

LEGISLATIVE RESEARCH COMMISSION
FRANKFORT, KENTUCKY



VOLUME 15, NUMBER 11
SATURDAY, MAY 1, 1989

IN THIS ISSUE

Administrative Regulation Review Subcommittee, May Agenda.....	2209
Regulation Review Procedure.....	2210
Emergency Regulations Now In Effect:	
Department of Personnel.....	2210
Finance - Facilities Management.....	2212
Corrections.....	2212
Transportation.....	2213
Human Resources.....	2214
As Amended:	
Department of Personnel.....	2220
Agriculture.....	2224
Corrections.....	2226
Human Resources.....	2232
Amended After Hearing:	
Transportation.....	2235
Proposed Amendments Received through April 15:	
Department of Personnel.....	2240
Board of Embalmers and Funeral Directors.....	2241
Fish and Wildlife.....	2242
Corrections.....	2259
Transportation.....	2269
Department for the Blind.....	2275
State Racing Commission.....	2277
Harness Racing Commission.....	2282
Housing, Buildings and Construction.....	2286
Human Resources.....	2302
Proposed Regulations Received Through April 15:	
Finance - Facilities Management.....	2327
Fish and Wildlife.....	2328
Economic Development - Development Finance Authority.....	2330
Department for the Blind.....	2336
Workers' Compensation Board.....	2348
State Racing Commission.....	2353
Housing, Buildings and Construction.....	2355
Human Resources.....	2356
Apr. Minutes of the Administrative Regulation Review Subcommittee.....	2366
Other Committee Reports.....	2369

CUMULATIVE SUPPLEMENT

Locator Index - Effective Dates.....	K2
KRS Index.....	K14
Subject Index.....	K23

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 tentatively scheduled on May 2, 1989. See tentative agenda on pages 2209 of this Administrative Register.

ADMINISTRATIVE REGISTER - 2209

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
TENTATIVE AGENDA
May 2, 1989
(Rm. 107, Capitol Annex @ 10 a.m.)

LEGISLATIVE RESEARCH COMMISSION

Administrative Regulations

1 KAR 1:011. Repeal of 1 KAR 1:010.

REVENUE CABINET

Department of Professional and Support Services

Selective Excise Tax; Motor Fuels

103 KAR 43:121. Repeal of 103 KAR 43:120.

FINANCE AND ADMINISTRATION CABINET

Kentucky Educational Savings Plan Trust

200 KAR 16:010. General rules.

GENERAL GOVERNMENT CABINET

Board of Examiners for Speech-Language Pathology and Audiology

201 KAR 17:030. License fees.

201 KAR 17:090. Continuing education requirements.

201 KAR 17:091. Continuing education requirements for licensees on inactive status; waiver.

CORRECTIONS CABINET

Office of the Secretary

501 KAR 6:030. Kentucky State Reformatory.

501 KAR 6:040. Kentucky State Penitentiary.

501 KAR 6:130 & E. Western Kentucky Farm Center.

TRANSPORTATION CABINET

Department of Vehicle Regulation

Division of Motor Carriers

601 KAR 1:015. Special overweight/overdimensional permits issued at highway district offices and the Transportation Cabinet in Frankfort. (Amended After Hearing)

601 KAR 1:016. Special annual overweight/overdimensional permits issued for specialized equipment. (Amended After Hearing)

Department of Highways

Traffic

603 KAR 5:075. Overweight and overdimensional permits. (Amended After Hearing)

EDUCATION AND HUMANITIES CABINET

Department of Education

Office of Instruction

Instructional Services

704 KAR 3:360. Parenting and family life skills.

Elementary and Secondary Education Act

704 KAR 10:022. Elementary, middle and secondary schools standards.

Office of Vocational Education

Fiscal Management

705 KAR 2:130. Distribution of federal funds for local school district consumer and homemaking programs.

Kentucky Historical Society

Cemeteries

730 KAR 1:010. Repeal of 730 KAR 1:005. (Deferred from April meeting)

PUBLIC PROTECTION AND REGULATION CABINET

State Racing Commission

Thoroughbred Racing Rules

810 KAR 1:011. Pari-mutuel wagering. (Agency requests deferral)

810 KAR 1:099. Repeal of 810 KAR 1:022. (Agency requests deferral)

CABINET FOR HUMAN RESOURCES

Department for Health Services

Commission for Health Economics Control in Kentucky

902 KAR 20:132. Certificate of need expenditure minimums.

Radiology

902 KAR 100:175. Tanning facilities.

Department for Social Insurance

Public Assistance

904 KAR 2:022 & E. Kentucky administrative process for child support.

Department for Medicaid Services

Medicaid Services

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

907 KAR 1:061. Payments for medical transportation.

OTHER BUSINESS:

