of Certain Barbituric Acid Derivatives to "Schedule II" Controlled Substances; Exceptions. The Cabinet for Human Resources hereby reschedules the following barbituric acid derivatives from Schedule III to Schedule II controlled substances, viz:

(1) Amobarbital;

(2) Secobarbital;

(3) Pentobarbital;

(4) Provided; however, that any material, compound, mixture, or preparation containing amobarbital, secobarbital and pentobarbital or any salt thereof and one (1) or more other active medicinal ingredient(s) which is not a controlled substance shall be in "Schedule III."

(5) Provided; further, that any suppository dosage form containing amobarbital, secobarbital and pentobarbital or any salt thereof which has been approved by the United States Food and Drug Administration for marketing only as a suppository shall be in "Schedule III."

Section 2. Immediate Precursors. The Cabinet for Human Resources hereby designates as Schedule II controlled substances, in addition to those specified by KRS 218A.070 and unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) 1-Piperidinocyclohexanecarbonitrile and 1-Phenylcyclohexylamine, immediate precursors to Phencyclidine.

(2) Phenylacetone. Some trade or other names include: phenyl-2-propanone, P2P, benzyl methyl ketone, and methyl benzyl ketone, immediate precursors to amphetamine and methamphetamine.

Section 3. Hallucinogenic Substances. The Cabinet for Human Resources hereby designates as Schedule II controlled substances, in addition to those specified by KRS 218A.070 and unless specifically excepted or listed in another schedule, and material, compound, mixture, or preparation which contains any quantity of the following substances: Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration approved drug product. (Some other names for dronabinol: (6aR-trans)-6a, 7, 8, 10a-tetrahydro-6, 6, 9-trimethyl-3-pentyl-6H-dibenzo [b, d] pyran-1-ol or (-) delta-9-(trans)-tetrahydrocannabinol.)

Section 4. Opium and Derivatives. The Cabinet for Human Resources hereby designates as Schedule II controlled substances, in addition to those specified by KRS 218A.070, any of the following opium and opiates, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, dextrorphan, nalbuphine, nalmefene, naloxone, and naltrexone, and their respective salts, but including the following:

- (1) Raw opium;
- (2) Opium extracts;
- (3) Opium fluid;
- (4) Powdered opium;
- (5) Granulated opium;
- (6) Tincture of opium;
- (7) Codeine;
- (8) Ethylmorphine;
- (9) Etorphine hydrochloride;
- (10) Hydrocodone;
- (11) Hydromorphone;
- (12) Metopon;
- (13) Morphine;
- (14) Oxycodone;
- (15) Oxymorphone;
- (16) Thebaine;

Section 5. Opiates. The Cabinet for Human Resources hereby designates as Schedule II controlled substances, in addition to those specified by KRS 218A.070, any of the following opiates, including its isomers, esters, ethers, salts and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrorphan and levopropoxyphene excepted:

- (1) Alfentanil;
- (2) [(1)] Bulk dextropropoxyphene (non-dosage forms);
- (3) [(2)] Sufentanil.

C. HERNANDEZ, Commissioner
E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: March 27, 1987

FILED WITH LRC: April 14, 1987 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 21, 1987, at 9 a.m. in the Vital Statistics Conference Room, 1st Floor, Cabinet for Human Resources, 275 East Main Street, Frankfort,

Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 16, 1987 of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Edward Crews

(1) Type and number of entities affected: All citizens of the Commonwealth.

(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: None

(2) Effects on the promulgating administrative body: None

(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 for controlled substances regulations.

CABINET FOR HUMAN RESOURCES
Department for Human Resources
Division of Radiation and Product Safety
(Proposed Amendment)

902 KAR 55:025. Schedule III substances.

RELATES TO: KRS Chapter 218A

PURSUANT TO: KRS 194.050, 211.090, 218A.020, 218A.080, 218A.250

NECESSITY AND FUNCTION: KRS 218A.080 provides that the Cabinet for Human Resources shall place a substance in Schedule III under the Kentucky Controlled Substances Act if: (1) the substance has a potential for abuse less than the substances listed in Schedules I and II; (2) the substance has currently accepted medical use in treatment in the United States; and (3) abuse of the substance may lead to moderate or low physical dependence or high psychological dependence. The Cabinet for Human Resources hereby finds that the substances in this regulation meet this criteria.

Section 1. Amphetamine and Methamphetamine Combination Products. The Cabinet for Human Resources hereby designates the following amphetamine and methamphetamine combination products as "Schedule III Controlled Substances" and any other drug of the quantitative

composition shown below or which is the same except that it contains a lesser quantity of controlled substances, to wit:

(1) Edrisal; Tablet: Amphetamine sulfate 2.5 mg.; aspirin 162 mg.; phenacetin 162 mg.

(2) Genegesic Capsules; Capsule: Methamphetamine hydrochloride 1.2 mg.; chlorpheniramine maleate 3.8 mg.; phenacetin 120.0 mg.; salicylamide 180.0 mg.; caffeine 30.0 mg.; ascorbic acid 50.0 mg.

(3) Hovizyme; Tablet: Methamphetamine hydrochloride 0.5 mg.; conjugated estrogens-equine 0.125 mg.; methyl testosterone 1.25 mg.; amylase 10.0 mg.; protease 5.0 mg.; cellulase 2.0 mg.; nicotinic alcohol tartrate 7.5 mg.; dehydrocholic acid 50.0 mg.; ferrous fumarate 6.0 mg.

(4) Mediatric; Tablet or capsule: Methamphetamine hydrochloride 1 mg.; conjugated estrogens-equine 0.25 mg.; methyl testosterone 2.5 mg.

(5) Mediatric Liquid; Solution (15 cc.): Methamphetamine hydrochloride 1 mg.; conjugated estrogens-equine 0.25 mg.; methyl testosterone 2.5 mg.

(6) Special Formula 711; Tablet: d-Amphetamine sulfate 2.5 mg.; mephensin 500 mg.; salicylamine 300 mg.

(7) Thora-Dex No. 1; Tablet: Dextroamphetamine sulfate 2 mg.; chlorpromazine hydrochloride 10 mg.

(8) Thora-Dex No. 2; Tablet: Dextroamphetamine sulfate 5 mg.; Chlorpromazine hydrochloride 25 mg.

[Section 2. Certain Amobarbital, Secobarbital and Pentobarbital Preparations in Combination with a Non-Controlled Substance. The Cabinet for Human Resources hereby designates as "Schedule III" controlled substances the following: Any material, compound, mixture or preparation containing amobarbital, secobarbital, pentobarbital or any salt thereof and one (1) or more other active medicinal ingredients which is not a controlled substance.]

[Section 3. Suppository Dosage Forms Containing Amobarbital, Secobarbital and Pentobarbital. The Cabinet for Human Resources hereby designates as "Schedule III" controlled substances the following: Any suppository dosage form containing amobarbital, secobarbital, pentobarbital, or salt thereof which has been approved by the United States Food and Drug Administration for marketing only as a suppository.]

Section 2. [4.] Stimulants The Cabinet for Human Resources hereby designates as "Schedule III" controlled substances any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers (whether optical position or geometric), and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) Benzphetamine;
- (2) Chlorphentermine;
- (3) Clortermine;
- (4) Mazindol; and
- (5) Phendimetrazine.

Section 3. Depressants. The Cabinet for Human Resources hereby designates as "Schedule III" controlled substances the following:

(1) Any material, compound, mixture, or preparation containing amobarbital, secobarbital, pentobarbital, or any salt thereof and one (1) or more other active medicinal ingredients which is not a controlled substance.

(2) Any suppository dosage form containing amobarbital, secobarbital, pentobarbital, or any salt thereof which has been approved by the United States Food and Drug Administration for marketing only as a suppository.

(3) Tiletamine and zolazepam or any salt thereof. Trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone. Trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-(3,4-e) (1,4)-dizepin-7 (1H)-one.flupyrzapon.

Section 4. [5.] Pentazocine Drug Products. The Cabinet for Human Resources hereby designates, in addition to the parenteral or injectable form of Pentazocine which is designated as a "Schedule III" controlled substance by KRS 218A.090(3), all other dosage forms of Pentazocine as "Schedule III" controlled substances. Any material, compound, mixture, or preparation which contains any quantity of Pentazocine, including its salts, is hereby designated as a "Schedule III" controlled substance.

C. HERNANDEZ, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: March 27, 1987

FILED WITH LRC: April 14, 1987 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 21, 1987, at 9 a.m. in the Vital Statistics Conference Room, 1st Floor, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 16, 1987 of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Edward Crews

(1) Type and number of entities affected: All citizens of the Commonwealth.

(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: None

(2) Effects on the promulgating administrative body: None

(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 for controlled substances regulations.

CABINET FOR HUMAN RESOURCES
Department for Health Services
Division of Radiation and Product Safety
(Proposed Amendment)

902 KAR 55:030. Schedule IV substances.

RELATES TO: KRS Chapter 218A

PURSUANT TO: KRS 194.050, 211.090, 218A.020, 218A.100, 218A.250

NECESSITY AND FUNCTION: KRS 218A.100 authorizes the Cabinet for Human Resources to place a substance in Schedule IV if it finds that: (1) the substance has a low potential for abuse relative to substances in Schedule III; (2) the substance has currently accepted medical use in treatment in the United States; and (3) abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III. In addition, KRS 218A.020(3) provides that if any substance is designated, rescheduled, or deleted as a controlled substance under a federal law and notice thereof is given to the cabinet, the cabinet may similarly control the substance by regulation. The Cabinet for Human Resources, after considering such criteria, hereby designates the substances set forth in this regulation as Schedule IV controlled substances.

Section 1. Stimulants. The Cabinet for Human Resources hereby designates as "Schedule IV" controlled substances, in addition to those specified by KRS 218A.110, any material, compound, mixture, or preparation which contains any quantity of the following substances, including their salts, isomers (whether optical position or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible:

- (1) Fenfluramine;
- (2) Diethylpropion;
- (3) Pemoline;
- (4) Phentermine;
- (5) Pipradrol; and
- (6) SPA ((-)-1-dimethylamino-1,2-diphenylethane).

Section 2. Depressants. The Cabinet for Human Resources hereby designates as "Schedule IV" controlled substances, in addition to those specified by KRS 218A.110, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Alprazolam;
- (2) Bromazepam;
- (3) Camazepam;
- (4) Chlordiazepoxide;

- (5) Clobazam;
- (6) Clonazepam;
- (7) Clorazepate;
- (8) Clotiazepam;
- (9) Cloxazolam;
- (10) Delorazepam;
- (11) Diazepam;
- (12) Estazolam;
- (13) Ethyl loflazepate;
- (14) Fludiazepam;
- (15) Flunitrazepam;
- (16) Flurazepam;
- (17) Halazepam;
- (18) Haloxazolam;
- (19) Ketazolam;
- (20) Loprazolam;
- (21) Lorazepam;
- (22) Lormetazepam;
- (23) Mebutamate;
- (24) Medazepam;
- (25) Methohexital;
- (26) Midazolam;
- (27) [(26)] Nimetazepam;
- (28) [(27)] Nitrazepam;
- (29) [(28)] Nordiazepam;
- (30) [(29)] Oxazepam;
- (31) [(30)] Oxazolam;
- (32) [(31)] Pinazepam;
- (33) [(32)] Prazepam;
- (34) Quazepam;
- (35) [(33)] Temazepam;
- (36) [(34)] Tetrazepam; and
- (37) [(35)] Triazolam.

Section 3. Analgesics, Non-Narcotics. The Cabinet for Human Resources hereby designates as "Schedule IV" controlled substances, in addition to those specified by KRS 218A.110, any material, compound, mixture, or preparation which contains any quantity of the following substance, including its salts: Dextropropoxyphene (Alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane).

C. HERNANDEZ, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: March 27, 1987

FILED WITH LRC: April 14, 1987 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 21, 1987, at 9 a.m. in the Vital Statistics Conference Room, 1st Floor, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 16, 1987 of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Edward Crews

(1) Type and number of entities affected: All citizens of the Commonwealth.

(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: None

(2) Effects on the promulgating administrative body: None

- (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 for controlled substances regulations.

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 April 15, [February 13,] 1987. 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 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.

(8) Unemployment Insurance Appeals Branch Manual issued November 7, 1986. This manual includes procedures for the daily operations of the branch. Such procedures include staff duties and responsibilities, prehearing procedures, conduct of hearings and the decision process.

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 (6032-6032) - (6033-6034) dated 10-24-86, and pages (6034-6035) - (6035-6039) dated 12-1-86 [(2030-2040) - (2040-2040) dated 9-15-86], and substitute in lieu thereof pages (6032-6032) - (6033-6034) and pages (6034-6035) - (6037-6039) which advises earnings from self-employment must be treated as deductible income [(2030-2040) - (2040-2040) dated 12-8-86, which provides instructions for including information regarding National Guard or Reserve Armed Forces involvement on the Claimant Identification Card].

(2) Chapter 13000, Statistical Reports, strike contents dated 6-24-86, and insert in lieu thereof contents dated 11-6-86, and pages (13370-13385) dated 11-6-86, which adds instructions for completion of the weekly Trade Adjustment Activities Report.

(3) Chapter 6000, Claims investigation, strike pages (6060-6064) - (6064-6066) dated 9-16-85, and substitute in lieu thereof pages (6060-6064)

- (6066-6066) dated 12-8-86, which revises instructions for scheduling and notification of fact finding interviews. Strike pages (6106-6106(3)) - (6106-6110) dated 10-31-85, and insert in lieu thereof (6106-6106(3)) - (6106-6110) dated 12-12-86, which instructs local offices to submit the central office copy of the non-monetary determinations, with exhibits attached, to the U.I. Benefit Branch, Quality Control Unit. Strike pages (6034-6035) - (6037-6039) dated 10-24-86, and insert in lieu thereof pages (6034-6035) - (6035-6039) dated 12-1-86, which issues guidelines for local offices staff to follow in determining if a claimant's earnings are from self-employment and if the self-employed claimant is unavailable due to self-employment. Strike pages (6130-6131) - (6150-6179) dated 4-16-86, and insert in lieu thereof pages (6130-6131) - (6150-6179) dated 12-18-86, which provides instructions for mailing non-approved training applications to the U.I. local office supervisor and approved applications to the U.I. Benefit Branch. Strike pages (6032-6032) - (6032-6033) dated 10-14-86, pages (6033-6033) - (6033-6034) dated 6-18-86, and pages (6034-6038) - (6039-6040) dated 8-11-86 and substitute in lieu thereof pages (6032-6032) - (6040-6040) dated 10-24-86, which advises self-employment income and SUB payments are not deductible from unemployment insurance benefits, adds General Motors to the list of employers with approved SUB plans and deletes CETA basic allowances as deductible income as this program is obsolete.

(4) Chapter 4000, Video Operations, strike contents dated 6-5-86, and page (4200-4200) dated 6-5-86, and insert in lieu thereof contents dated 12-15-86, and page (4165-4200) dated 12-15-86, which provides instructions on the access of a new program on IMS providing Appeals data. Strike pages (4120-4120(5)) - (4120-4120(6)) dated 3-11-86, and insert in lieu thereof pages (4120-4120(5)) - (4120-4120(6)) dated 12-15-86, which provides instructions for retention of an incorrect social security number on program 4B.

(5) Chapter 8000, Appeals, strike contents dated 9-15-86, and pages (8724-8726) - (8726-8726) dated 10-30-85, and insert in lieu thereof contents dated 12-15-86, and pages (8724-8726) - (8726-8800) dated 12-15-86, which provides instructions on the access of a new program on IMS which provides Appeals data.

(6) Chapter 14000, Charts and Form Letters, insert 1987-1988 BYE Chart, official Benefit Calendar 1986-1987-1988, TRA Benefits Chart, DUA Claims Calendar and WIN Compensable Period Calendar.

JAMES P. DANIELS, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: April 10, 1987

FILED WITH LRC: April 15, 1987 at 9 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 21, 1987, at 9 a.m. in the Vital Statistics Conference Room, 1st Floor, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 16, 1987 of their desire to appear and testify at the hearing: Ryan Halloran, 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:
Unknown number of u.i. claimants.

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

1. First year: Indeterminate reduction in benefits.

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: Indeterminate savings.

(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 regulated persons or entities treated equally.

LOCAL MANDATE IMPACT STATEMENT

Regulation No.: 903 KAR 5:260

SUBJECT/TITLE: Unemployment insurance procedures.

SPONSOR:

NOTE SUMMARY

LOCAL GOVERNMENT MANDATE: No

TYPE OF MANDATE:

LEVEL(S) OF IMPACT: City, County, Urban County Government.

BUDGET UNIT(S) IMPACT:

FISCAL SUMMARY: This action will decrease payment of unemployment insurance benefits.

FISCAL ESTIMATES:

REVENUES (+/-): No impact.

EXPENDITURES (+/-): Expenditures will be decreased.

NET EFFECT: Indeterminate savings.

MEASURE'S PURPOSE: To declare self-employment earnings deductible from unemployment insurance benefits.

PROVISION/MECHANICS: Claimants will have 80% of self-employment income deducted from their unemployment insurance.

FISCAL EXPLANATION: Since governments reimburse the state for unemployment insurance benefits awarded to their former employees, this measure will reduce expenditures.

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

(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.

(g) In the case of homeless food stamp households, meals prepared for and served by an approved authorized public or non-profit establishment (e.g., soup kitchen, temporary shelter) that feeds homeless persons.

(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) Employment and training program. A

program consisting of one (1) or more work, training, education, or job search components.

(14) [(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.

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

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

(17) [(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.

(18) [(17)] "Head of household" is the person in whose name the application for participation is made. For the purpose of failure to comply with work registration, employment and training, and voluntary quit requirements, head of household shall be the primary wage earner as defined in 7 CFR 273.1(d)(2).

(19) [(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) 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) 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) of this section.

(20) [(19)] "Identification (ID) card" means a

card which identifies the bearer as eligible to receive and use food coupons.

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

(22) [(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.

(23) [(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.

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

(25) [(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.

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

(27) [(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.]

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

(d) The following are considered nonhousehold members and are ineligible to participate in the program as separate households:

1. Ineligible students. Students not meeting eligibility requirements as set forth in 7 CFR 273.5.

2. Persons disqualified for non-compliance with the work requirements of 7 CFR 273.7.

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

(29) [(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.

(30) [(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.

(31) [(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.

(32) [(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.

(33) [(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.

(34) [(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.

(35) [(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.

(36) [(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.

(37) [(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), 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.

(38) [(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 April 1, 1987 [August 1, 1986].