CABINET FOR HUMAN RESOURCES

Department for Medicaid Services

Medicaid Services

907 KAR 1:036 & E. Amounts payable for skilled nursing and intermediate care facility services. (Deferred from April meeting)

so that the same qualifications may reasonably be required for and the same schedule of pay may be equitably applied to all positions in the same class. Each position shall be allocated to its proper class in the classification plan after consultation with appointing authorities. The classification plan shall include for each class of position an appropriate title, description of duties and responsibilities, and the required education, experience and other qualifications.

(2) The principles and provisions of 101 KAR 2:020 shall apply to positions in the unclassified service.

Section 2. Compensation Plan. (1) After consultation with appointing authorities and the Secretary of the Finance and Administration Cabinet, develop a pay plan for all aforementioned employees in the unclassified service, taking into account such factors as:

- (a) The relative levels of duties and responsibilities of various classes of positions;
- (b) Rates paid for comparable positions elsewhere; and
- (c) The state's financial resources.

Such pay plan shall become effective only after it has been approved by the Governor after submission to him by the commissioner through the Secretary of the Department of Finance. Amendments to the pay plan may be made in the same manner. Each employee shall be paid at one (1) of the rates set forth in the pay plan for the position in which he is employed.

(2) With the exception of the provision relating to probationary increments, the principles and provisions of 101 KAR 2:030 shall apply to employees and positions in the unclassified service. An employee in the unclassified service who completes the initial six (6) month period following appointment with satisfactory performance may be granted a statutory increment at the beginning of the month following completion of such period.

(3) Salary adjustments.

(a) An employee who was eligible for but did not receive a five (5) percent salary advancement as the result of any of the following actions: promotional increase, reallocation, or class grade changes, on or after January 3, 1986, may have his salary adjusted upon request by the appointing authority and approval by the commissioner. In no case may the salary adjustment be made retroactive to the original effective date but shall be granted on the first of the month following approval of the increase.

(b) Subject to approval by the commissioner, an appointing authority may request a salary adjustment not to exceed ten (10) percent when standards of internal equity justify such an adjustment.

(c) Inasmuch as the appointing authority has the option of not providing salary increases under this section, an eligible employee whose salary is not adjusted is not considered to have been penalized and therefore shall have no basis for appeal.

(4) Physicians, employed as such and pursuant to KRS 64.655, are exempted from the provisions of 101 KAR 2:030, Section 2, and may be appointed to any rate within the pay range when justified in writing by the appointing authority and approved by the commissioner.

Section 3. Educational Achievement Award. Upon request of the appointing authority and subject to the approval of the commissioner:

(1) A permanent full-time employee may receive one (1) lump sum educational achievement award per fiscal year for satisfactorily completing 260 classroom hours (or the equivalent as determined by the commissioner) of job related instruction in approved courses. Approved courses, must have been completed after an employee initially served six (6) months in state government. Employees shall not receive approval toward an educational achievement award for hours taken while on educational leave, for hours paid for by the agency through tuition assistance, or for hours which previously counted toward an educational achievement award. The lump sum educational achievement award shall be ten (10) percent of the employee's annual base salary. The lump sum payment shall be granted only if the 260 classroom hours (or equivalent) have been completed within the past five (5) years prior to the effective date of the increase; or

(2) An employee may receive one (1) lump sum educational achievement award for earning an approved diploma, high school equivalency certificate, or a passing score on the G.E.D. test. The approved diploma, certificate, or passing score shall have been obtained by a state employee on or after January 1, 1984 while in state service. Employees receiving an approved high school diploma, high school equivalency certificate, or a passing score on the G.E.D. test shall receive a lump sum educational achievement award of ten (10) percent of their annual base salary. A high school level educational achievement award shall not be granted to employees who present new credentials but have previously:

(a) Received a high school diploma, high school equivalency certificate, or a passing score on the G.E.D. test; or

(b) Completed college course work on the undergraduate or graduate level.