MIKE ROBINSON, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: March 20, 1987

FILED WITH LRC: March 31, 1987 at 2 p.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 21, 1987 at 9 a.m. in the Vital Statistics Conference Room, 1st Floor, CHR Building, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 16, 1987 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: Work registrants in affected counties, approximately 20,000 yearly.

(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: Minimal

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Approximately \$640,000 - clients will receive a \$25 per month allowance for program participation. This benefit is funded at the 50/50 federal match rate.

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs: FNS issues 100% block grant allocated yearly. Any cost over this amount is matched 50/50.

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: Minimal

(4) Assessment of alternative methods; reasons why alternatives were rejected: Program implementation and benefit issuance is mandated by the federal government.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A

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

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

(6) Any additional information or comments:

TIERING: Was tiering applied? No. Not applicable to Food Stamp Program.

CABINET FOR HUMAN RESOURCES Department for Social Insurance Division of Management & Development (Proposed Amendment)

904 KAR 3:020. Eligibility requirements.

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 the eligibility requirements used by the cabinet in the administration of the Food Stamp Program.

Section 1. Eligibility Requirements. In accordance with regulations promulgated by the Food and Nutrition Service (FNS), of the United States Department of Agriculture, national uniform standards of eligibility for the Food Stamp Program, composed of both financial and non-financial criteria, shall be utilized. Financial criteria shall consist of income and resource limitations. Non-financial criteria shall consist of certain technical factors. Participation in the program shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. The income eligibility standards are derived from the Office of Management and Budget's (OMB) non-farm income poverty guidelines.

Section 2. Countable Income. All income from any source shall be counted, except income specifically excluded in Section 3 of this regulation, including but not limited to:

(1) Wages earned by a household member, including all wages received by a striker the month prior to the month of the strike, or the month of application, in accordance with 7 CFR Part 273.1(g).

(2) The gross income of a self-employment enterprise, including the total gain from the sale of any capital goods or equipment related to the business, excluding the cost of doing business.

(3) Training allowance from vocational and rehabilitative programs recognized by federal, state or local governments, to the extent that they are not reimbursements.

(4) Payments under Title I (Volunteers in Service to America, University Year for Action, etc.) of the Domestic Volunteer Service Act of 1973 shall be considered earned income unless specifically excluded in 7 CFR Part 273.9(c)(10)(iii).

(5) The earned or unearned income of excluded household members as set forth in 904 KAR 3:035, Section 5(3).

(6) Assistance payments from federal or federally aided public assistance such as supplemental security income (SSI) or aid to families with dependent children (AFDC); general assistance (GA) programs, or other assistance programs based on need.

(7) Annuities; pensions; retirement; veteran's or disability benefits; worker's or unemployment compensation; strike pay; old-age, survivors, or social security benefits; foster care payments for children or adults; gross income minus the cost of doing business derived from rental property in which a household member is not actively engaged in the management of the property at least twenty (20) hours a week.

(8) Wages earned by a household member which are garnished or diverted by an employer and paid to a third party for a household expense.

(9) Support or alimony payments made directly to the household from nonhousehold members and/or any portion of such payments returned to the household by the cabinet.

(10) Such portion of scholarships, educational grants, fellowships, deferred payment loans for education, veterans educational benefits and the

like which are not excludable under Section 3(6) of this regulation.

(11) Payments from government sponsored programs, dividends, interest, royalties, and all other direct money payments from any source which can be construed to be a gain or benefit.

(12) Monies withdrawn or dividends which are or could be received from a trust fund considered to be excludable under 7 CFR Part 273.8(e)(8) by a household, unless otherwise exempt under the provisions set forth in 7 CFR Part 273.9(c).

(13) That amount of monthly income of an alien's sponsor and the sponsor's spouse (if living with the sponsor) that has been deemed to be that of the alien in accordance with 7 CFR Part 273.11(h).

(14) Assistance monies from another program, as specified in 7 CFR 273.11(j), which are withheld for purposes of recouping an overpayment which resulted from the household's intentional failure to comply with that program's requirements. These withheld monies shall be considered as income in accordance with 7 CFR 273.11(j).

Section 3. Income Exclusions. The following payments shall not be considered as income:

(1) Money withheld from an assistance payment, earned income or other income source, or monies received from any income source which are voluntarily or involuntarily returned, to repay a prior overpayment received from that income source, provided the overpayment was not excludable in accordance with 7 CFR Part 273.9(c). However, monies withheld, as specified in Section 2, subsection (14) of this regulation shall not be excluded.

(2) Child support payments received by AFDC recipients which must be transferred to the division administering Title IV-D of the Social Security Act, as amended, to maintain AFDC eligibility. However, any portion of such monies returned to the household by the cabinet shall not be excluded.

(3) Any gain or benefit which is not in the form of money payable directly to the household.

(4) Money payments that are not payable directly to a household, but are paid to a third party for a household expense are excludable as a vendor payment as defined in 7 CFR 273.9(c).

(5) Any income in the certification period which is received too infrequently or irregularly to be reasonably anticipated, but not in excess of thirty (30) dollars in a quarter.

(6) [Effective November 1, 1986,] As defined in 7 CFR 273.9(c), educational loans on which payment is deferred, grants, scholarships, fellowships, veteran educational benefits, and the like to the extent that they are used for tuition and mandatory fees at an institution of post secondary education, including correspondence schools at that level, or a school at any level for the physically or mentally handicapped. Origination fees and insurance premiums on student loans are excludable charges. For federal education assistance programs funded under Title IV of the Higher Education Act, additional income exclusions include costs of books, travel, routine supplies, and cost for rental or purchase of equipment used for educational purposes. Portions of non-federal (state, local, or private) deferred payment educational loans

are excluded based on provisions contained in 7 CFR 273.9(c)(4). [Benefits may be restored back to August 22, 1986.]

(7) All loans, including loans from private individuals as well as commercial institutions, other than educational loans on which repayment is deferred.

(8) Reimbursements for past or future expenses to the extent they do not exceed actual expenses, and do not represent a gain or benefit to the household as defined in 7 CFR 273.9(c).

(9) Money received and used for the care and maintenance of a third party beneficiary who is not a household member.

(10) The earned income of children who are members of the household, who are students at least half-time and who have not attained their eighteenth birthday.

(11) Money received in the form of a non-recurring lump-sum payment.

(12) The cost of producing self-employment income. If the cost of producing farm self-employment income exceeds the income derived from self-employment farming as defined in CFR Part 273.11(a), such losses shall be offset against any other countable income in the household.

(13) Any income specifically excluded by any other federal statute from consideration as income for the purpose of determining eligibility for the Food Stamp Program.

(14) Any energy assistance payments made under federal laws or certified as excludable energy payments by FNS.

Section 4. Income Eligibility Standards. Participation in the Food Stamp Program is limited to those households whose incomes fall at or below the applicable standards as established by FNS and which are set forth below:

(1) Households which contain a member who is elderly or disabled as defined in 904 KAR 3:010, Section 1(10) shall have their net income compared to 100 percent of the federal income poverty guidelines.

(2) Households which are categorically eligible as defined in CFR 273.2 do not have to meet either the gross or net income eligibility standards.

(3) All other households shall have their gross income (total income after excluded income has been disregarded but before any deductions have been made) compared to 130 percent of the federal income poverty guidelines and their net income compared to 100 percent of the federal income poverty guidelines.

Section 5. Income Deductions. The following shall be allowable income deductions:

(1) A standard deduction per household per month. This standard shall be periodically adjusted by FNS to reflect changes in the cost of living for a prior period of time as determined by FNS.

(2) Twenty (20) percent of gross earned income.

(3) Payments for the actual cost for the care of a child or other dependent when necessary for a household member to seek, accept or continue employment or attend training or pursue education preparatory to employment. This deduction shall not exceed the child care maximum established by FNS.

(4) Monthly shelter cost in excess of fifty (50) percent of the household's income after all other allowable deductions have been made. The

shelter deduction shall not exceed the excess shelter maximum established by FNS, except that households containing an elderly or disabled member shall not be subject to said maximum in regards to the shelter deduction. The excess shelter maximum shall be adjusted periodically by FNS to reflect changes in the cost of living for a prior period of time. Allowable monthly shelter expenses shall be those expenses outlined in 7 CFR Part 273.9(d)(5). The cabinet shall develop a standard utility allowance for use in calculating shelter cost for those households which incur heating/cooling (by air conditioning units only) costs separate and apart from their rent or mortgage payments in accordance with 7 CFR Part 273.9(d)(6). If the household is not entitled to the utility standard or does not choose to use the utility standard, it may claim actual utility expenses for any utility which it does pay separately. The standard utility allowance shall be adjusted at least annually to reflect changes in the cost of utilities.

(5) Allowable medical expenses, excluding special diets, in excess of thirty-five (35) dollars per month incurred by any household member who meets the definition of elderly or disabled, as set forth in 7 CFR Part 271.2, are those meeting the criteria set forth in 7 CFR Part 273.9(d)(3) including, but not limited to:

- (a) Medical and dental care;
- (b) Hospitalization or outpatient treatment and nursing care;
- (c) Medication and medical supplies;
- (d) Health and hospitalization premiums; and
- (e) Dentures, hearing aids, eyeglasses and prosthetics.

Section 6. Resources. Uniform national resource standards of eligibility shall be utilized. Eligibility shall be denied or terminated if the total value of a household's liquid and non-liquid resources, not exempt under Section 7 of this regulation and in accordance with 7 CFR Part 273.8, exceed:

- (1) \$3000: for all households with one (1) or more members, when at least one (1) member is sixty (60) years or older; or
- (2) \$2000: for all other households.
- (3) Households which are categorically eligible as defined in CFR 273.2 shall be considered as having met the food stamp resource requirement.

Section 7. Exempt Resources. The following resources shall not be considered in determining eligibility:

- (1) The home and surrounding property which is not separated from the home by intervening property owned by others.
- (2) Household goods, personal effects including one (1) burial plot per household member, the cash value of life insurance policies and pension funds (except that Keogh plans which involve no contractual relationship with individuals who are not household members and Individual Retirement Accounts shall not be exempt), and prepaid burial plans if a contractual agreement for repayment must be signed in order to withdraw any funds.
- (3) Licensed/unlicensed vehicles as specified in 7 CFR Part 273.8.
- (4) Property which annually produces income consistent with its fair market value, even if only used on a seasonal basis.

(5) Property which is essential to the employment or self-employment of a household member, in accordance with 7 CFR Part 273.8(e)(5).

(6) Installment contracts for the sale of land or buildings if the contract or agreement is producing income consistent with its fair market value.

(7) Any governmental payments which are designated for the restoration of a home damaged in a disaster, if the household is subject to legal sanction if funds are not used as intended.

(8) Resources whose cash value is not accessible to the household.

(9) Resources which have been prorated as income.

(10) Indian lands held jointly with the tribe, or land that can be sold only with the approval of the Department of the Interior's Bureau of Indian Affairs; and

(11) Resources which are excluded for food stamp purposes by express provision of federal statute.

Section 8. Transfer of Resources. Households which have transferred resources knowingly for the purpose of qualifying or attempting to qualify for food stamps shall be disqualified from participation in the program for up to one (1) year from the date of the discovery of the transfer in accordance with 7 CFR 273.8(i).

Section 9. Non-financial Criteria. Non-financial eligibility standards apply equally to all households and consist of:

- (1) Residency. A household must live in the county in which they make application;
- (2) Identity. Applicant's identity will be verified; also, where an authorized representative applies for the household, both the applicant's and the authorized representative's identities will be verified;
- (3) Citizenship and alien status. Program participation shall be limited to either citizens of the United States or eligible aliens, as outlined in 7 CFR Part 273.4. Individuals whose status is questionable shall be ineligible to participate until such status has been verified;
- (4) Household size. Size of household will be verified through readily available documentary evidence or through a collateral contract; and
- (5) Students. Persons aged eighteen (18) to sixty (60) who are physically and mentally fit and enrolled at least half-time in an institution of higher education are ineligible to participate unless they meet criteria specified in 7 CFR Part 273.5.
- (6) Mandatory monthly reporting (MMR). Households shall be required to file monthly reports in accordance with 7 CFR 273.21 and any waivers thereto approved by FNS as a condition of eligibility, unless otherwise exempted by the appropriate federal agency.
- (7) Social security number (SSN). Households applying for or participating in the Food Stamp Program must comply with SSN requirements by providing the SSN of each household member or applying for one (1) prior to certification. Failure to comply without good cause shall be determined for each household member and shall result in such individual's disqualification from participation in the Food Stamp Program until this requirement is met.
- (8) Work registration. All household members

[between the ages of eighteen (18) and sixty (60)], except those exempt in 7 CFR Part 273.7(b), shall be required to register for work, accept suitable employment and be subject to other work registration requirements specified in 7 CFR Part 273.7. Strikers whose households are eligible in accordance with 904 KAR 3:035, Section 5(9), shall be subject to the work registration requirements unless exempt for reasons other than employment at the time of application.

(9) Quality Control. Refusal to cooperate in completing a quality control review shall result in termination of the participating household's benefits.

Section 10. Provisions contained in this regulation shall become effective April [January] 1, 1987 unless otherwise specified.

MIKE ROBINSON, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: March 20, 1987

FILED WITH LRC: March 31, 1987 at 2 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 21, 1987 at 9 a.m. in the Vital Statistics Conference Room, 1st Floor, CHR Building, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 16, 1987 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: Minimal

(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: Minimal

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: Minimal

(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: Public Law 99-498 Higher Education Act Amendments of 1986.

(a) Necessity of proposed regulation if in conflict: To streamline Manual of Operations and KARs.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Presently awaiting federal regulation to clarify procedures.

(6) Any additional information or comments:

TIERING: Was tiering applied? No. Statewide based on federal regulations.

CABINET FOR HUMAN RESOURCES Department for Social Services Division of Family Services (Proposed Amendment)

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

RELATES TO: KRS [194.030(8),] 194.060, [199.011 to 199.375,] 199.420 to 199.990, 200.080 to 200.120, 205.201 to 205.204, 205.455 to 205.465, Chapters 208, [and] 209, and 600 to 645

PURSUANT TO: KRS 194.050, 199.420, 200.080, 209.030, 605.150, 615.050, 620.180, 625.120, 630.140, 635.100, 640.120, 645.250

NECESSITY AND FUNCTION: P.L. 97-35, "Block Grants for Social Services - Title XX," authorizes grants to states for social services. KRS 194.050 authorizes the Cabinet for Human Resources to adopt such rules and regulations as are necessary to implement programs mandated by federal law, or to qualify for receipt of federal funds and as are necessary to cooperate with federal agencies for the proper administration of the cabinet and its programs. The function of this manual is to implement a statewide social services program.

Section 1. DSS Policies and Procedures Manual. For the purpose of implementing and enforcing those sections of the Kentucky Revised Statutes relating to social service programs for children and adults that apply to the Department for Social Services, the Secretary of the Cabinet for Human Resources hereby adopts, by reference, the Department for Social Services' Policy and Procedural Manual as revised through April 7, 1987 [October 15, 1986], as the current policies and procedures of that department. The manual contains policies and procedures relating to management procedures, adult services, support services, family and children's services, and youth services. The Department for Social Services' Policy and Procedures Manual may be reviewed in any departmental field office located in each of the 120 counties or at the Office of the Commissioner, Department for Social Services, 275 East Main Street, Frankfort, Kentucky, during regular working hours.

Section 2. Summary of Amendment. Strike the entire manual as revised through October 15, 1986, and substitute in lieu thereof the entire revised manual dated April, 1987, which transmits revised material as related to the Unified Juvenile Code. [(1) In Chapter I, Management Procedures, Section A.1, General Policies, insert pages 16 and 17 which is new material that identifies various circumstances in which advice and representation from the cabinet's office of counsel will be provided to employees of the department.]

[(2) In Chapter V, Youth Services, Section B., Community Based, strike the current pages 3 and 4, and substitute in lieu thereof pages 3 and 4 dated 10/86, which revises policy to require children transported to institutions to be accompanied by someone of the same gender.]

[(3) In Chapter V, Youth Services, Section

A.1., Admissions, strike page 5 and substitute in lieu thereof page 5 dated 10/86, which transmits revised technical admissions' policy for residential facilities.]

ANNA GRACE DAY, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: April 8, 1987

FILED WITH LRC: April 14, 1987 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 21, 1987 at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. Those interested in attending this hearing shall notify in writing the following office by May 16, 1987: Ryan Halloran, Office of General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Eugenia Jump

(1) Type and number of entities affected: Statewide Social Services & Staff Clients.

(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: Minimal

(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: Minimal

(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: Juvenile Code may have some duplication/overlapping policies.

(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. Applies statewide.

CABINET FOR HUMAN RESOURCES
Department for Social Services
Division of Aging Services
(Proposed Amendment)

905 KAR 8:120. Homecare policy manual for the elderly.

RELATES TO: 205.455 to 205.465

PURSUANT TO: KRS 194.050

NECESSITY AND FUNCTION: KRS 205.460 directs the Cabinet for Human Resources to provide, within budgetary limitations, in-home services

for the aging to include, but not necessarily limited to, homemaker services, chore services, core services, home delivered meal services, and home health aide services. The function of this regulation is to establish policies and procedures for carrying out this mandate.

Section 1. The Cabinet for Human Resources hereby adopts, by reference, the "Homecare Policy Manual for the Elderly," completed as of April 7, 1987 [October 1, 1986], as the operating policies and procedures to be followed by contractors participating in the Department for Social Services Homecare Program. This manual includes instructions regarding extraordinary medical expenses, assessments and reassessments, assessment and case management services, units of service, service definitions, reporting and format procedures, and Title III program income and other relevant components of the program. The Homecare Policy manual may be reviewed in the Office of the Commissioner, Department for Social Services, 275 East Main Street, Frankfort, Kentucky, or any of the department's field offices located in each of the 120 counties.

Section 2. Summary of Amendments. (1) Strike HC-85-12 dated January, 1985, and substitute in lieu thereof HC-85-12 revised April 7, 1987, which deletes the requirement that the six (6) page assessment form be used once annually.

(2) Strike page 13 of the Homecare Policy Manual and substitute in lieu thereof page 13 as revised April 7, 1987, which adds the requirement that care plans for clients be documented on the approved standardized form: plus a minor editorial change.

(3) Add to the Homecare Policy Manual Policy HC-88-1, dated April 7, 1987, which limits the size of the Case Manager's caseload. [Strike HC-85-6 Attachment 1 and substitute HC-85-6 Attachment 1 revised October 1, 1986. This change in the Homecare service definition of Home Repair allows pest extermination, cooling and heating devices and smoke detectors, and to increase the allowable expenditure to \$250 per client per year.]

ANNA GRACE DAY, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: April 8, 1987

FILED WITH LRC: April 14, 1987 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 21, 1987 at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. Those interested in attending this hearing shall notify in writing the following office by May 16, 1987: Ryan Halloran, Office of General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Eugenia Jump

(1) Type and number of entities affected: Applies to all contractors/subscontractors for Homecare 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: Minimal
 (2) Effects on the promulgating administrative body: None
 (a) Direct and indirect costs or savings:
 1. First year:
 2. Continuing costs or savings:
 3. Additional factors increasing or decreasing costs:
 (b) Reporting and paperwork requirements: None
 (3) Assessment of anticipated effect on state and local revenues: None
 (4) Assessment of alternative methods; reasons

why alternatives were rejected: N/A
 (5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
 (a) Necessity of proposed regulation if in conflict:
 (b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
 (6) Any additional information or comments: None
 TIERING: Was tiering applied? No. Applies statewide.

PROPOSED REGULATIONS RECEIVED THROUGH APRIL 15

GENERAL GOVERNMENT CABINET Kentucky Board of Dentistry

201 KAR 8:006. Advertising of dental services.

RELATES TO: KRS 313.220

PURSUANT TO: KRS 313.400, 313.410

NECESSITY AND FUNCTION: This regulation sets forth the manner in which dentists licensed in Kentucky may advertise dental services.

Section 1. No licensed dentist shall hold himself out to the public as being especially qualified in any branch of dentistry by announcing through the press, sign, card, letterhead or printed matter, or any means of public advertising using such terms as "specialist," or inserting the name of the specialty, or using other phrases customarily used by qualified specialists that would imply to the public that he is so qualified, without first securing a specialist's license for same as provided in KRS Chapter 313 and these regulations.

Section 2. A general dentist who advertises using words or phrases customarily used by a specialist shall not be deemed to have violated Section 1 of this regulation if such advertising contains the name of the general dentist immediately followed by the phrase "general dentist" or "general dentistry" in print at least one (1) point larger than any other portion of the advertisement.

Section 3. A general dentist who advertises through radio, television, or any other means of public address and who uses words or phrases customarily used by a specialist shall not be deemed to have violated Section 1 of this regulation if such advertising commences and ends with the name of the general dentist immediately followed by the phrase "general dentist" or "general dentistry."

Section 4. Any advertisement for a group practice shall contain the name of each dentist therein immediately followed by the phrase "general dentist" or "general dentistry" or by the name of the specialty in which any member of the group practice is licensed.

Section 5. Any dentist licensed in Kentucky may submit proposed advertising to the Kentucky Board of Dentistry for prior written approval.

GREG HOLMES, General Counsel

APPROVED BY AGENCY: April 15, 1987

FILED WITH LRC: April 15, 1987, at noon

PUBLIC HEARING SCHEDULED: A public hearing on this proposed regulation will be held on May 21, 1987 at the hour of 10:30 a.m. DST at the offices of the Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205. Any person interested in commenting on this regulation at that hearing should contact: Ms. Deborah L. Cameron, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205, in writing by May 16, 1987.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Deborah L. Cameron

(1) Type and number of entities affected: Approximately 2800 licensees.

(a) Direct and indirect costs or savings to those affected: No direct or 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: Slight additional reporting or paperwork requirements for licensees who desire prior approval.

(2) Effects on the promulgating administrative body: Slight additional paperwork requirements for board staff.

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: N/A

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

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. Tiering not applicable.

GENERAL GOVERNMENT CABINET
Kentucky Board of Dentistry

201 KAR 8:390. General anesthesia, deep sedation, and conscious sedation by dentists.

RELATES TO: KRS 313.220

PURSUANT TO: KRS 313.220

NECESSITY AND FUNCTION: This regulation sets forth the rules governing the use of general anesthesia, deep sedation, and conscious sedation by dentists licensed in Kentucky.

Section 1. Definitions. (1) "General anesthesia" is a controlled state of unconsciousness accompanied by partial or complete loss of protective reflexes, including inability to independently maintain an airway and respond purposefully to physical stimulation or verbal command, produced by a pharmacologic or non-pharmacologic method, or a combination thereof.

(2) "Deep sedation" is a controlled state of depressed consciousness, accompanied by partial loss of protective reflexes, including inability to respond purposefully to verbal command, produced by a pharmacologic or non-pharmacologic method or combination thereof.

(3) "Conscious sedation" is a minimally depressed level of consciousness that retains the patient's ability to independently and continuously maintain an airway and respond appropriately to physical stimulation and verbal command, produced by a pharmacologic or non-pharmacologic method, or a combination thereof.

These terms refer to the extent of a drug's or drugs' depressant effects upon the central nervous system and should not be confused with the route or combination of routes by which a drug is administered, i.e., oral, inhalation, intravenous, intramuscular, rectal, or submucosal.

Section 2. Authorization. (1) For the purposes of this regulation, general anesthesia and deep sedation are the same. No dentist shall employ or use general anesthesia on an outpatient basis for dental patients unless such dentist possesses a permit of authorization issued by the Kentucky Board of Dentistry. Such permit must be renewed annually and the dentist holding such a permit may be reviewed at any time by the board.

(2) In order to receive authorization, the dentist must show the following and produce evidence that he:

(a) Has completed a minimum of one (1) year advanced training in anesthesiology and related academic subjects beyond the undergraduate dental school level in a training program as described in Part 2 of the ADA Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry; or

(b) Is a Diplomate of the American Board of Oral Surgery, or is eligible for examination by the American Board of Oral Surgery, or is eligible for membership in the American Dental Society of Anesthesiology.

(3) A dentist will not need a permit to employ or work in conjunction with a trained M.D., D.O. or C.R.N.A., who is a member of the anesthesiology staff of an accredited hospital, provided that such anesthesiologist must remain on the premises of the dental facility or

hospital until any patient given a general anesthetic regains consciousness.

(4) All facilities other than hospitals or surgery centers must meet published ADA standards to insure that the protocol, procedures, facilities, drugs, equipment, and personnel utilization are acceptable for safe and appropriate use.

(5) All dentists and staff administering or assisting with the administering of general anesthesia must have certification in basic cardiac life support (CPR). Certification must be renewed as required by the American Heart Association.

Section 3. Inspection. The board may at any time require an on-site inspection of the facility, equipment, and personnel. The principles of evaluation will follow the current published standards of the ADA, dental specialty group, or comparable published guidelines. The inspection team will be determined by the board, but will reflect the principles of peer review.

Section 4. Provisional Permits. New applicants who are qualified by credentials in their application may be granted a temporary provisional permit of one (1) year only.

Section 5. Effective Date. Within one (1) year of the effective date of this regulation, each dentist who has been using or employing general anesthesia prior to adoption of this regulation shall make application to the board if such dentist desires to continue to use or employ general anesthesia. If he meets these requirements he shall be issued such permit. An on-site evaluation is at the discretion of the board.

Section 6. Report of Injury or Mortality. All licensees engaged in the practice of dentistry in the state of Kentucky must submit a complete report within a period of thirty (30) days to the Kentucky Board of Dentistry of any mortality or other incidents occurring in the outpatient facilities of such dentist which results in temporary or permanent physical or mental injury requiring hospitalization of said patient during or as a direct result of dental procedures of general anesthesia related thereto.

Section 7. Personnel. For the administration of general anesthesia or deep sedation, at least three (3) individuals, each appropriately trained, are required. One is the operating dentist, who directs the general anesthesia or deep sedation. The second is a person whose responsibilities are observation and monitoring of the patient. If this person is an appropriately trained professional, he or she may direct the deep sedation or general anesthesia. The third person assists the operating dentist.

Section 8. Conscious Sedation with Parenteral Drugs. In order for a dentist to be qualified to use parenteral drugs in conscious sedation, he must produce evidence that he:

(1) Qualifies under Section 2(1), (2), or (3) of this regulation for general anesthesia; or

(2) Has completed an approved course in conscious sedation with parenteral drugs in a program approved by the Kentucky Board of Dentistry, which must include:

(a) Physical diagnosis and patient evaluation;
(b) Passing successfully a course of didactic and clinical training consistent with the ADA's Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry and the documentation of having treated a minimum of twenty-five (25) cases; or

(3) Is a diplomate, board eligible, or eligible for board examination in any specialty, or a graduate of an accredited general practice residency, providing he can submit evidence of training in the use of conscious sedation with parenteral drugs. This training must be consistent with the ADA's Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry, or comparable specialty guidelines.

All dentists and staff administering or assisting with the administration of conscious sedation with parenteral drugs must have certification in basic cardiac life support (CPR). Certification must be renewed as required by the American Heart Association.

Section 8. Each dentist who has been using or employing conscious sedation with parenteral drugs prior to adoption of this regulation and shall seek authorization on the prescribed form to the board within one (1) year of the effective date of this regulation if such dentist desires to continue to use or employ conscious sedation with parenteral drugs. The board, based on a formal application by the dentist stating all particulars, may authorize the use or employment of conscious sedation with parenteral drugs to those dentists who have been utilizing conscious sedation in a competent and effective manner for the past three (3) years prior to the effective date of this regulation, but who have not had the benefit of formal training as outlined in this regulation. He must have current certification in basic cardiac life support (CPR).

Section 9. Inspection. The board may at any time require an on-site inspection of the facility, equipment, and personnel. The principles of evaluation will follow the current published standards of the ADA, dental specialty group or comparable published guidelines. The inspection team will be determined by the board, but will reflect the principles of peer review.

Section 10. Report of Injury or Mortality. Same as with general anesthesia.

Section 11. Permit Renewal and Annual Fee. The permit will be renewed annually unless the dentist is notified by the board that conditions exist which would prevent permit renewal. The annual fee will be fifteen (15) dollars for such a permit and shall be renewed at the time of license renewal.

Section 12. Nitrous Oxide. (1) In order for a dentist to be qualified to use nitrous oxide in conscious sedation he must:

(a) Have completed a university based course approved by the Kentucky Board of Dentistry; or
(b) Have used nitrous oxide in his practice for three (3) years prior to the adoption of these rules.

(2) The equipment used must be specifically designed for use in nitrous oxide sedation. All equipment used in the administration of nitrous

oxide must have functional safeguard measures. Such safeguard measures are those recognized by the American Dental Association.

(3) The dentist must insure that every patient receiving nitrous oxide is constantly monitored. The presence of the dentist in the office is required while nitrous oxide is being used.

(4) The requirements for reporting injury or mortality are the same as with general anesthesia.

(5) No permit will be required to administer nitrous oxide by the dentist.

GREG HOLMES, General Counsel

APPROVED BY AGENCY: April 15, 1987

FILED WITH LRC: April 15, 1987, at noon

PUBLIC HEARING SCHEDULED: A public hearing on this proposed regulation will be held on May 21, 1987 at the hour of 10:30 a.m. DST at the offices of the Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205. Any person interested in commenting on this regulation at that hearing should contact: Ms. Deborah L. Cameron, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205, in writing by May 16, 1987.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Deborah L. Cameron

(1) Type and number of entities affected: Approximately 2800 licensees.

(a) Direct and indirect costs or savings to those affected: No direct or 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: Slight additional reporting or paperwork requirements for licensees who desire to use certain forms of anesthesia.

(2) Effects on the promulgating administrative body: Slight additional paperwork requirements for board staff.

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: N/A

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

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. Tiering not applicable.

GENERAL GOVERNMENT CABINET
Board of Speech-Language Pathology & Audiology

201 KAR 17:091. Continuing education requirements for licensees on inactive status; waiver.

RELATES TO: KRS 334A.030

PURSUANT TO: KRS 334A.080

NECESSITY AND FUNCTION: This regulation delineates the continuing education requirements for licensees on inactive status, as well as the circumstances under which waivers or extensions for such requirements may be granted.

Section 1. The board may, in individual cases involving medical disability or illness, grant waivers of the minimum continuing education requirements or extensions of time within which to fulfill the same or make the required reports. A written request for waiver or extension of time shall be submitted by the licensee and shall be accompanied by a verifying document signed by a licensed physician. Waivers of the minimum continuing education requirements or extensions of time within which to fulfill the same may be granted by the board for a period of time not to exceed one (1) calendar year. In the event that the medical disability or illness upon which a waiver or extension has been granted continues beyond the period of the waiver or extension, the licensee must reapply. Continuing educational requirements shall be waived for licensees on inactive status.

GREG HOLMES, General Counsel

APPROVED BY AGENCY: April 15, 1987

FILED WITH LRC: April 15, 1987 at noon

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 27, 1987 at the hour of 10 a.m. DST at the offices of the Kentucky Board of Speech-Language Pathology and Audiology, Berry Hill Annex, Frankfort, Kentucky 40601. Any person interested in commenting on this regulation at that hearing should contact Ms. Janet Watts, Division of Occupations and Professions, P.O. Box 456, Frankfort, Kentucky, in writing by May 22, 1987.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Janet Watts

(1) Type and number of entities affected: Approximately 625 licensees.

(a) Direct and indirect costs or savings to those affected: No direct or 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: Slight additional reporting or paperwork requirements for disabled licensees.

(2) Effects on the promulgating administrative body: Slight additional paperwork requirements for board staff.

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: N/A

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

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? Tiering not applicable.

GENERAL GOVERNMENT CABINET
Board of Speech-Language Pathology & Audiology

201 KAR 17:100. Clinical practice by licensed speech-language pathologists and audiologists in the area of minor training.

RELATES TO: KRS 334A.030

PURSUANT TO: KRS 334A.080

NECESSITY AND FUNCTION: This regulation delineates the authority of licensees to practice in the area of minor training.

Section 1. For purposes of this regulation the area of minor training for speech-language pathologists shall be defined as "audiology;" and the area of minor training for audiologists shall be defined as "speech-language pathology."

Section 2. In the course of clinical practice, licensed speech-language pathologists may engage in audiometric screening and licensed audiologists may engage in speech-language screening under the following guidelines:

(1) Licensed speech-language pathologists shall restrict their practice in audiology to the performance and/or supervision of pure tone air conduction screening, screening tympanometry, and acoustic reflex screening either for the purpose of performing a speech and/or language evaluation or for the purpose of initial identification of individuals with other communicative disorders. Judgments and descriptive statements about the results of these procedures shall be limited to whether the individual passed or failed the screening procedure. The criteria for failure of audiometric screening should be developed in consultation with a licensed audiologist. Licensed speech-language pathologists may provide aural habilitative and rehabilitative services.

(2) Licensed audiologists shall restrict their practice in speech-language pathology to the performance and/or supervision of speech and/or language screening for the purpose of performing an audiological evaluation or for the purpose of initial identification of individuals with other communicative disorders. Judgments and descriptive statements about the results of these procedures shall be limited to whether the individual passed or failed the screening procedure. The criteria for failure of speech-language screening should be developed in consultation with a licensed speech-language pathologist. Licensed audiologists may provide aural habilitative and rehabilitative services.

GREG HOLMES, General Counsel

APPROVED BY AGENCY: April 15, 1987

FILED WITH LRC: April 15, 1987 at noon

PUBLIC HEARING SCHEDULED: A public hearing on this proposed regulation will be held on May 27, 1987 at the hour of 10 a.m. DST at the offices of the Kentucky Board of Speech-Language Pathology and Audiology, Berry Hill Annex, Frankfort, Kentucky 40601. Any person interested in commenting on these regulations at that hearing should contact Ms. Janet Watts, Division of Occupations and Professions, P.O. Box 456, Frankfort, Kentucky, in writing by May 22, 1987.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Janet Watts

(1) Type and number of entities affected: Approximately 625 licensees.

(a) Direct and indirect costs or savings to those affected: No direct or 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: No additional reporting or paperwork requirements.

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: N/A

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

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? Tiering not applicable.

GENERAL GOVERNMENT CABINET Kentucky Board of Nursing

201 KAR 20:370. Applications for licensure and registration.

RELATES TO: KRS 314.041, 314.051, 314.071

PURSUANT TO: KRS Chapter 314

NECESSITY AND FUNCTION: To assure that applicants for licensure or registration meet minimum requirements as set forth by the board. To provide consistency in procedures.

Section 1. To be eligible for licensure by examination, endorsement, renewal, reinstatement, or change of status, or for advanced registered nurse practitioner registration, renewal or reinstatement applicants shall:

(1) Submit completed application form to board office;

(2) Submit current application and/or examination fees, as applicable;

(3) Submit official copy(ies) of court records of any misdemeanor and/or felony conviction(s) with a letter of explanation;

(4) Report any disciplinary action(s) taken or pending on nurse licensure applications or license(s) in other U.S. jurisdictions;

(5) Have no disciplinary action pending by the board for violation(s) of KRS Chapter 314;

(6) Have paid all monies due to the board;

(7) Submit copy of an official name change document (court order, marriage certificate, divorce decree), if applicable;

(8) Submit a detailed letter describing any handicap as stated in 201 KAR 20:115;

(9) Submit additional information as requested by the board; and

(10) Meet additional requirements for:

(a) Licensure by examination as stated in 201 KAR 20:070.

(b) Licensure by endorsement as stated in 201 KAR 20:110.

(c) Licensure by reinstatement as stated in 201 KAR 20:225.

(d) Licensure by renewal as stated in 201 KAR 20:230.

(e) Inactive licensure status as stated in 201 KAR 20:095.

(f) Advanced registered nurse practitioner registration, renewal or reinstatement as stated in 201 KAR 20:056.

Section 2. A completed application form and all information needed to determine that an applicant meets requirements for licensure/registration must be postmarked or received by the board no later than the last day for renewal of license/registration or at least sixty (60) days prior to date of the national council licensure examination.

Section 3. With the exception of licensure by examination applications as stated in 201 KAR 20:240, Section 3(5)(b), an application which is not completed within one (1) year from the date the application form is filed with the board office shall lapse and the fee shall be forfeited.

SHARON M. WEISENBECK, Executive Director

APPROVED BY AGENCY: December 12, 1986

FILED WITH LRC: March 13, 1987 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on May 27, 1987 at 1:30 p.m. in Room 420 of the Professional Towers Building, 4010 Dupont Circle, Louisville, Kentucky. Those interested in attending this hearing shall notify the following office in writing by May 22, 1987: Alto P. Haunsz, Credentials Director, Kentucky Board of Nursing, 4010 Dupont Circle, Suite 430, Louisville, Kentucky 40207.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sharon Weisenbeck

(1) Type and number of entities affected:

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

1. First year: Regulation is an attempt to assist licensees and applicants by spelling out what must be included in a completed application for licensure or registration. The anticipated effect is a reduction in the volume of

incomplete applications, with attendant savings to all parties.