(3) To apply for an educational achievement award an employee shall submit supporting documentation to the appointing authority or his designee. For 260 classroom hours or its equivalent, this documentation shall include the educational achievement request DPT Form-10 (or its equivalent). In compliance with the standards set forth in Section 6 of this regulation, the appointing authority may recommend the application for approval and may forward the documentation to the Commissioner of the Department of Personnel for final approval. A lump sum educational achievement award shall not be added to the employee's base salary or wages.

THOMAS C. GREENWELL, Commissioner
 APPROVED BY AGENCY: March 17, 1989
 FILED WITH LRC: April 5, 1989 at 2 p.m.

STATEMENT OF EMERGENCY
 200 KAR 6:021E

The Uniform Relocation Act Amendments of 1987, Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987 requires that all federal or federally assisted activities that involve the acquisition of real property or the displacement of persons be

- WKFC 11-03-01 Food Service Meals, Menus, Nutrition and Special Diets
- WKFC 12-01-01 Inmate Clothing [(Amended 2/15/89)]
- WKFC 13-00-01 Special Health Programs
- WKFC 13-01-01 Use of Pharmaceutical Products
- WKFC 13-02-01 Health Care Services
- 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 (Amended 3/14/89)
- 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 17-02-01 Inmate Reception and Orientation
- 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 (Amended 3/14/89)
- WKFC 19-04-01 Work/Program Assignments (Amended 3/14/89)
- WKFC 20-04-01 Academic Education Program(s)
- WKFC 20-03-01 Vocational Education Program(s) [(Amended 2/15/89)]
- WKFC 22-00-01 Inmate Recreation and Leisure Time Activities
- WKFC 22-00-02 Inmate Clubs & Organizations
- WKFC 23-00-01 Religious Services
- WKFC 25-01-01 Gratuities
- WKFC 25-02-01 Inmate Release Process
- WKFC 25-03-01 Prerelease Programs
- WKFC 26-01-01 Volunteer Services Program

JOHN T. WIGGINTON, Secretary
 APPROVED BY AGENCY: March 14, 1989
 FILED WITH LRC: March 16, 1989 at 3 p.m.

STATEMENT OF EMERGENCY
 600 KAR 3:010E

The Uniform Relocation Act Amendments of 1987, Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987 requires that all federal or federally assisted activities that involve the acquisition of real property or the displacement of persons be governed by the same federal regulation. This law further requires that the federal regulation take effect for all effected agencies on or before April 2, 1989. Since the final version of the federal regulation, 49 CFR Part 24, was only published and effective March 2, 1989, it is necessary that the regulation be adopted by the Transportation Cabinet on an emergency basis in order to be effective by April 2, 1989. Receipt of federal funds can be affected if 49 CFR Part 24 is not adopted by April 2, 1989. This emergency regulation shall be replaced by an ordinary administrative regulation. The ordinary regulation was filed with the Regulations Compiler on March 17, 1989.

WALLACE G. WILKINSON, Governor
 MILO D. BRYANT, Secretary

TRANSPORTATION CABINET
 Department of Highways

600 KAR 3:010E. Relocation assistance payments of the Transportation Cabinet.

RELATES TO: KRS 56.610 to 56.760, 49 CFR Part 24

STATUTORY AUTHORITY: KRS 56.610, 174.080, 183.024, 49 CFR Part 24

EFFECTIVE: March 27, 1989

NECESSITY AND FUNCTION: The Transportation Cabinet is required to adopt administrative regulations and procedures to implement the provisions of KRS 56.610 to 56.760 with regard to providing for uniform relocation assistance services and compensation to persons displaced by the land acquisition programs of the Transportation Cabinet.

Section 1. The Transportation Cabinet adopts without change the federal regulations relating to uniform relocation assistance that are set forth in 49 CFR Part 24, Subparts A, C, D, E, F and G which were effective March 2, 1989. This federal regulation shall govern relocation assistance payments of the Transportation Cabinet. [25 which became effective April 28, 1986. The cabinet does also adopt Appendix A of 49 CFR Part 25, effective April 28, 1986 as it relates to uniform relocation assistance.] Payments shall be made and services shall be provided to persons displaced by land acquisition programs on all projects of the Transportation Cabinet in the instances and upon the conditions set forth in the adopted federal regulations.