2. Continuing costs or savings: See above.

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

(b) Reporting and paperwork requirements: N/A

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

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

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

3. Additional factors increasing or decreasing costs: N/A

(b) Reporting and paperwork requirements: N/A

(3) Assessment of anticipated effect on state and local revenues: 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? Yes

GENERAL GOVERNMENT CABINET

Kentucky Board of Examiners of Psychology

201 KAR 26:160. Fee schedule for applications for licensure as a psychologist, certification as a psychologist, certification as psychologist with autonomous functioning and certification as psychological assistant.

RELATES TO: KRS 319.050, 319.058, 319.062, 319.064

PURSUANT TO: KRS 319.032

NECESSITY AND FUNCTION: To provide a fee schedule for licensure as a psychologist, certification as a psychologist, certification as a psychologist with autonomous functioning and certification as a psychological assistant pursuant to applicable statutes.

Section 1. (1) The fee for application for licensure as a psychologist shall be \$200.

(2) The application fee for certification as a certified psychologist shall be \$200.

(3) The fee for application for certification as a certified psychologist with autonomous functioning shall be as follows:

(a) \$100 if the applicant has passed the Examination for Professional Practice in Psychology given by the board at one (1) standard deviation below the mean;

(b) \$200 if the applicant has not passed the Examination for Professional Practice in Psychology at one (1) standard deviation below the mean.

(4) The fee for application for certification as a psychological assistant shall be \$200.

(5) Every three (3) years license and certificate holders shall pay to the board a renewal fee of \$100 and shall receive a renewal license or certificate.

STEPHEN T. DeMERS, Chairman

APPROVED BY AGENCY: February 13, 1987

FILED WITH LRC: March 13, 1987 at 2 p.m.

PUBLIC HEARING SCHEDULED: Please take notice that the Kentucky Board of Examiners of Psychologists will hold a hearing on the above regulation at the board offices at Berry Hill Annex, Frankfort, Kentucky 40601, on the 21st day of May, 1987 at 10 a.m. All persons wishing to appear shall notify in writing Mr. Dave Nicholas, Director of Occupations and Professions, Berry Hill Annex, Frankfort, Kentucky 40601. If no notifications are received by the board by the 16th day of May, 1987, the hearing will be cancelled.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: David Nicholas

(1) Type and number of entities affected:

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

1. First year: Board of Examiners of Psychology.

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: N/A

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: N/A

2. Continuing costs or savings: N/A

3. Additional factors increasing or decreasing costs: N/A

(b) Reporting and paperwork requirements: N/A

(3) Assessment of anticipated effect on state and local revenues: N/A

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

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication:

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

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

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

TIERING: Was tiering applied? No. N/A

CORRECTIONS CABINET

501 KAR 6:130. Western Kentucky 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. This regulation is 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 April 15, 1987 and hereinafter should be referred to as Western Kentucky 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.

ADMINISTRATIVE REGISTER - 1965

WKFC 03-00-01 Fishing and Hunting on the Property of Western Kentucky Farm Center

WKFC 04-02-01 Employee Training and Development

WKFC 09-00-01 Drug Abuse Testing

WKFC 09-14-01 Count Procedure

WKFC 11-00-02 Food Service Inmate Work Responsibilities, Evaluations, and Health Requirements

WKFC 11-00-03 Food Service Inspections, Sanitation, Purchasing, Storage, and Corrections Cabinet Farm Products

WKFC 11-02-01 Food Service General Guidelines

WKFC 11-02-02 Food Service Security

WKFC 11-03-01 Food Service Meals, Menus, Nutrition and Special Diets

WKFC 12-01-01 Inmate Clothing

WKFC 14-00-01 Inmate Rights and Responsibilities

WKFC 14-04-01 Legal Services Program

WKFC 14-06-01 Inmate Grievance Procedure

WKFC 15-01-01 Hair and Grooming Standards

WKFC 15-03-01 Meritorious Good Time

WKFC 15-05-01 Restoration of Forfeited Good Time

WKFC 16-01-01 Visiting Policy and Procedures

WKFC 16-02-01 Inmate Correspondence

WKFC 16-03-01 Inmate Access to Telephones

WKFC 16-04-01 Inmate Packages

WKFC 17-01-01 Inmate Personal Property

WKFC 18-01-01 Structure, Guidelines, and Functions of the Classification Committee

WKFC 18-13-01 Meritorious Housing

WKFC 19-03-01 Inmate Wage Program

WKFC 19-04-01 Work/Program Assignments

WKFC 20-04-01 Academic Education Program(s)

WKFC 25-01-01 Gratuities

GEORGE W. WILSON, Secretary

APPROVED BY AGENCY: April 15, 1987

FILED WITH LRC: April 15, 1987 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for May 22, 1987, 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: 67 employees of the Western Kentucky Farm Center, 284 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: 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.

REPRINT

COMPILER'S NOTE: Section 1(8) of this regulation was inadvertently omitted in the initial publication. Therefore, it is being reprinted to show this subsection.

LABOR CABINET

Department of Workplace Standards
Kentucky Occupational Safety & Health
(Proposed Amendment)

803 KAR 2:020. Adoption of 29 CFR Part 1910.

RELATES TO: KRS Chapter 338

PURSUANT TO: KRS Chapter 338

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules and regulations, and standards. Express authority to adopt by reference established federal standards and national consensus standards is also given to the board. The following regulation contains those standards to

be enforced by the Division of Occupational Safety and Health Compliance in the area of general industry. The standards are arranged in numerical order in order to facilitate reference to 29 CFR 1910.

Section 1. The Occupational Safety and Health Standards Board hereby adopts Chapter 29, Part 1910 of the Code of Federal Regulations revised as of July 1, 1986 [1984], published by the Office of the Federal Register, National Archives and Records Services, General Services Administration. These standards are hereby adopted by reference with the following additions, exceptions, and deletions.

(1) 29 CFR Part 1910.1 shall read as follows:

"The provisions of this regulation adopt and extend the applicability of established federal standards contained in 29 CFR Part 1910 to all employers, employees, and places of employment throughout the Commonwealth except those excluded in KRS 338.021."

(2) 29 CFR Part 1910.2 shall read as follows:

As used in this part, unless the context clearly requires otherwise:

- (a) "Act" means KRS Chapter 338.
- (b) "Assistant Secretary of Labor" means the Secretary of Labor, Commonwealth of Kentucky.
- (c) "Employer" means any entity for whom a person is employed, except those employers excluded in KRS 338.021.
- (d) "Employee" means any person employed except those employees excluded in KRS 338.021.
- (e) "Standard" means a standard which requires conditions or the adoption or use of one (1) or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe and healthful employment. "Standard" has the same meaning as and includes the words "regulation" and "rule."
- (f) "National Consensus Standard" means any occupational safety and health standard or modification thereof which has been adopted and promulgated by a nationally recognized standards-producing organization.
- (g) "Established federal standard" means any operative occupational safety and health standard established by any agency of the United States Government.
- (h) An employer, required under these standards to report information to the U.S. Department of Labor, or any subsidiary thereof, shall instead report such information to the Kentucky Labor Cabinet, U.S. 127 South, Frankfort, Kentucky 40601.
- (3) 29 CFR 1910.19(f) "Special Provisions for Air Contaminants," is removed as published in the Federal Register, Volume 50, Number 240, December 13, 1985, is adopted by reference.
- (4) 29 CFR 1910.20 "Access to employee exposure and medical records" is amended as follows:
 - (a) 29 CFR 1910.20(e)(1)(i) is amended to read "Whenever an employee or designated representative requests access to an exposure or medical record, the employer shall assure that access is provided in a reasonable time, place, and manner, but no longer than fifteen (15) days after the request for access is made unless sufficient reason is given why such a time is unreasonable or impractical."
 - (b) 29 CFR 1910.20(e)(1)(ii) is amended to read "Whenever an employee or designated representative requests a copy of a record, the employer shall, except as specified in (v) of this section, within the period of time previously specified assure that either:"
 - (c) 29 CFR 1910.20(e)(1)(v) is added and shall read "Original x-ray film will be made available to the employee and/or designated representative for inspection, review, and duplication under the supervision of the employer or his representative. The employer is not required to bear the cost of duplication of x-ray film."
 - (d) 29 CFR 1910.20(g)(1) is amended to read "Upon an employee's first entering into employment, and at least annually thereafter, each employer shall inform each employee exposed to toxic substances or harmful physical agents of the following:"
 - (e) 29 CFR 1910.20(g)(2) is amended to read "Each employer shall make readily available to employees any informational materials concerning this standard which are provided to the employer by the Assistant Secretary of Labor for Occupational Safety and Health."
- (5) Subparagraph 29 CFR 1910.23(a)(7) shall be amended to read as follows: "Every temporary or

permanent floor opening shall have standard railings, or shall be constantly attended by someone."

(6) Revision to 29 CFR 1910.68(e)(3), Manlifts, as published in the Federal Register, Volume 51, Number 188, September 29, 1986, is adopted by reference.

(7) 29 CFR 1910.95 "Hearing Conservation Program" is amended as follows:

(a) 29 CFR 1910.95(h)(1) shall read: Audiometric tests shall be pure tone, air conduction, hearing threshold examinations with test frequencies including as a minimum 500, 1,000, 2,000, 3,000, 4,000, and 6,000 Hz. Testing at 8,000 Hz must be included in the audiometric tests for employers using audiometers with that capacity and all audiometric tests must include 8,000 Hz after January 15, 1985.

(b) 29 CFR 1910.95(h)(4) shall read: Audiometric examinations shall be administered in a room meeting the requirements listed in Appendix D: Audiometric Test Rooms. When an audiometric test room is located in a mobile test van, background sound pressure level measurements shall be taken at each testing location.

(c) 29 CFR 1910.95(h)(5)(ii) shall read: Audiometer calibration shall be checked acoustically at least annually in accordance with Appendix E: Acoustic Calibration of Audiometers. Test frequencies below 500 Hz and above 8,000 Hz (6,000 Hz until January 15, 1985 for audiometers without 8,000 Hz capability) may be omitted from this check. Deviations of fifteen (15) decibels or greater require an exhaustive calibration.

(d) 29 CFR 1910.95(h)(5)(iii) shall read: An exhaustive calibration shall be performed at least every two (2) years in accordance with sections 4.1.2; 4.1.3; 4.1.4.3; 4.2; 4.4.1; 4.4.2; 4.4.3; and 4.5 of the American National Standard Specification for Audiometers, S3.6-1969. Test frequencies below 500 Hz and above 8,000 Hz (6,000 Hz until January 15, 1985 for audiometers without 8,000 Hz capability) may be omitted from this calibration.

(e) 29 CFR 1910.95(L)(1) shall read: The employer shall make available to affected employees or their representatives copies of this standard and shall also post a notice of the availability of this standard in the workplace.

(f) 29 CFR 1910.95(o) shall read: Paragraphs (c) through (n) of this section shall not apply to employers engaged in oil and gas well drilling and servicing operations, agriculture, or construction.

(g) 29 CFR 1910.95 Appendix E shall read: Acoustic Calibration of Audiometers.

This Appendix is Mandatory.

Audiometer calibration shall be checked acoustically, at least annually, according to the procedures described in this Appendix. The equipment necessary to perform these measurements is a sound level meter, octave-band filter set, and a National Bureau of Standards 9A coupler. In making these measurements, the accuracy of the calibrating equipment shall be sufficient to determine that the audiometer is within the tolerances permitted by American Standard Specification for Audiometers, S3.6-1969.

1. Sound Pressure Output Check.

a. Place the earphone coupler over the microphone of the sound level meter and place the earphone on the coupler.

b. Set the audiometer's hearing threshold level (HTL) dial to seventy (70) dB.

c. Measure the sound pressure level of the tones that each test frequency from 500 Hz through 8,000 Hz (6,000 Hz until January 15, 1985 for audiometers without 8,000 Hz capability) for each earphone.

d. At each frequency the readout on the sound level meter should correspond to the levels in Table E-1 or Table E-2, as appropriate, for the type of earphone, in the column entitled "sound level meter reading."

2. Linearity check.

a. With the earphone in place, set the frequency to 1,000 Hz and the HTL dial on the audiometer to seventy (70) dB.

b. Measure the sound levels in the coupler at each ten (10) dB decrement from seventy (70) dB to ten (10) dB, noting the sound level meter reading at each setting.

c. For each ten (10) dB decrement on the audiometer the sound level meter should indicate a corresponding ten (10) dB decrease.

d. This measurement may be made electrically with a voltmeter connected to the earphone terminals.

3. Tolerances.

When any of the measured sound levels deviate from the levels in Table E-1 or Table E-2 plus or minus three (3) dB at any test frequency between 500 and 3,000 Hz, four (4) dB at 4,000 Hz, or five (5) dB at 6,000 Hz and 8,000 Hz, an exhaustive calibration is required if the deviations are greater than ten (10) dB at any test frequency.

TABLE E-1 - REFERENCE THRESHOLD LEVELS FOR TELEPHONICS-TDH-39 EARPHONES

Frequency, Hz	Reference threshold level for TDH-39 earphones, dB	Sound level meter reading dB
500	11.5	81.5
1000	7	77
2000	9	79
3000	10	80
4000	9.5	79.5
6000	15.5	85.5
8000	13.0	83.0

TABLE E-1 - REFERENCE THRESHOLD LEVELS FOR TELEPHONICS-TDH-39 EARPHONES

Frequency, Hz	Reference threshold level for TDH-49 earphones, dB	Sound level meter reading dB
500	13.5	83.5
1000	7.5	77.5
2000	11	81.0
3000	9.5	79.5
4000	10.5	80.5

6000	13.5	83.5
8000	13.0	83.0

(8) 29 CFR 1910.101(b) shall be amended by revocation of referenced pamphlets P-1-1965 and the adoption of P-1-1974, herein filed by reference.

(9) 29 CFR 1910.106 "Flammable and combustible liquids" is amended as follows: 29 CFR 1910.106(a)(3) shall read: "The term automotive service station, or service stations, shall mean that portion of property where flammable or combustible liquids used as motor fuel are stored and dispensed from fixed equipment and into the fuel tanks of motor vehicles and shall include any facilities available for the sale and servicing of tires, batteries, accessories and for minor automotive maintenance work and shall also include private stations not accessible or open to the public such as those used by commercial, industrial or governmental establishments. This section shall not apply to agriculture."

(10) 29 CFR 1910.106(g)(1)(i)(g), Flammable and Combustible Liquids as published in the Federal Register, Volume 51, Number 188, September 29, 1986, is removed.

(11) 29 CFR 1910.134 is amended as follows:

(a) 29 CFR 1910.134(c) shall read: "Proper selection of respirators shall be made according to the guidance of American National Standard Practices for Respiratory Protection Z88.2 - 1980."

(b) 29 CFR 1910.134(d) the third sentence shall read: "Breathing air shall meet at least the requirements of the specification for Grade D breathing air as described in Compressed Gas Association Commodity Specification G-7.1 - 1973."

(c) 29 CFR 1910.134(g) shall read: Identification of Air-Purifying Respirator Canisters and Cartridges.

1. The primary means of identifying an air-purifying respirator canister or cartridge shall be by means of properly worded labels. The secondary means of identifying an air-purifying respirator canister or cartridge shall be by an identifying color or colors.

2. All who issue or use air-purifying respirators falling within the scope of this standard shall ensure that all canisters and cartridges purchased or used by them are properly labeled and colored in accordance with this standard before they are placed in service and that the labels and colors are properly maintained at all times thereafter until the canisters and cartridges have completely served their purpose. The user shall refer to the label wording to determine the type and degree of protection the canister or cartridge will afford.

3. On each air-purifying respirator canister and cartridge, the following shall appear in bold letters:

CANISTER FOR _____
(Name of atmospheric contaminant)
or

CARTRIDGE FOR _____
(Name of atmospheric contaminant)

In addition, either or both of subparagraphs a and b of this paragraph, and subparagraph (c) of this paragraph, shall appear beneath the

appropriate phrase on the canister or cartridge label.

a. For respiratory protection in atmospheres containing not more than _____ by volume of

(Concentration)

(Name of atmospheric contaminant)

b. For respiratory protection in atmospheres containing

(Type of particulate contaminant)

c. Do not use in atmospheres containing less than nineteen and five-tenths (19.5) percent oxygen by volume at sea level.

4. Each respirator canister or cartridge, or canister or cartridge label, shall be a distinctive color as indicated in Table I-1. The color coating used shall offer a high degree of resistance to changes such as chipping, scaling, peeling, blistering, and fading, and to the effects of ordinary atmospheres to which they may be exposed under normal conditions of storage and use.

(d) 29 CFR 1910.134 Table I-1 shall read:

TABLE I-1
Color Assigned to Canister or Cartridge

Atmospheric Contaminant(s) to Be Protected Against	Color Assigned	ISCC-NBS Centroid Color Number	ISCC-NBS Centroid Color Name
Acid gases	White	263	White
Organic vapors	Black	267	Black
Ammonia gas	Green	139	Vivid green
Carbon monoxide gas	Blue	178	Strong blue
Acid gases and organic vapors	Yellow	82	Vivid yellow
Acid gases, ammonia, and organic vapors	Brown	75	Deep yellow brown
Acid gases, ammonia, carbon monoxide, and organic vapors	Red	11	Vivid red
Other vapors and gases not listed above	Olive	106	Light olive
Radioactive materials (except tritium and noble gases)	Purple	218	Strong purple
Dusts, fumes, and mists (other than radioactive materials)	Orange	48	Vivid orange

NOTES:

(1) A purple (ISCC-NBS Centroid Number 218) stripe shall be used to identify radioactive materials in combination with any vapor or gas.

(2) An orange (ISCC-NBS Centroid Number 48) stripe shall be used to identify dusts, fumes, and mists in combination with any vapor or gas.

(3) Where labels only are colored to conform with this table, the canister or cartridge body shall be gray (ISCC-NBS Centroid Number 265), or

a metal canister or cartridge body may be left in its natural metallic color.

(4) The user shall refer to the wording of the label to determine the type and degree of protection the canister or cartridge will afford.

(12) 29 CFR 1910.141(c)(2)(i) shall read as follows: "(1) Each water closet shall occupy a separate compartment with walls or partitions between fixtures sufficiently high to assure privacy."

(13) Amendment to 29 CFR 1910.145(f), Accident Prevention Tags, as published in Federal Register, Volume 51, Number 182, September 19, 1986, is adopted by reference.

(14) 29 CFR 1910.151 relating to medical services and first aid shall be changed to read as follows:

"(a) The employer shall ensure the ready availability of medical personnel for advice and consultation on matters of occupational health."

"(b) Employers with eight (8) or more employees within the establishment shall have persons adequately trained to render first aid and first-aid supplies approved by the consulting physician, along with a signed list of these supplies, shall be readily available. Outside salesmen, truck drivers, seasonal labor, and others who while performing their duties, are away from the premises more than fifty (50) percent of the time are not to be included in determining the number of employees."

"(c) All other employers shall, in the absence of an infirmary, clinic, or hospital in near proximity to the workplace which is used for the treatment of all injured employees, have a person or persons adequately trained to render first aid. First-aid supplies approved by the consulting physician shall be readily available."

"(d) Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use."

(15) 29 CFR 1910.156(a)(2) "Application" is amended to read: "The requirements of this section apply to fire brigades; industrial fire departments; private fire departments; and municipal public fire departments and fire protection districts. Personal protective equipment requirements apply to members of fire brigades and fire departments performing interior structural fire fighting. The requirements of this section do not apply to airport crash rescue, forest fire fighting operations, or volunteer fire fighters."

(16) Revision to 29 CFR 1910.157(f)(16), Portable Fire Extinguishers, as published in the Federal Register, Volume 51, Number 188, September 29, 1986, is adopted by reference.

(17) Revisions to 29 CFR 1910.179(j)(2)(iii) and (iv), Overhead and Gantry Cranes, as published in the Federal Register, Volume 51, Number 188, September 29, 1986, are adopted by reference.

(18) Revision to 29 CFR 1910.179(m)(1), Overhead and Gantry Cranes, as published in the Federal Register, Volume 51, Number 188, September 29, 1986, is adopted by reference.

(19) Revision to 29 CFR 1910.180(d)(6), Crawler Locomotive and Truck Cranes, as published in the Federal Register, Volume 51, Number 188, September 29, 1986, is adopted by

reference.

(20) Revisions to 29 CFR 1910.180(g)(1) and (2)(ii), Crawler and Locomotive Truck Cranes, as published in the Federal Register, Volume 51, Number 188, September 29, 1986, are adopted by reference.

(21) Revisions to 29 CFR 1910.181(g)(1) and (3), Derricks, as published in the Federal Register, Volume 51, Number 188, September 29, 1986, are adopted by reference.

(22) 29 CFR 1910.217(b)(7)(xii) relating to machines using part revolution clutches shall be amended by adding the following:

"This provision will not prevent the employer from utilizing a reversing means of the drive motor with the clutch-brake control in the 'inch' position."

(23) Revisions to 29 CFR 1910.217(e)(1)(i) and (ii), Mechanical Power Presses, as published in the Federal Register, Volume 51, Number 188, September 29, 1986, are adopted by reference.

(24) Revisions to 29 CFR 1910.218(a)(2)(i) and (ii), Forging Machines, as published in the Federal Register, Volume 51, Number 188, September 29, 1986, are adopted by reference.

(25) Amendments to 29 CFR 1910.243, "Guarding of Portable Powered Tools" as published in the Federal Register, Volume 50, Number 22, February 1, 1985 are adopted by reference.

(26) Subparagraph 29 CFR 1910.252(a)(6)(iv), (d)(2) shall be corrected to read as follows:

"Wiring and electrical equipment in compressor or booster pump rooms or enclosures shall conform to the provisions of section 1910.309(a) for Class I, Division 2 locations."

(27) Revision to 29 CFR 1910.252(c)(6), Welding, Cutting and Brazing, as published in the Federal Register, Volume 51, Number 188, September 29, 1986, is adopted by reference.

(28) Amendment to 29 CFR 1910.430(e)(1), Commercial Diving Equipment, as published in the Federal Register, Volume 51, Number 181, September 18, 1986, is adopted by reference.

(29) 29 CFR 1910.440(a)(1), Commercial Diving Recordkeeping Requirements, as published in the Federal Register, Volume 51, Number 188, September 29, 1986, is removed.

(30) 29 CFR 1910 Subpart T Appendix B "Commercial Diving Operations" as published in the Federal Register, Volume 50, Number 6, January 9 1985, is adopted by reference.

(31) 29 CFR 1910.1000, "Air Contaminants," Table Z-1 is amended as published in the Federal Register, Volume 50, Number 240, December 13, 1985, is adopted by reference.

(32) 29 CFR 1910.1001 "Asbestos" is amended as follows:

(a) Amendments as published in the Federal Register, Volume 51, Number 119, June 20, 1986, are adopted by reference.

(b) 29 CFR 1910.1001(d)(6)(ii) is amended to add: "The employer shall ensure that all sampling will be conducted in accordance with the ORM in Appendix A, before sampling commences."

(c) 29 CFR 1910.1001(d)(6)(iv) is amended to add: "The employer shall ensure that all analyses are performed in accordance with the elements outlined in Appendix A, and that all asbestos counters meet the criterion specified in Appendix A. This notice shall be given prior to the start of the analyses."

(d) 29 CFR 1910.1001(g)(3)(i) is amended to read: "Where respiratory protection is required, the employer shall institute a respirator

program in accordance with American National Standards Practices for Respiratory Protection, ANSI Z88.2 - 1980, with the exception of Appendix A5, Suggested Procedures for Carrying Out Qualitative Respirator - Fitting Tests, and Appendix A6, Suggested Procedures for Carrying Out Quantitative Respirator - Fitting Tests."

(e) 29 CFR 1910.1001(j)(1)(ii) is amended to read: "Sign specifications. The warning signs required by paragraph (j)(1)(i) of the section shall be of a vertical format measuring twenty (20) inches in length and fourteen (14) inches in width, and shall be printed in letters of sufficient size and contrast as to be readily visible and legible, and shall bear the following information:"

(33) 29 CFR 1910.1005 4,4'-methylene bis (2-chloroaniline) and 29 CFR 1910.1003 through 1016 paragraphs (c)(6), Laboratory Activities, printed in the Federal Register, Volume 39, Number 125, June 27, 1974, are in effect.

(34) Paragraph 1910.1005(c)(7) of the 29 CFR 1910 General Industry Standards shall read as follows:

"Premixed Solutions: Where 4,4'-methylene bis (2-chloroaniline) is present only in a single solution at a temperature not exceeding 120 degrees Celsius, the establishment of a regulated area is not required; however, (i) only authorized employees shall be permitted to handle such materials."

(35) 29 CFR 1910.1025 "Occupational Exposure to Lead" shall be amended as follows: "Table 1 - Implementation Schedule" is amended to read:

(36) 29 CFR 1910.1029 "Coke Oven Emissions" shall be amended as follows: Revision as published in the Federal Register, Volume 50, Number 178, September 13, 1985 are adopted by reference.

(37) Corrections to 29 CFR 1910.1043, Cotton Dust as published in the Federal Register, Volume 51, Number 128, July 3, 1986, are adopted by reference.

(38) Amendments and corrections to 29 CFR 1910.1047, Ethylene Oxide and Appendices A, B, C and D, as published in the Federal Register, Volume 51, Number 132, July 10, 1986 are adopted by reference.

(39) Revision of 29 CFR 1910.1200(i)(3), Hazard Communication, and an amendment removing the last paragraph in 1910.1200 Appendix D, as published in the Federal Register, Volume 51, Number 189, September 30, 1986, are adopted by reference.

TABLE 1 - Implementation Schedule

INDUSTRY ¹ ug/m ³	COMPLIANCE DATES		
	200 ug/m ³	100 ug/m ³	50
Primary Lead Production	(2)	June 29, 1984	June 29, 1991
Secondary Lead Production	(2)	June 29, 1984	June 29, 1986
Lead Acid Battery Manufacture	(2)	June 29, 1983	June 29, 1986
Automobile/Manufacture/Solder Grinding	(2)	N/A	June 29, 1988

Electronics, Gray Iron Foundries, Ink Manufacture, Paints and Coatings Manufacture, Wall Paper Manufacture, Can Manufactures, and Printing	(2)	N/A	June 29, 1982
Lead Pigment Manu- facture, NonFerrous Foundries, Leaded Steel Manufacture, Lead Chemical Manu- facture, Ship Building and Ship Repair, Battery Breaking in the Collection and Processing of Scrap (excluding collection and processing of scrap which is part of a secondary smelting operation), Secondary Smelting of Copper, and Lead Casting	(2)	N/A	N/A
All Other Industries	(2)	N/A	June 11, 1984

¹ Includes ancillary activities located on the same worksite.

2. On effective date. This continues an obligation from Table Z-2 of 29 CFR 1910.1000 which had been in effect since 1971 but which was deleted upon effectiveness of this section.

CAROL PALMORE, Chairman

APPROVED BY AGENCY: March 11, 1987

FILED WITH LRC: March 12, 1987 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing concerning these regulations has been scheduled for April 21, 1987 at 1 p.m. (EST), to be held at the Kentucky Labor Cabinet, U.S. 127 Building South, Bay 2 Conference Room, Frankfort, Kentucky. Those interested in attending must provide by April 16, 1987, written notice to Mr. Guy Schoolfield, Kentucky Labor Cabinet, Division of Education and Training, OSH Technical Assistance Branch, U.S. 127 Building South, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Guy Schoolfield

(1) Type and number of entities affected: This regulation affects all employers in the Commonwealth with one (1) or more employees.

(a) Direct and indirect costs or savings to those affected: No costs or savings to employers will occur as a result of this adoption.

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: No reports or records are required by this adoption.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: No costs or savings to the Kentucky OSH Program will occur as a result of this adoption.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No additional reports or records are required by this adoption.

(3) Assessment of anticipated effect on state and local revenues: This adoption will have no effect on state and local revenues.

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

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: No regulations, rules, or policies conflict, overlap, or duplicate this adoption.

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. The Occupational Safety and Health Program targets its scheduled inspections toward those industries or firms that pose higher risks to worker health and safety or from which the OSH Program has received worker complaints.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of the April 13-14, 1987 Meeting

The April meeting of the Administrative Regulation Review Subcommittee was held on Monday, April 13, 1987 at 2 p.m. and on Tuesday, April 14, 1987 at 10 a.m. in Room 110. Representative Mark D. O'Brien, Chairman, called the meeting to order, and the secretary called the roll. Without objection, the minutes of the March 5-6, 1987 meeting were approved.

Present were:

Members: Representative Mark D. O'Brien, Chairman; Senators Harold Haering, Pat McCuiston and Bill Quinlan; Representatives Jim Bruce, Ronny Layman and Joe Meyer.

Guests: Joyce A. Bryan, Richard Casey, Judith A. Deines, Londa L. Wolanin, KY Higher Education Assistance Authority; Martin Glazer, KY Athletic Commission and Board of Speech Language Pathology & Audiology; Dave Nicholas,

Division of Occupations & Professions, Board of Speech Language Pathology & Audiology; Don R. McCormick, Lauren Schaaf, Thomas A. Young, Department of Fish & Wildlife Resources; Gary Faulkner, C. R. Sanders, Natural Resources & Environmental Protection Cabinet; Michael Bradley, Corrections Cabinet; Sandra Pullen, Transportation Cabinet; Edward A. Farris, Department of Alcoholic Beverage Control; Ken Aitken, Judith G. Walden, Carl VanCleve, Department of Housing, Buildings & Construction; Barbara Coleman, Eva Ellis, Vic Gausepohl, Anne Hager, Ron Holland, N. Clifton Howard, Mark Yancey, Cabinet for Human Resources; Ted Bradshaw, KY Bankers; Nancy Cox, KY Association of Health Care Facilities;

LRC Staff: Susan Wunderlich, Joe Hood, Gregory Karambellas, Donna Valencia, Carolyn

Kimman, Tom Willis and Carla Arnold.

The Administrative Regulation Review Subcommittee met on April 13 and 14, 1987, and submits the following report:

The Subcommittee determined that the following regulations, as amended, complied with KRS Chapter 13A:

Kentucky Higher Education Assistance Authority: Teacher Scholarship Program

11 KAR 7:010 (Math/science incentive loan program.) Representative O'Brien felt that the provision that some decisions be made at the sole discretion of the executive director of the authority was completely arbitrary, and said these decisions should be made by a review committee or some similar body. The agency agreed to amend this regulation by deleting the words "sole discretion of the executive director of the authority" and by inserting the words "recommendation of a designated staff review committee."

Teacher Scholarship Program

11 KAR 8:010 (Teacher scholarship program.) The Subcommittee requested that the agency provide the members with information concerning various aspects of scoring individuals to qualify for this program. Representative O'Brien felt that the provision that some decisions be made at the sole discretion of the executive director of the authority was completely arbitrary, and said these decisions should be made by a review committee or some similar body. The agency agreed to amend this regulation by deleting the words "sole discretion of the executive director of the authority" and by inserting the words "recommendation of a designated staff review committee."

Congressional Teacher Scholarship Program

11 KAR 10:010 (Congressional teacher scholarship program.) The Subcommittee and agency agreed to amend this regulation to bring it into conformance with federal regulations.

Tourism Cabinet: Department of Fish and Wildlife Resources: Hunting and Fishing

301 KAR 3:021 (Hunting and fishing license fees.) The subcommittee and agency agreed to delete Section 3 since KRS Chapter 13A provides that regulations become effective on the date of the Subcommittee's adjournment.

Natural Resources and Environmental Protection Cabinet: Department for Natural Resources: Division of Water Patrol

402 KAR 4:130 (Safety standards.) Subcommittee members questioned the definition of "established traffic lanes" and how such lanes were marked. The agency responded that not all lanes or channels were marked, and if a boater was found in a traffic lane, he would be asked to move and could possibly be fined. Representative O'Brien asked how a boater or a swimmer could be fined if there was no "marked" lane. The agency agreed to delete the proposed amendments to Sections 6 and 11.

402 KAR 4:170 (Prohibited operation of vessels at locks, dams and power dams.) Representative O'Brien asked the agency if no vessel shall be operated, moored, or used in any restricted area, what would happen in the event of an emergency. The agency agreed to amend Section 5

by inserting the words "for any purpose other than emergency."

Corrections Cabinet: Office of the Secretary

501 KAR 6:030 (Kentucky State Reformatory.) This regulation was amended to reflect a change in policy 11-02-02.

The Subcommittee determined that the following regulations complied with KRS Chapter 13A:

Kentucky Higher Education Assistance Authority: Kentucky Loan Program

11 KAR 3:050 (Student eligibility.)

KHEAA Grant Program

11 KAR 5:020 (Definitions.)

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 (Distinguished student recognition and scholarship award program; selection committee; award selection criteria.)

Congressional Teacher Scholarship Program

11 KAR 10:020 (Deferment.)

General Government Cabinet: Board of Speech-Language Pathology and Audiology

201 KAR 17:030 (License fees.)

Kentucky Athletic Commission

201 KAR 27:016 (Bond required to cover compensation of officials and boxers.)

Tourism Cabinet: Department of Fish and Wildlife Resources: Game

301 KAR 2:040 (Upland game shooting preserves.)

301 KAR 2:230 (Shoot to retrieve field trial permits and procedures.)

Wildlife

301 KAR 4:060 (Fishtrap Lake WMA restrictions.)

Natural Resources and Environmental Protection Cabinet: Department for Natural Resources: Division of Water Patrol

402 KAR 4:030 (Registration decals.)

Representative Bruce requested that the agency in some way notify boat owners that registration decals have to be removed from the boat upon expiration. The agency said they would look into providing this information on the new registration decals.

402 KAR 4:050 (Safety equipment required.)

402 KAR 4:060 (Lighting equipment.)

402 KAR 4:070 (Signaling devices.)

402 KAR 4:090 (Fire extinguisher equipment.)

Subcommittee members questioned the requirement that boats under 16 feet must have a fire extinguisher. Representative McCuiston felt that this should be up to the discretion of the boat owner. Motion to approve this regulation passed, 4 ayes and 3 nays (Representatives Layman and Bruce and Senator McCuiston voted no).

402 KAR 4:150 (Passengers riding in dangerous positions prohibited.)

402 KAR 4:180 (Zoning and marking of streams and lakes.)

Corrections Cabinet: Office of the Secretary

501 KAR 6:040 (Kentucky State Penitentiary.)

501 KAR 6:050 (Luther Luckett Correctional Complex.)

501 KAR 6:060 (Northpoint Training Center.)

501 KAR 6:090 (Frankfort Career Development Center.)

501 KAR 6:120 (Blackburn Correctional Complex.)

Transportation Cabinet: Department of Vehicle Regulation: Coal Transportation

601 KAR 35:060 (Extended weight coal haul decals.)

601 KAR 35:070 (License plates for trucks operated under cooperative agreements.)

Public Protection and Regulation Cabinet: Department of Alcoholic Beverage Control: Retail Premises

804 KAR 7:010 (Location in cities of first class.)

Department of Housing, Buildings and Construction: Elevator Safety

815 KAR 4:010 (Elevators, dumbwaiters, escalators and moving walks standards.)

Kentucky Building Code

815 KAR 7:020 (Building code.)

Plumbing

815 KAR 20:075 (Installation recommendations for polybutylene tubing for hot and cold water distribution systems.)

815 KAR 20:120 (Water supply and distribution.)

Hazardous Materials

815 KAR 30:021 (Repeal of 815 KAR 30:020.)

815 KAR 30:031 (Repeal of 815 KAR 30:030.)

815 KAR 30:050 (Fireworks; approval of exempted novelties.)

Cabinet for Human Resources: Department for Health Services: Hospitalization of Mentally Ill and Mentally Retarded

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

Department for Manpower Services: Unemployment Insurance

903 KAR 5:260 (Unemployment insurance procedures.)

Department for Social Insurance: Public Assistance

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

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

Food Stamp Program

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

The Subcommittee deferred the following regulation at the agency's request:

Public Protection and Regulation Cabinet: State Racing Commission: Thoroughbred Racing Rules

810 KAR 1:022 (Health and welfare fund.)

Department of Housing, Buildings and Construction: Kentucky Building Code

815 KAR 7:070 (Requirements for certification of Kentucky Building Code inspectors.) Representative Meyer asked the agency why the amendments to this regulation provided for an exemption from the three year period in which inspectors must become qualified by passing required tests. Agency personnel stated that about 17 people have passed at least one test module but had not completed the other two. Agency personnel added that rather than force local authorities to terminate these people and to hire people who may have the experience requirement but who, themselves, have not completed the test, the agency decided to give people another year to complete the testing. Representative Meyer pointed out that the wording of the amendment would permit any person, even those hired now, to have an additional year to complete the testing. He stated that it appeared that the original three year requirement was adequate, especially since the tests were given twice a year. He added that the credibility of the inspection program would be damaged and he stated that it was unfair to have required, in effect, all but 17 to meet the three year requirement. Chairman O'Brien requested that the agency provide statistics to the Subcommittee relating to the number of people who have taken the tests and passed, the number who have failed, and the number who have taken various modules. Agency personnel requested that this regulation be deferred until the next meeting.