Section 2. The payments and services set forth above which involve a Transportation Cabinet project shall be made regardless of whether federal funds are used or not used in the project.

Section 3. (1) A person may file a written appeal and request for hearing with the Transportation Cabinet in any case in which the person believes that the cabinet has failed to properly determine his eligibility for, or the amount of the payment required under the provisions of this administrative regulation. The Transportation Cabinet shall consider a written appeal regardless of form. The appeal shall be filed within sixty (60) [seventy-five (75)] days of the date of his written notice of the Transportation Cabinet's determination on the person's claim.

(2) A person may be represented by legal counsel or other representative in connection with his appeal, but solely at his own expense.

(3) The Secretary of the Transportation Cabinet shall appoint a hearing officer for the purpose of conducting the hearing and making a recommendation to the secretary with reference to the appeal. At the hearing, technical rules of evidence shall not apply. However, the hearing officer shall be authorized to issue rulings regarding the competency, relevancy and materiality of the evidence to be presented at the hearing. A record of all evidence introduced at the hearing shall be made by the Transportation Cabinet.

(4) The hearing officer shall make findings of facts, conclusions of law and a recommended decision on the disposition of the appeal. A

the child support program in accordance with Title IV-D of the Social Security Act, Title 45 CFR Sections 301, 302, 303, 304, 305, 306, and 307 and KRS 205.710 to 205.800. In addition, KRS 405.400 to 405.530, the Kentucky Administrative Process for Child Support Act, provides for the establishment and enforcement of child support obligations through administrative process when paternity is not in question. The administrative process supplements existing judicial remedies for nonsupport. Administrative process may be used to establish and enforce support obligations for children receiving Aid to Families with Dependent Children (AFDC) benefits as well as for non-AFDC children. This regulation sets forth the procedures the cabinet shall employ in administratively establishing and enforcing child support obligations.

Section 1. Definitions. In addition to the terms defined in KRS 205.710, the following terms shall be defined as set forth below.

(1) "Administrative process" means a method for establishing and enforcing child support obligations pursuant to KRS 405.400 to 405.530 and the provisions of this regulation.

(2) "Appointment letter" means the cabinet's notification to the obligor that his liability for support of the child is being determined. A financial statement for the parent's completion will be included with the appointment letter.

(3) "Default" means the obligor's failure to return the financial statement or to keep an appointment to determine a support obligation under administrative process.

(4) "Notice of minimum monthly support obligation" means an administrative order issued by the cabinet pursuant to KRS 405.440 notifying the obligor of the amount of the child support obligation and of the obligor's rights to request a hearing.

(5) "Dispute hearing" means the process whereby the obligor's objections to a notice of minimum monthly support obligation are heard by an impartial hearing officer upon a timely request.

(6) "Person in possession or control" means the person who has custody of the earnings or property.

(7) "Order to withhold" means an administrative order issued by the cabinet to a person in possession or control of the obligor's earnings or property to withhold an amount equal to a stated arrearage to satisfy a delinquent child support obligation.

(8) "Order to deliver" means an administrative order issued by the cabinet to have earnings or property, belonging to the obligor, forwarded by the person in possession or control of the earnings or property to the cabinet to satisfy delinquent child support.

(9) "Delinquent support" means past due and unpaid installments on an obligation determined

under a court order or a Cabinet for Human Resources administrative order (KRS 405.430) for support of a dependent child, which is owed to or on behalf of the child, or for maintenance to the spouse (or former spouse) with whom the child is living, only if a maintenance obligation has been established with respect to the spouse and the support obligation established with respect to the child is being enforced under the state's IV-D plan.

(10) "Order to release withholding" means an order to the person in possession or control of an obligor's earnings or property notifying that person that the cabinet is releasing any claim to the designated earnings or property.

(11) "Order to withhold earnings" means an administrative order issued by the cabinet to an obligor's employer to withhold an amount equal to the current obligation plus an amount to be applied toward liquidation of the delinquent support.

Section 2. Administrative Establishment. The cabinet may administratively establish a child support obligation when paternity is not in question, there is no existing order for support of the child and the parent resides or is employed in Kentucky. The cabinet shall send an appointment letter and a financial statement to the parent to assure the parent's right to participate in the establishment of the support obligation. Additionally, the cabinet may administratively establish the debt which accumulated during the first ninety (90) days of AFDC eligibility as an arrearage due the cabinet. Pursuant to KRS 205.792, the ninety (90) days may be extended.