Chairman O'Brien instructed the Regulations Compiler to inform all agencies that they must comply with 1 KAR 1:010, Section 1, and provide a written summary of any material incorporated by reference.

The Subcommittee had no objections to emergency regulations which had been filed.

Other Business:

GENERAL GOVERNMENT CABINET: Board of Medical Licensure

201 KAR 9:083 (Certification and supervision of physician assistants.) A temporary restraining order was filed on March 27, 1987, prohibiting the administrative body from taking any action on this regulation, including amendments to said regulation and the holding of a public hearing on proposed amendments. Therefore, the Subcommittee took no action on this regulation.

The Subcommittee adjourned at 10:30 a.m. until May 13, 1987.

CUMULATIVE SUPPLEMENT

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LOCATOR INDEX -- EFFECTIVE DATES

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

VOLUME 12

Regulation	12 Ky.R. Page No.	Effective Date	Regulation	12 Ky.R. Page No.	Effective Date
704 KAR 3:325			704 KAR 20:330	1961	8-12-86
Amended	1864	8-12-86	904 KAR 1:013		
704 KAR 15:080			Amended	1922	8-12-86
Amended	1874		Recodified		8-13-86
Withdrawn		8-27-86			

VOLUME 13

Emergency Regulation	13 Ky.R. Page No.	Effective Date	Emergency Regulation	13 Ky.R. Page No.	Effective Date
101 KAR 1:300E	120	7-15-86	101 KAR 2:120E	154	7-15-86
Replaced	390	9-4-86	Replaced	430	9-4-86
101 KAR 1:310E	120	7-15-86	101 KAR 2:130E	156	7-15-86
Replaced	391	9-4-86	Replaced	432	9-4-86
101 KAR 1:320E	121	7-15-86	101 KAR 3:005E	157	7-15-86
Replaced	392	9-4-86	Replaced	433	9-4-86
101 KAR 1:325E	122	7-15-86	101 KAR 3:010E	157	7-15-86
Replaced	393	9-4-86	Replaced	434	9-4-86
101 KAR 1:330E	123	7-15-86	101 KAR 3:030E	161	7-15-86
Replaced	394	10-2-86	Replaced	438	9-4-86
101 KAR 1:340E	125	7-15-86	101 KAR 3:040E	161	7-15-86
Replaced	397	9-4-86	Replaced	438	9-4-86
101 KAR 1:350E	127	7-15-86	101 KAR 3:050E	162	7-15-86
Replaced	399	9-4-86	Replaced	439	9-4-86
101 KAR 1:360E	129	7-15-86	201 KAR 17:030E	1529	1-27-87
Replaced	401	9-4-86	Replaced	1620	4-14-87
101 KAR 1:370E	132	7-15-86	301 KAR 1:085	1837	3-17-87
Replaced	405	9-4-86	301 KAR 2:044E	482	8-14-86
101 KAR 1:380E	133	7-15-86	Replaced	519	10-2-86
Replaced	406	9-4-86	301 KAR 2:047E	484	8-14-86
101 KAR 1:390E	134	7-15-86	Replaced	521	10-2-86
Replaced	407	9-4-86	301 KAR 2:220E	849	9-29-86
101 KAR 2:005E	135	7-15-86	Replaced	908	12-2-86
Replaced	408	9-4-86	302 KAR 16:010E	164	7-1-86
101 KAR 2:010E	136	7-15-86	Replaced	240	9-4-86
Replaced	409	9-4-86	302 KAR 20:056E	1023	11-13-86
101 KAR 2:020E	136	7-15-86	Replaced	1195	1-13-87
Replaced	410	9-4-86	302 KAR 20:057E	1024	11-13-86
101 KAR 2:030E	137	7-15-86	Replaced	1196	1-13-87
Replaced	411	9-4-86	302 KAR 20:065E	1025	11-13-86
101 KAR 2:040E	140	7-15-86	Replaced	1094	1-13-87
Replaced	414	9-4-86	302 KAR 31:010E	1219	12-3-86
Resubmitted	1405	1-15-87	Replaced	1706	3-6-87
Replaced	1448	3-6-87	302 KAR 31:011E	1221	12-3-86
KAR 2:050E	142	7-15-86	Replaced	1708	3-6-87
Replaced	416	9-4-86	405 KAR 10:200E	614	9-3-86
Resubmitted	1408	1-15-87	Replaced	1076	12-2-86
Replaced	1450	3-6-87	501 KAR 6:020E		
101 KAR 2:060E	144	7-15-86	Replaced	4	5-16-86
Replaced	418	9-4-86	Resubmitted	4	5-16-86
101 KAR 2:070E	145	7-15-86	Replaced		7-2-86
Replaced	420	9-4-86	Resubmitted	1222	11-17-86
101 KAR 2:080E	146	7-15-86	Replaced	1099	1-13-87
Replaced	421	9-4-86	Resubmitted	1839	3-17-87
101 KAR 2:090E	148	7-15-86	501 KAR 6:030E	486	7-21-86
Replaced	423	9-4-86	Replaced	525	10-2-86
101 KAR 2:100E	149	7-15-86			
Replaced	425	9-4-86			
101 KAR 2:110E	153	7-15-86			
Replaced	626	9-4-86			

ADMINISTRATIVE REGISTER - K3

Emergency Regulation	13 Ky.R. Page No.	Effective Date	Emergency Regulation	13 Ky.R. Page No.	Effective Date
501 KAR 6:040E	165	6-16-86	902 KAR 20:026E	185	7-7-86
Replaced	488	7-21-86	Replaced	342	9-4-86
Resubmitted	488	7-21-86	Resubmitted	1027	11-13-86
Replaced	283	9-4-86	Replaced	1133	2-10-87
Resubmitted	1409	1-15-87	902 KAR 20:036E	194	7-7-86
Replaced	1457	3-6-87	Replaced	351	9-4-86
Resubmitted	1840	3-17-87	902 KAR 20:048E	199	7-7-86
501 KAR 6:050E	1411	1-15-87	Replaced	356	9-4-86
Replaced	1459	3-6-87	Resubmitted	1036	11-13-86
501 KAR 6:060E	1412	1-15-87	Replaced	1142	2-10-87
Replaced	1460	3-6-87	902 KAR 20:051E	207	7-7-86
501 KAR 6:070E	166	6-16-86	Replaced	365	9-4-86
Replaced	58	8-12-86	Resubmitted	1044	11-13-86
Resubmitted	1413	1-15-87	Replaced	1151	2-10-87
Replaced	1462	3-6-87	902 KAR 20:220E	214	7-14-86
501 KAR 6:090E	617	9-10-86	Replaced	655	10-2-86
Replaced	744	11-11-86	903 KAR 5:260E	1530	2-5-87
Resubmitted	1223	11-17-86	Replaced	1668	4-14-87
Replaced	1103	1-13-87	903 KAR 5:270E	221	6-16-86
Resubmitted	1415	1-15-87	Replaced	89	8-12-86
Replaced	1463	3-6-87	903 KAR 5:290E	1841	3-17-87
501 KAR 6:110E	167	6-16-86	903 KAR 6:040E	1534	1-16-87
Replaced	101	8-12-86	Replaced	1489	3-6-87
Resubmitted	1224	11-17-86	904 KAR 2:006E	1842	4-13-87
Replaced	1105	1-13-87	904 KAR 2:015E	1422	12-29-86
Resubmitted	1416	1-15-87	Replaced	1492	3-6-87
Replaced	1464	3-6-87	904 KAR 2:016E	7	5-16-86
501 KAR 6:120E	1417	1-15-87	Replaced		7-2-86
Replaced	1466	3-6-87	904 KAR 2:116E	1052	10-16-86
502 KAR 15:020E	489	7-25-86	Replaced	980	12-2-86
Replaced	601	10-2-86	904 KAR 2:140E	494	8-8-86
502 KAR 50:010E	490	8-14-86	Replaced	549	10-2-86
Replaced	602	10-2-86	904 KAR 2:170E	495	8-8-86
600 KAR 1:045E	490	8-14-86	Replaced	550	10-2-86
Replaced	894	11-11-86	904 KAR 3:010E	496	7-22-86
601 KAR 1:140E	1418	12-16-86	Replaced	551	10-2-86
Replaced	1334	2-10-87	Resubmitted	1844	3-31-87
601 KAR 9:074E	168	7-1-86	904 KAR 3:020E	853	10-6-86
Replaced	289	9-4-86	Replaced	983	12-2-86
601 KAR 9:110E	1697	3-9-87	Resubmitted	1424	1-5-87
603 KAR 5:190E	492	7-25-86	Replaced	1494	3-6-87
Replaced	602	11-11-86	Resubmitted	1847	3-31-87
603 KAR 5:200E	493	7-25-86	904 KAR 3:090E	498	8-8-86
Replaced	603	11-11-86	Replaced	554	10-2-86
702 KAR 1:010E	172	7-10-86	905 KAR 1:180E	11	5-16-86
Replaced	635	10-2-86	Replaced		7-2-86
702 KAR 3:200E	618	9-8-86	Resubmitted		7-1-86
Replaced	1081	12-2-86	Resubmitted	222	7-15-86
702 KAR 7:065E	619	9-8-86	Replaced	662	10-2-86
Replaced	835	11-11-86	Resubmitted	1055	10-19-86
702 KAR 7:070E	619	9-8-86	Replaced	1168	1-13-87
Replaced	749	11-11-86	905 KAR 3:030E	223	7-1-86
702 KAR 7:080E	620	9-8-86	Replaced	376	9-4-86
Replaced	750	11-11-86	905 KAR 8:110E	1056	10-29-86
704 KAR 7:070E	621	9-8-86	Replaced	1169	1-13-87
Replaced	749	12-2-86	905 KAR 8:120E	1056	10-29-86
704 KAR 15:080E	173	7-10-86	Replaced	1170	1-13-87
Replaced	639	10-2-86	907 KAR 1:004E	856	10-6-86
706 KAR 1:010E	1699	3-9-87	Replaced	987	12-2-86
815 KAR 7:070E	1420	1-15-87	Resubmitted	1427	1-15-87
900 KAR 1:006E	5	5-23-86	Replaced	1497	3-6-87
Replaced	110	8-12-86	907 KAR 1:010E	861	10-6-86
900 KAR 1:060E	174	7-15-86	Replaced	992	12-2-86
Replaced	465	9-4-86	907 KAR 1:013E	623	8-27-86
902 KAR 4:050E	622	8-15-86	Expired		10-24-86
Replaced	539	10-2-86	Resubmitted	1057	10-29-86
902 KAR 10:110E	493	8-8-86	Withdrawn		12-19-86
Replaced	540	10-2-86	Resubmitted	1432	1-5-87
902 KAR 20:016E	175	7-14-86	Replaced	1503	3-6-87
Replaced	645	10-2-86	907 KAR 1:031E	224	7-1-86
			Replaced	380	9-4-86

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Emergency Regulation	13 Ky.R. Page No.	Effective Date	Regulation	13 Ky.R. Page No.	Effective Date
907 KAR 1:036E	224	7-3-86	11 KAR 9:010	98	8-12-86
Replaced	663	10-2-86	Amended	1617	4-14-87
Resubmitted	1434	1-5-87	11 KAR 10:010	1674	
Withdrawn		2-17-87	Amended	1855	4-14-87
Resubmitted	1699	2-26-87	11 KAR 10:020	1677	4-14-87
907 KAR 1:045E	231	7-1-86	13 KAR 2:010		
Replaced	387	9-4-86	Repealed	1310	2-10-87
907 KAR 1:055E	232	7-1-86	13 KAR 2:030		
Replaced	389	9-4-86	Repealed	1314	2-10-87
907 KAR 1:160E	1441	1-15-87	13 KAR 2:040	1310	2-10-87
Replaced	1512	3-6-87	13 KAR 2:050	1314	2-10-87
907 KAR 1:170E	1443	1-15-87	14 KAR 1:010	557	10-2-86
Replaced	1515	3-6-87	31 KAR 3:010	559	10-2-86
907 KAR 1:250E	625	8-15-86	101 KAR 1:010		
Replaced	555	10-2-86	Repealed	120	7-15-86
Resubmitted	1226	11-25-86	101 KAR 1:020		
Replaced	1308	2-10-87	Repealed	120	7-15-86
907 KAR 1:330E	862	10-6-86	101 KAR 1:030		
Replaced	1016	12-2-86	Repealed	120	7-15-86
907 KAR 1:340E	863	10-6-86	101 KAR 1:040		
Replaced	1017	12-2-86	Repealed	135	7-15-86
907 KAR 1:350E	1444	1-5-87	101 KAR 1:051		
Replaced	1520	3-6-87	Repealed	135	7-15-86
			101 KAR 1:060		
			Repealed	120	7-15-86
			101 KAR 1:070		
			Repealed	120	7-15-86
			101 KAR 1:080		
			Repealed	120	7-15-86
			101 KAR 1:090		
			Repealed	120	7-15-86
			101 KAR 1:100		
			Repealed	120	7-15-86
			101 KAR 1:110		
			Repealed	120	7-15-86
			101 KAR 1:120		
			Repealed	120	7-15-86
			101 KAR 1:130		
			Repealed	120	7-15-86
			101 KAR 1:140		
			Repealed	120	7-15-86
			101 KAR 1:145		
			Repealed	135	7-15-86
			101 KAR 1:150		
			Repealed	135	7-15-86
			101 KAR 1:160		
			Repealed	120	7-15-86
			101 KAR 1:170		
			Repealed	120	7-15-86
			101 KAR 1:200		
			Repealed	157	7-15-86
			101 KAR 1:205		
			Repealed	157	7-15-86
			101 KAR 1:210		
			Repealed	157	7-15-86
			101 KAR 1:220		
			Repealed	157	7-15-86
			101 KAR 1:230		
			Repealed	157	7-15-86
			101 KAR 1:300	390	9-4-86
			101 KAR 1:310	391	9-4-86
			101 KAR 1:320	392	9-4-86
			101 KAR 1:325	393	9-4-86
			Amended	899	12-2-86
			Amended	1709	
			101 KAR 1:330	394	10-2-86
			101 KAR 1:340	397	9-4-86
			101 KAR 1:350	399	9-4-86
			101 KAR 1:360	401	9-4-86
			101 KAR 1:370	405	9-4-86
			101 KAR 1:380	406	9-4-86
			101 KAR 1:390	407	9-4-86
Regulation	13 Ky.R. Page No.	Effective Date			
11 KAR 3:040					
Amended	18	8-12-86			
11 KAR 3:050					
Amended	1603	4-14-87			
11 KAR 5:010					
Amended	19	8-12-86			
Amended	1235	2-10-87			
11 KAR 5:020					
Amended	1605	4-14-87			
11 KAR 5:030					
Amended	20	8-12-86			
Amended	1236	2-10-87			
11 KAR 5:031	92	8-12-86			
11 KAR 5:032					
Repealed	92	8-12-86			
11 KAR 5:035					
Repealed	92	8-12-86			
11 KAR 5:060					
Repealed	92	8-12-86			
11 KAR 5:070					
Repealed	92	8-12-86			
11 KAR 5:080					
Repealed	92	8-12-86			
11 KAR 5:085					
Repealed	92	8-12-86			
11 KAR 5:090					
Repealed	92	8-12-86			
11 KAR 5:100					
Repealed	92	8-12-86			
11 KAR 6:010					
Amended	1237	2-10-87			
11 KAR 7:010					
Amended	21				
Amended	499	8-12-86			
Amended	1607				
Amended	1850	4-14-87			
11 KAR 7:020	93	8-12-86			
Amended	1611	4-14-87			
11 KAR 8:010					
Amended	94				
Amended	503	8-12-86			
Amended	1613				
Amended	1853	4-14-87			
11 KAR 8:020	96	8-12-86			
Amended	1615	4-14-87			

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Regulation	13 Ky.R. Page No.	Effective Date	Regulation	13 Ky.R. Page No.	Effective Date
101 KAR 2:005	408	9-4-86	201 KAR 9:083	805	
101 KAR 2:010	409	9-4-86	Amended	1073	
101 KAR 2:020	410	9-4-86	Amended	1536	2-10-87
101 KAR 2:030	411	9-4-86	Amended	1618	
101 KAR 2:040	414	9-4-86	201 KAR 9:084	808	11-11-86
Amended	1448	3-6-87	201 KAR 9:121		
101 KAR 2:050	416	9-4-86	Amended	1866	
Amended	1450	3-6-87	201 KAR 9:151		
101 KAR 2:060	418	9-4-86	Amended	1090	1-13-87
101 KAR 2:070	420	9-4-86	201 KAR 9:161		
101 KAR 2:080	421	9-4-86	Amended	1867	
101 KAR 2:090	423	9-4-86	201 KAR 11:080		
101 KAR 2:100	425	9-4-86	Repealed	1517	3-6-87
101 KAR 2:110	428		201 KAR 11:200	1315	
Amended	626	9-4-86	Withdrawn		12-24-86
101 KAR 2:120	430	9-4-86	201 KAR 11:210	1517	3-6-87
101 KAR 2:130	432	9-4-86	201 KAR 12:030		
101 KAR 3:005	433	9-4-86	Amended	1710	
101 KAR 3:010	434	9-4-86	201 KAR 12:110		
101 KAR 3:030	438	9-4-86	Amended	237	9-4-86
101 KAR 3:040	438	9-4-86	201 KAR 12:120		
101 KAR 3:050	439	9-4-86	Amended	1455	3-6-87
103 KAR 5:130	1173	1-13-87	201 KAR 13:040		
103 KAR 15:050			Amended	900	12-2-86
Amended	26	8-12-86	201 KAR 17:010		
103 KAR 16:070			Amended	515	10-2-86
Amended	27	8-12-86	201 KAR 17:011	560	10-2-86
103 KAR 16:080			201 KAR 17:012	562	10-2-86
Amended	30	8-12-86	201 KAR 17:015	563	10-2-86
103 KAR 16:090			201 KAR 17:030		
Amended	33	8-12-86	Amended	1620	4-14-87
103 KAR 17:080			201 KAR 17:041		
Amended	35	8-12-86	Amended	516	10-2-86
103 KAR 26:050			201 KAR 17:050		
Amended	1084	1-13-87	Repealed	564	10-2-86
103 KAR 27:180			201 KAR 17:060		
Amended	1084	1-13-87	Repealed	564	10-2-86
103 KAR 30:020			201 KAR 17:061	564	10-2-86
Amended	1085	1-13-87	201 KAR 17:090	1316	2-10-87
103 KAR 43:240	99	8-12-86	201 KAR 17:091	1962	
103 KAR 44:006	1516	3-6-87	201 KAR 17:100	1962	
103 KAR 44:020			201 KAR 18:040		
Repealed	1516	3-6-87	Amended	1091	1-13-87
105 KAR 1:010			201 KAR 18:050		
Amended	36	8-12-86	Amended	1091	1-13-87
105 KAR 1:040			201 KAR 18:070		
Amended	38	8-12-86	Amended	1092	1-13-87
105 KAR 1:080			201 KAR 19:020		
Repealed	38	8-12-86	Amended	1868	
105 KAR 1:090			201 KAR 19:035		
Repealed	38	8-12-86	Amended	1868	
105 KAR 1:100			201 KAR 19:095		
Repealed	38	8-12-86	Amended	1872	
105 KAR 1:110	1804		201 KAR 20:057		
106 KAR 1:050			Amended	239	9-4-86
Amended	233	7-2-86	201 KAR 20:370	1963	
201 KAR 3:070	1516	3-6-87	201 KAR 22:010		
201 KAR 6:010			Amended	901	12-2-86
Amended	41	8-12-86	201 KAR 22:031		
Amended	1452	3-6-87	Amended	902	12-2-86
201 KAR 8:005	994		201 KAR 22:052		
Withdrawn		4-15-87	Amended	904	12-2-86
201 KAR 8:006	1859		201 KAR 22:070		
201 KAR 8:390	1860		Amended	1710	
201 KAR 9:016			201 KAR 26:150	1804	
Amended	1087	1-13-87	201 KAR 26:160	1964	
201 KAR 9:031			201 KAR 27:015		
Amended	1088	1-13-87	Amended	905	
201 KAR 9:041			Amended	1228	1-13-87
Amended	1089	1-13-87	201 KAR 27:016	1679	4-14-87
201 KAR 9:081			201 KAR 27:044	995	1-13-87
Amended	670	11-11-86	201 KAR 28:010	1175	1-13-87

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Regulation	13 Ky.R. Page No.	Effective Date	Regulation	13 Ky.R. Page No.	Effective Date
201 KAR 28:020	1177	1-13-87	400 KAR 2:040		
201 KAR 28:030	1178	1-13-87	Repealed	1318	2-10-87
201 KAR 28:040	1179	1-13-87	400 KAR 2:050		
201 KAR 28:050	1180	1-13-87	Repealed	1318	2-10-87
201 KAR 28:060	1181	1-13-87	400 KAR 2:060	1318	2-10-87
201 KAR 28:070	1183	1-13-87	400 KAR 2:070	1319	2-10-87
201 KAR 28:080	1184	1-13-87	400 KAR 2:080	1321	2-10-87
201 KAR 28:090	1185	1-13-87	400 KAR 2:090	1322	2-10-87
201 KAR 28:100	1186	1-13-87	400 KAR 2:100	1326	2-10-87
201 KAR 28:110	1187	1-13-87	401 KAR 5:055		
201 KAR 28:120	1187	1-13-87	Amended	241	9-4-86
201 KAR 28:130	1189	1-13-87	401 KAR 5:065		
201 KAR 28:140	1189	1-13-87	Amended	258	9-4-86
201 KAR 28:150	1191	1-13-87	401 KAR 5:090		
201 KAR 28:160	1193	1-13-87	Amended	44	
301 KAR 1:055			Amended	505	9-4-86
Amended	1093	1-13-87	401 KAR 47:070		
301 KAR 1:085			Amended	913	
Amended	1711		Amended	1228	1-13-87
301 KAR 1:145			401 KAR 50:010		
Amended	518	10-2-86	Amended	920	12-2-86
301 KAR 2:040			401 KAR 50:015		
Amended	1622	4-14-87	Amended	267	9-4-86
301 KAR 2:044			Amended	1240	2-10-87
Amended	519	10-2-86	401 KAR 50:035		
301 KAR 2:045			Amended	1626	
Amended	1874		Amended	1861	
301 KAR 2:047			401 KAR 51:017		
Amended	12	6-10-86	Amended	924	12-2-86
Amended	521	10-2-86	401 KAR 57:011		
Amended	1875		Amended	934	12-2-86
301 KAR 2:120			401 KAR 57:020		
Repealed	1679	4-14-87	Repealed	995	12-2-86
301 KAR 2:140			401 KAR 57:021		
Amended	906	12-2-86	Amended	995	12-2-86
301 KAR 2:170			401 KAR 57:045		
Amended	1879		Amended	997	12-2-86
301 KAR 2:220			401 KAR 57:050	1327	2-10-87
Amended	908	12-2-86	401 KAR 57:055	1329	2-10-87
301 KAR 2:230	1679	4-14-87	401 KAR 59:010		
301 KAR 3:021			Amended	271	9-4-86
Amended	523	10-2-86	401 KAR 59:030		
Amended	1624		Repealed	1330	2-10-87
Amended	1857	4-14-87	401 KAR 59:031	1330	2-10-87
301 KAR 3:080	100	8-12-86	401 KAR 59:040		
301 KAR 4:001	1805		Repealed	1332	2-10-87
301 KAR 4:060	1680	4-14-87	401 KAR 59:041	1332	2-10-87
302 KAR 16:010			401 KAR 59:065		
Amended	240	9-4-86	Repealed	999	12-2-86
302 KAR 20:056	1195	1-13-87	401 KAR 59:066	999	12-2-86
302 KAR 20:057	1196	1-13-87	401 KAR 59:068	1001	12-2-86
302 KAR 20:065			401 KAR 59:081		
Amended	1094	1-13-87	Repealed	441	9-4-86
302 KAR 20:180			401 KAR 59:082	441	9-4-86
Amended	1096	1-13-87	401 KAR 59:165		
302 KAR 31:010			Repealed	1002	12-2-86
Amended	1238		401 KAR 59:166	1002	12-2-86
Amended	1539		401 KAR 59:168	1004	12-2-86
Amended	1706	3-6-87	401 KAR 59:196		
302 KAR 31:011	1317		Amended	273	9-4-86
Amended	1708	3-6-87	401 KAR 59:211	443	9-4-86
302 KAR 45:010			401 KAR 59:242	444	9-4-86
Amended	1713		401 KAR 59:290	446	9-4-86
400 KAR 1:060	1681		401 KAR 59:295	1006	12-2-86
Amended	1859		401 KAR 61:020		
400 KAR 2:010			Amended	275	9-4-86
Repealed	1318	2-10-87	401 KAR 61:140		
400 KAR 2:020			Amended	278	9-4-86
Repealed	1318	2-10-87	401 KAR 61:175	1008	12-2-86
400 KAR 2:030			401 KAR 63:021	564	
Repealed	1318	2-10-87	Amended	864	
			Amended	1059	11-11-86

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Regulation	13 Ky.R. Page No.	Effective Date	Regulation	13 Ky.R. Page No.	Effective Date
401 KAR 63:022	574		501 KAR 3:120		
Amended	870		Amended	691	11-11-86
Amended	1062	11-11-86	501 KAR 3:130		
401 KAR 63:040	1198		Amended	692	11-11-86
Withdrawn		12-23-86	501 KAR 3:140		
402 KAR 4:030			Amended	694	11-11-86
Amended	1632	4-14-87	501 KAR 3:150		
402 KAR 4:050			Amended	696	11-11-86
Amended	1633	4-14-87	501 KAR 4:010		
402 KAR 4:060			Amended	699	11-11-86
Amended	1634	4-14-87	501 KAR 4:020		
402 KAR 4:070			Amended	700	11-11-86
Amended	1635	4-14-87	501 KAR 4:030		
402 KAR 4:090			Amended	702	11-11-86
Amended	1636	4-14-87	501 KAR 4:040		
402 KAR 4:130			Amended	703	11-11-86
Amended	1637		501 KAR 4:050		
Amended	1858	4-14-87	Amended	705	11-11-86
402 KAR 4:150			501 KAR 4:060		
Amended	1638	4-14-87	Amended	709	11-11-86
402 KAR 4:170			501 KAR 4:070		
Amended	1639		Amended	710	11-11-86
Amended	1859	4-14-87	501 KAR 4:080		
402 KAR 4:180			Amended	711	11-11-86
Amended	1639	4-14-87	501 KAR 4:090		
405 KAR 10:200	809		Amended	712	11-11-86
Amended	1076	12-2-86	501 KAR 4:100		
405 KAR 16:060			Amended	714	11-11-86
Amended	1883		501 KAR 4:110		
405 KAR 18:060			Amended	715	11-11-86
Amended	1887		501 KAR 4:120		
405 KAR 18:190			Amended	715	11-11-86
Amended	1891		501 KAR 4:130		
500 KAR 1:010			Amended	717	11-11-86
Amended	48	8-12-86	501 KAR 4:140		
500 KAR 1:020			Amended	718	11-11-86
Amended	50	8-12-86	501 KAR 5:010		
500 KAR 2:010	448	9-4-86	Amended	719	11-11-86
500 KAR 2:020	449	9-4-86	501 KAR 5:020		
500 KAR 3:010	452	9-4-86	Amended	721	11-11-86
500 KAR 3:020	453		501 KAR 5:030		
Amended	627	9-4-86	Amended	722	11-11-86
500 KAR 4:010	1807		501 KAR 5:040		
500 KAR 4:020	1808		Amended	723	11-11-86
500 KAR 4:030	1809		501 KAR 5:050		
500 KAR 4:040	1810		Amended	725	11-11-86
500 KAR 4:050	1811		501 KAR 5:060		
500 KAR 4:060	1812		Amended	728	11-11-86
500 KAR 4:070	1813		501 KAR 5:070		
500 KAR 4:080	1814		Amended	730	11-11-86
501 KAR 3:010			501 KAR 5:080		
Amended	674	11-11-86	Amended	731	11-11-86
501 KAR 3:020			501 KAR 5:090		
Amended	675	11-11-86	Amended	732	11-11-86
501 KAR 3:030			501 KAR 5:100		
Amended	677	11-11-86	Amended	733	11-11-86
501 KAR 3:040			501 KAR 5:110		
Amended	677	11-11-86	Amended	734	11-11-86
501 KAR 3:050			501 KAR 5:120		
Amended	679	11-11-86	Amended	735	11-11-86
501 KAR 3:060			501 KAR 5:130		
Amended	684	11-11-86	Amended	736	11-11-86
501 KAR 3:070			501 KAR 6:020		
Amended	686	11-11-86	Amended	52	8-12-86
501 KAR 3:080			Amended	1099	1-13-87
Amended	687	11-11-86	Amended	1244	2-10-87
501 KAR 3:090			Amended	1456	3-6-87
Amended	688	11-11-86	Amended	1714	
501 KAR 3:100			Amended	1895	
Amended	689	11-11-86			
501 KAR 3:110					
Amended	690	11-11-86			

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Regulation	13 Ky.R. Page No.	Effective Date	Regulation	13 Ky.R. Page No.	Effective Date
501 KAR 6:030			501 KAR 7:040	817	11-11-86
Amended	53	8-12-86	501 KAR 7:050	819	11-11-86
Amended	281	10-2-86	501 KAR 7:060	821	11-11-86
Amended	525	10-2-86	501 KAR 7:070	822	11-11-86
Amended	737	11-11-86	501 KAR 7:080	823	11-11-86
Amended	935	12-2-86	501 KAR 7:090	824	11-11-86
Amended	1246	2-10-87	501 KAR 7:100	825	11-11-86
Amended	1641	4-14-87	501 KAR 7:110	826	11-11-86
Amended	1715		501 KAR 7:120	827	11-11-86
Amended	1897		501 KAR 7:130	828	11-11-86
501 KAR 6:040			501 KAR 7:140	829	11-11-86
Amended	55	8-12-86	502 KAR 15:020	601	10-2-86
Amended	283	9-4-86	502 KAR 30:060		
Amended	527	10-2-86	Amended	288	9-4-86
Amended	739	11-11-86	502 KAR 50:010	602	10-2-86
Amended	1100	1-13-87	600 KAR 1:045		
Amended	1248	2-10-87	Amended	533	
Amended	1457	3-6-87	Amended	894	11-11-86
Amended	1643	4-14-87	600 KAR 1:080	102	
Amended	1717		Amended	509	9-4-86
501 KAR 6:050			600 KAR 3:010	103	8-12-86
Amended	56		601 KAR 1:005		
Withdrawn		8-12-86	Amended	535	
Amended	741	11-11-86	Amended	895	
Amended	1459	3-6-87	Amended	1071	11-11-86
Amended	1645	4-14-87	601 KAR 1:140	1334	2-10-87
Amended	1719		601 KAR 9:040		
Amended	1899		Amended	746	11-11-86
501 KAR 6:060			601 KAR 9:055		
Amended	284	10-2-86	Amended	748	11-11-86
Amended	528	10-2-86	601 KAR 9:074		
Amended	742	11-11-86	Amended	289	9-4-86
Amended	937	12-2-86	601 KAR 9:110	831	11-11-86
Amended	1102	1-13-87	Amended	1725	
Amended	1249	2-10-87	601 KAR 9:115	1815	
Amended	1460	3-6-87	601 KAR 12:050	455	9-4-86
Amended	1646	4-14-87	601 KAR 13:050		
Amended	1720		Amended	537	
Amended	1900		Amended	897	11-11-86
501 KAR 6:070			601 KAR 35:020		
Amended	58	8-12-86	Amended	1252	2-10-87
Amended	286	9-4-86	601 KAR 35:040		
Amended	1462	3-6-87	Repealed	1252	2-10-87
Amended	1902		601 KAR 35:050		
501 KAR 6:080			Repealed	1252	2-10-87
Amended	59	8-12-86	601 KAR 35:060	1684	4-14-87
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702 KAR 5:080			Amended	1744	
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702 KAR 5:140			Amended	1745	
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704 KAR 10:022			Amended	1746	
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810 KAR 1:003			Repealed	1690	4-14-87
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811 KAR 1:070			Amended	786	11-11-86
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811 KAR 1:120			Amended	539	10-2-86
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811 KAR 1:170			Amended	1486	3-6-87
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150.023	301 KAR 4:001		301 KAR 2:047
150.025	301 KAR 1:085		301 KAR 2:170
	301 KAR 1:145		301 KAR 2:220
	301 KAR 2:040		301 KAR 2:220
	301 KAR 2:044	150.360	301 KAR 2:044
	301 KAR 2:045		301 KAR 2:045
	301 KAR 2:047		301 KAR 2:047
	301 KAR 2:140		301 KAR 2:140
	301 KAR 2:170		301 KAR 2:170
	301 KAR 2:220		301 KAR 2:220
	301 KAR 2:230		301 KAR 2:230
	301 KAR 3:021	150.365	301 KAR 3:080
	301 KAR 3:080		301 KAR 2:045
	301 KAR 4:060	150.370	301 KAR 2:140
150.110	301 KAR 1:085		301 KAR 2:045
150.120	301 KAR 1:145		301 KAR 2:047
			301 KAR 2:170

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KRS Section	Regulation	KRS Section	Regulation
150.390	301 KAR 2:045	161.010	704 KAR 15:080
	301 KAR 2:140	161.020	704 KAR 20:005
	301 KAR 2:170		704 KAR 20:045
150.399	301 KAR 2:045		704 KAR 20:065
	301 KAR 2:170		704 KAR 20:085
150.400	301 KAR 2:045		704 KAR 20:100
	301 KAR 2:047		704 KAR 20:120
	301 KAR 2:170		704 KAR 20:125
150.410	301 KAR 2:045		704 KAR 20:130
	301 KAR 2:047		704 KAR 20:180
	301 KAR 2:170		704 KAR 20:229
150.415	301 KAR 2:045		704 KAR 20:230
	301 KAR 2:047		704 KAR 20:235
	301 KAR 2:170		704 KAR 20:245
150.416	301 KAR 2:045		704 KAR 20:255
	301 KAR 2:047		704 KAR 20:340
	301 KAR 2:170		704 KAR 20:350
150.417	301 KAR 2:045		704 KAR 20:360
	301 KAR 2:047		704 KAR 20:370
150.445	301 KAR 1:145		704 KAR 20:380
150.450	301 KAR 1:145		704 KAR 20:390
150.470	301 KAR 1:055		704 KAR 20:400
150.510	301 KAR 1:085		704 KAR 20:410
150.520	301 KAR 1:085		704 KAR 20:420
150.600	301 KAR 2:220	161.025	704 KAR 15:030
	301 KAR 3:080		704 KAR 20:005
	301 KAR 4:060		704 KAR 20:045
150.603	301 KAR 2:044		704 KAR 20:065
	301 KAR 2:220		704 KAR 20:085
150.630	301 KAR 2:040		704 KAR 20:100
	301 KAR 2:220		704 KAR 20:125
150.990	301 KAR 1:055		704 KAR 20:130
Chapter 151	400 KAR 1:060		704 KAR 20:180
	401 KAR 5:090		704 KAR 20:229
152.590	400 KAR 1:060		704 KAR 20:230
156.010	704 KAR 3:292		704 KAR 20:235
	705 KAR 1:010		704 KAR 20:245
	706 KAR 1:010		704 KAR 20:255
	706 KAR 1:020		704 KAR 20:340
156.031	706 KAR 1:010		704 KAR 20:350
156.035	704 KAR 3:292		704 KAR 20:360
	705 KAR 1:010		704 KAR 20:370
	706 KAR 1:020		704 KAR 20:380
156.070	702 KAR 7:065		704 KAR 20:390
	702 KAR 7:070		704 KAR 20:400
	702 KAR 7:080		704 KAR 20:410
	704 KAR 3:292		704 KAR 20:420
156.097	701 KAR 5:070	161.027	704 KAR 20:380
156.160	702 KAR 5:080		704 KAR 20:390
	704 KAR 3:304		704 KAR 20:400
	704 KAR 10:022	161.030	702 KAR 3:210
156.400-156.476	702 KAR 1:005		704 KAR 15:030
156.485	709 KAR 1:030		704 KAR 15:080
156.611	11 KAR 7:010		704 KAR 20:005
	11 KAR 7:020		704 KAR 20:045
156.613	11 KAR 8:010		704 KAR 20:065
	11 KAR 8:020		704 KAR 20:085
157.100-157.190	702 KAR 1:005		704 KAR 20:100
157.200-157.290	707 KAR 1:051		704 KAR 20:120
157.320	702 KAR 3:210		704 KAR 20:125
157.360	702 KAR 3:190		704 KAR 20:130
	707 KAR 1:051		704 KAR 20:180
157.370	702 KAR 5:140		704 KAR 20:229
157.390	702 KAR 1:025		704 KAR 20:230
157.420	702 KAR 1:010		704 KAR 20:235
157.622	702 KAR 1:010		704 KAR 20:245
Chapter 158	700 KAR 1:010		704 KAR 20:255
158.148	704 KAR 7:070		704 KAR 20:340
158.650-158.740	704 KAR 3:005		704 KAR 20:350
158.780	702 KAR 3:200		704 KAR 20:360
158.785	702 KAR 3:200		704 KAR 20:370
160.180	702 KAR 1:115		704 KAR 20:380

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	704 KAR 20:400	Chapter 186	601 KAR 1:140
	704 KAR 20:410		601 KAR 9:040
	704 KAR 20:420		601 KAR 9:055
161.044	704 KAR 15:080		601 KAR 9:115
161.100	704 KAR 20:120	186.400-186.640	601 KAR 12:050
161.152	707 KAR 1:120	186.560	601 KAR 13:050
161.154	707 KAR 1:120	189.221	603 KAR 5:071
161.790	707 KAR 1:130	189.222	603 KAR 5:071
161.800	707 KAR 1:130	189.230	603 KAR 5:210
162.060	702 KAR 4:080		603 KAR 5:220
162.160	702 KAR 4:080		603 KAR 5:230
163.020	705 KAR 1:010	189.231	603 KAR 5:190
163.030	705 KAR 1:010		603 KAR 5:200
163.032	707 KAR 1:120	189.265	603 KAR 5:071
	707 KAR 1:130	189.270	603 KAR 5:110
163.140	706 KAR 1:010	189.337	603 KAR 5:050
	706 KAR 1:020	189.450	502 KAR 15:020
163.160	706 KAR 1:010	189.540	702 KAR 5:080
	706 KAR 1:020	189.752	502 KAR 15:020
164.020	13 KAR 2:040	189.753	502 KAR 15:020
	13 KAR 2:050	189A.070	601 KAR 13:050
164.2871	103 KAR 17:080	190.010-190.080	605 KAR 1:150
164.740	11 KAR 3:040	Chapter 194	902 KAR 17:010
	11 KAR 3:050	194.025	902 KAR 25:010
	11 KAR 5:020	194.030	902 KAR 16:010
164.740-164.764	11 KAR 5:010		903 KAR 6:010
	11 KAR 5:030		903 KAR 6:040
164.740-164.785	11 KAR 5:031		904 KAR 2:140
164.744	11 KAR 3:040		904 KAR 2:150
	11 KAR 3:050		904 KAR 3:090
	11 KAR 6:010		905 KAR 1:180
	11 KAR 9:010	194.050	900 KAR 1:060
	11 KAR 10:010		902 KAR 4:060
	11 KAR 10:020		902 KAR 25:010
164.748	11 KAR 3:040		904 KAR 2:116
	11 KAR 3:050		904 KAR 3:010
	11 KAR 6:010		904 KAR 3:020
	11 KAR 9:010		904 KAR 3:045
	11 KAR 10:010	194.060	905 KAR 1:180
	11 KAR 10:020	Chapter 196	501 KAR 6:020
164.751	11 KAR 9:010		501 KAR 6:030
164.753	11 KAR 6:010		501 KAR 6:040
	11 KAR 9:010		501 KAR 6:050
164.764	11 KAR 5:020		501 KAR 6:060
164.766	11 KAR 3:040		501 KAR 6:070
164.780	11 KAR 5:010		501 KAR 6:080
	11 KAR 5:020		501 KAR 6:090
	11 KAR 5:030		501 KAR 6:110
164.785	11 KAR 5:010		501 KAR 6:120
	11 KAR 5:020		501 KAR 6:130
	11 KAR 5:030	Chapter 197	501 KAR 6:020
167.015	707 KAR 1:120		501 KAR 6:030
	707 KAR 1:130		501 KAR 6:040
Chapter 171	725 KAR 1:050		501 KAR 6:050
171.201	725 KAR 2:040		501 KAR 6:060
171.230	725 KAR 2:040		501 KAR 6:070
Chapter 173	725 KAR 2:040		501 KAR 6:080
174.080	600 KAR 1:045		501 KAR 6:090
	600 KAR 3:010		501 KAR 6:110
177.977	601 KAR 35:020		501 KAR 6:120
	603 KAR 5:115		501 KAR 6:130
177.9771	601 KAR 35:060	Chapter 198B	815 KAR 7:020
	601 KAR 35:070		815 KAR 7:060
	603 KAR 5:210	198B.040	815 KAR 7:070
	603 KAR 5:220	198B.050	815 KAR 7:070
	603 KAR 5:230	198B.090	815 KAR 7:070
177.979	603 KAR 5:220	198B.400-198B.540	815 KAR 4:010
183.024	600 KAR 3:010	199.011-199.375	905 KAR 1:180
183.861-183.890	602 KAR 50:060	199.420	905 KAR 3:030
183.869	602 KAR 50:090	199.420-199.990	905 KAR 1:180
183.870	602 KAR 50:090	200.080-200.120	905 KAR 1:180

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Chapter 205	904 KAR 2:140		902 KAR 20:008
205.010	904 KAR 2:006		902 KAR 20:016
205.200	902 KAR 16:010		902 KAR 20:026
	904 KAR 2:006		902 KAR 20:036
	904 KAR 2:016		902 KAR 20:048
	904 KAR 2:150		902 KAR 20:051
205.201-205.204	905 KAR 1:180		902 KAR 20:086
205.204	905 KAR 3:030		902 KAR 20:132
205.210	904 KAR 2:016		902 KAR 20:200
205.245	902 KAR 2:015		902 KAR 20:220
	902 KAR 16:010	Chapter 217B	302 KAR 31:010
205.455-205.465	905 KAR 1:180		302 KAR 31:011
	905 KAR 8:120	217C.010-217C.990	902 KAR 50:010
205.460	905 KAR 8:110		902 KAR 50:070
205.510-205.990	904 KAR 1:220	Chapter 218A	902 KAR 55:015
205.520	902 KAR 16:010		902 KAR 55:020
	907 KAR 1:004		902 KAR 55:025
	907 KAR 1:011		902 KAR 55:030
	907 KAR 1:013	219.370	301 KAR 4:060
	907 KAR 1:028	222.210	902 KAR 20:086
	907 KAR 1:031	Chapter 224	400 KAR 1:060
	907 KAR 1:036		401 KAR 5:090
	907 KAR 1:045	224.020	401 KAR 5:055
	907 KAR 1:049		401 KAR 5:065
	907 KAR 1:055	224.033	401 KAR 5:055
	907 KAR 1:160		401 KAR 5:065
	907 KAR 1:170	224.034	401 KAR 5:055
	907 KAR 1:250		401 KAR 5:065
	907 KAR 1:330	224.060	401 KAR 5:055
	907 KAR 1:340		401 KAR 5:065
	907 KAR 1:350	224.320	401 KAR 50:010
205.550	907 KAR 1:010		401 KAR 50:015
205.560	907 KAR 1:010		401 KAR 50:035
205.795	904 KAR 2:020		401 KAR 51:017
	904 KAR 2:170		401 KAR 57:011
Chapter 208	905 KAR 1:180		401 KAR 57:021
Chapter 209	905 KAR 1:180		401 KAR 57:045
209.030	905 KAR 3:030		401 KAR 57:050
	905 KAR 5:040		401 KAR 57:055
	905 KAR 5:050		401 KAR 59:010
209.160	905 KAR 5:040		401 KAR 59:031
	905 KAR 5:050		401 KAR 59:041
Chapter 210	902 KAR 12:080		401 KAR 59:066
210.300	902 KAR 6:040		401 KAR 59:068
210.700-210.760	902 KAR 12:060		401 KAR 59:082
211.180	902 KAR 4:050		401 KAR 59:166
	902 KAR 4:060		401 KAR 59:168
211.350-211.380	902 KAR 10:110		401 KAR 59:196
211.842-211.852	902 KAR 100:045		401 KAR 59:211
	902 KAR 100:070		401 KAR 59:242
211.990	902 KAR 10:110		401 KAR 59:290
	902 KAR 100:045		401 KAR 59:295
	902 KAR 100:070		401 KAR 61:020
Chapter 212	902 KAR 8:020		401 KAR 61:140
214.155	902 KAR 4:030		401 KAR 61:175
214.185	902 KAR 4:050		401 KAR 63:021
215.520-215.600	902 KAR 20:200		401 KAR 63:022
Chapter 216A	201 KAR 6:010		401 KAR 63:040
Chapter 216B	902 KAR 17:010	224.330	401 KAR 50:010
216B.010-216B.130	902 KAR 20:006		401 KAR 50:015
	902 KAR 20:008		401 KAR 50:035
	902 KAR 20:016		401 KAR 51:017
	902 KAR 20:026		401 KAR 57:011
	902 KAR 20:036		401 KAR 57:021
	902 KAR 20:048		401 KAR 57:045
	902 KAR 20:051		401 KAR 57:050
	902 KAR 20:086		401 KAR 57:055
	902 KAR 20:132		401 KAR 59:010
	902 KAR 20:220		401 KAR 59:031
216B.010-216B.131	902 KAR 20:200		401 KAR 59:041
216B.107	902 KAR 20:016		401 KAR 59:066

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KRS Section	Regulation	KRS Section	Regulation
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	401 KAR 59:082		812 KAR 1:090
	401 KAR 59:166		812 KAR 1:105
	401 KAR 59:168	230.630	811 KAR 1:055
	401 KAR 59:196		811 KAR 1:070
	401 KAR 59:211		811 KAR 1:120
	401 KAR 59:242	230.640	811 KAR 1:055
	401 KAR 59:290		811 KAR 1:070
	401 KAR 59:295		811 KAR 1:120
	401 KAR 61:020	230.680	811 KAR 1:120
	401 KAR 61:140	230.690	811 KAR 1:120
	401 KAR 61:175	230.700	811 KAR 1:070
	401 KAR 63:021	230.710	811 KAR 1:070
	401 KAR 63:022	234.140	815 KAR 30:021
	401 KAR 63:040	234.180	815 KAR 30:021
224.340	401 KAR 50:010	234.320	103 KAR 43:240
	401 KAR 50:015	234.380	103 KAR 43:240
	401 KAR 50:035	235.040	402 KAR 4:030
	401 KAR 51:017	235.050	402 KAR 4:030
	401 KAR 57:011	235.150	402 KAR 4:030
	401 KAR 57:021	235.200	402 KAR 4:050
	401 KAR 57:045		402 KAR 4:060
	401 KAR 57:050		402 KAR 4:070
	401 KAR 57:055		402 KAR 4:090
	401 KAR 59:010	235.240	402 KAR 4:130
	401 KAR 59:031	235.280	402 KAR 4:050
	401 KAR 59:041		402 KAR 4:130
	401 KAR 59:066		402 KAR 4:150
	401 KAR 59:068		402 KAR 4:170
	401 KAR 59:082		402 KAR 4:180
	401 KAR 59:166	Chapter 236	815 KAR 15:020
	401 KAR 59:168		815 KAR 15:080
	401 KAR 59:196	241.065	804 KAR 7:010
	401 KAR 59:211	241.075	804 KAR 7:010
	401 KAR 59:242	244.040	804 KAR 4:290
	401 KAR 59:290	244.130	804 KAR 2:007
	401 KAR 59:295	244.510	804 KAR 2:007
	401 KAR 61:020	246.650	302 KAR 45:010
	401 KAR 61:140	246.660	302 KAR 45:010
	401 KAR 61:175	247.232	302 KAR 16:010
	401 KAR 63:021	247.234	302 KAR 16:010
	401 KAR 63:022	Chapter 257	302 KAR 20:065
	401 KAR 63:040	257.020	302 KAR 20:056
	401 KAR 47:070		302 KAR 20:057
224.842	401 KAR 47:070		302 KAR 20:180
224.844	401 KAR 5:055	257.030	302 KAR 20:056
224.994	401 KAR 5:065		302 KAR 20:057
Chapter 224A	400 KAR 1:060		302 KAR 20:180
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227.300	815 KAR 30:031	257.050	302 KAR 20:057
229.081	201 KAR 27:015	257.110	302 KAR 20:056
	201 KAR 27:016	257.120	302 KAR 20:056
	201 KAR 27:044	257.140	302 KAR 20:056
229.091	201 KAR 27:015	Chapter 281	601 KAR 1:005
	201 KAR 27:016		601 KAR 1:140
	201 KAR 27:044		601 KAR 9:040
229.991	201 KAR 27:015	281.726	601 KAR 12:050
	201 KAR 27:044	281.735	603 KAR 5:071
230.010-230.360	810 KAR 1:013	287.065	808 KAR 1:100
230.210-230.360	810 KAR 1:003	290.095	808 KAR 3:060
	810 KAR 1:006	290.585	808 KAR 3:060
	810 KAR 1:013	292.410	808 KAR 10:210
230.374	810 KAR 1:022	294.032	808 KAR 12:010
230.410-230.447	812 KAR 1:010	294.060	808 KAR 12:010
	812 KAR 1:030	Chapter 304	405 KAR 10:200
	812 KAR 1:035	304.1-120	806 KAR 1:010
	812 KAR 1:040	304.12-020	806 KAR 20:010
	812 KAR 1:056	304.12-090-304.12-110	806 KAR 13:100
	812 KAR 1:060	304.13-051	806 KAR 13:100
	812 KAR 1:065	304.13-065	806 KAR 13:100
	812 KAR 1:070	304.14-100	806 KAR 13:100
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304.14-120	806 KAR 20:010	319A.130	201 KAR 28:020
304.14-130	806 KAR 17:080		201 KAR 28:060
304.14-210	806 KAR 20:010		201 KAR 28:080
304.17-314	806 KAR 17:080	319A.140	201 KAR 28:020
304.18-038	806 KAR 17:080		201 KAR 28:040
304.18-110	806 KAR 17:080		201 KAR 28:050
304.18-120	806 KAR 17:080		201 KAR 28:080
304.20-160	806 KAR 20:010	319A.150	201 KAR 28:080
304.20-300-304.20-350	806 KAR 20:010	319A.160	201 KAR 28:090
304.20-400-304.20-450	806 KAR 13:100		201 KAR 28:100
304.30-110	806 KAR 20:010		201 KAR 28:140
304.32-290	806 KAR 17:080	319A.170	201 KAR 28:110
304.38-220	806 KAR 17:080	319A.180	201 KAR 28:120
304.39-080	806 KAR 1:010	319A.190	201 KAR 28:140
311.241-311.247	902 KAR 20:016		201 KAR 28:150
311.530-311.620	201 KAR 9:016		201 KAR 28:160
	201 KAR 9:031	319A.200	201 KAR 28:160
	201 KAR 9:041	322.020	201 KAR 18:050
	201 KAR 9:081	322.040	201 KAR 18:040
	201 KAR 9:083		201 KAR 18:070
	201 KAR 9:084	322.080	201 KAR 18:070
311.650-311.658	201 KAR 9:121	322.090	201 KAR 18:040
	201 KAR 9:151		201 KAR 18:070
	201 KAR 9:161	322.100	201 KAR 18:040
311.990	201 KAR 9:031	322.110	201 KAR 18:040
	201 KAR 9:041		201 KAR 18:050
	201 KAR 9:081	322.120	201 KAR 18:040
	201 KAR 9:083	322.140	201 KAR 18:040
	201 KAR 9:084	322.150	201 KAR 18:040
	201 KAR 9:121	322.160	201 KAR 18:040
	201 KAR 9:151	322.420	201 KAR 18:040
	201 KAR 9:161	323.050	201 KAR 19:020
	902 KAR 20:016		201 KAR 19:035
313.220	201 KAR 8:006	323.060	201 KAR 19:035
	201 KAR 8:390	323.095	201 KAR 19:095
314.011	201 KAR 20:057	323.120	201 KAR 19:095
314.041	201 KAR 20:370	324.010	201 KAR 11:210
314.051	201 KAR 20:370	324.020	201 KAR 11:210
314.071	201 KAR 20:370	324.040	201 KAR 11:210
314.193	201 KAR 20:057	324.045	201 KAR 11:210
317A.010	201 KAR 12:030	324.046	201 KAR 11:210
317A.020	201 KAR 12:030	326.020	201 KAR 13:040
317A.060	201 KAR 12:030	327.010	201 KAR 22:010
	201 KAR 12:110	327.050	201 KAR 22:031
317A.090	201 KAR 12:110	327.060	201 KAR 22:031
Chapter 318	815 KAR 20:010		201 KAR 22:070
	815 KAR 20:030	327.070	201 KAR 22:052
	815 KAR 20:050	327.080	201 KAR 22:031
	815 KAR 20:070	327.090	201 KAR 22:052
	815 KAR 20:075	330.110	201 KAR 3:070
	815 KAR 20:120	334.170	201 KAR 17:090
	815 KAR 20:130	334A.030	201 KAR 17:010
319.050	201 KAR 26:160		201 KAR 17:091
319.058	201 KAR 26:160		201 KAR 17:100
319.062	201 KAR 26:150	334A.050	201 KAR 17:011
	201 KAR 26:160		201 KAR 17:012
319.064	201 KAR 26:160	334A.100	201 KAR 17:015
319A.010	201 KAR 28:130	334A.130	201 KAR 17:010
319A.010-319A.210	201 KAR 28:010	334A.160	201 KAR 17:030
319A.080	201 KAR 28:020	334A.170	201 KAR 17:030
319A.090	201 KAR 28:030	334A.180	201 KAR 17:041
319A.100	201 KAR 28:060	336.1661	803 KAR 3:050
	201 KAR 28:130	336.1662	803 KAR 3:050
319A.110	201 KAR 28:020	336.1663	803 KAR 3:050
	201 KAR 28:050	Chapter 338	803 KAR 2:015
	201 KAR 28:060		803 KAR 2:020
	201 KAR 28:080		803 KAR 2:027
319A.120	201 KAR 28:020		803 KAR 2:030
	201 KAR 28:040		803 KAR 2:033
	201 KAR 28:050		803 KAR 2:250
	201 KAR 28:070	341.005-341.990	903 KAR 5:260
		341.190	903 KAR 5:300

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341.270	903 KAR 5:290	441.055	501 KAR 3:010
341.380	903 KAR 5:270		501 KAR 3:020
341.415	903 KAR 5:250		501 KAR 3:030
350.020	405 KAR 10:200		501 KAR 3:040
	405 KAR 18:190		501 KAR 3:050
350.028	405 KAR 10:200		501 KAR 3:060
350.060	405 KAR 10:200		501 KAR 3:070
	601 KAR 35:020		501 KAR 3:080
	603 KAR 5:220		501 KAR 3:090
350.062	405 KAR 10:200		501 KAR 3:100
350.064	405 KAR 10:200		501 KAR 3:110
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