(1) The cabinet shall determine the minimum monthly support obligation in accordance with KRS 405.430. In default cases, the cabinet shall set the obligation at the minimum cost basis on the scale for the number of children in the case.

(a) The following steps shall be used in applying the scale:

1. The gross income, less allowable deductions, of the noncustodial parent shall be added to the gross income, less allowable deductions, of the custodial parent to determine the "Annual Family Gross Income."

2. At the annual family gross income level in the left hand column, the lower of the "income cap" or "cost basis" shall be selected for the number of children in the case.

3. The noncustodial parent's gross income shall be divided by the annual family gross income to obtain the percentage of support to be apportioned to the noncustodial parent.

4. The figure selected in subparagraph 2 of this paragraph shall be multiplied by the percentage from subparagraph 3 of this paragraph to obtain the minimum monthly support obligation.

(b) The scale is set forth below:

ADMINISTRATIVE REGISTER - 2217

\$24,501-\$25,000	\$428	\$413	\$577	\$ 516	\$ 736	\$ 619	\$ 773	\$ 722
\$25,001-\$25,500	\$437	\$421	\$580	\$ 526	\$ 743	\$ 631	\$ 780	\$ 736
\$25,501-\$26,000	\$446	\$429	\$584	\$ 536	\$ 750	\$ 644	\$ 787	\$ 751
\$26,001-\$26,500	\$455	\$438	\$587	\$ 547	\$ 757	\$ 656	\$ 795	\$ 766
\$26,501-\$27,000	\$464	\$446	\$591	\$ 557	\$ 764	\$ 669	\$ 802	\$ 780
\$27,001-\$27,500	\$472	\$454	\$594	\$ 568	\$ 771	\$ 681	\$ 809	\$ 795
\$27,501-\$28,000	\$481	\$463	\$598	\$ 578	\$ 777	\$ 694	\$ 816	\$ 809
\$28,001-\$28,500	\$490	\$471	\$601	\$ 589	\$ 784	\$ 706	\$ 823	\$ 824
\$28,501-\$29,000	\$499	\$479	\$605	\$ 599	\$ 791	\$ 719	\$ 831	\$ 839
\$29,001-\$29,500	\$508	\$488	\$608	\$ 609	\$ 798	\$ 731	\$ 838	\$ 853
\$29,501-\$30,000	\$517	\$496	\$612	\$ 620	\$ 805	\$ 744	\$ 845	\$ 868
\$30,001-\$30,500	\$526	\$504	\$615	\$ 630	\$ 812	\$ 756	\$ 852	\$ 882
\$30,501-\$31,000	\$535	\$513	\$619	\$ 641	\$ 819	\$ 769	\$ 859	\$ 897
\$31,001-\$31,500	\$543	\$521	\$622	\$ 651	\$ 825	\$ 781	\$ 867	\$ 911
\$31,501-\$32,000	\$552	\$529	\$626	\$ 661	\$ 832	\$ 794	\$ 874	\$ 926
\$32,001-\$32,500	\$561	\$538	\$629	\$ 672	\$ 839	\$ 806	\$ 881	\$ 941
\$32,501-\$33,000	\$570	\$546	\$633	\$ 682	\$ 846	\$ 819	\$ 888	\$ 955
\$33,001-\$34,000	\$575	\$558	\$647	\$ 698	\$ 860	\$ 838	\$ 903	\$ 977
\$34,001-\$35,000	\$581	\$575	\$661	\$ 719	\$ 873	\$ 863	\$ 917	\$1,006
\$35,001-\$36,000	\$586	\$592	\$675	\$ 740	\$ 887	\$ 888	\$ 932	\$1,035
\$36,001-\$37,000	\$591	\$608	\$690	\$ 760	\$ 901	\$ 913	\$ 946	\$1,065
\$37,001-\$38,000	\$597	\$625	\$704	\$ 781	\$ 915	\$ 938	\$ 960	\$1,094
\$38,001-\$39,000	\$602	\$642	\$718	\$ 802	\$ 928	\$ 963	\$ 975	\$1,123
\$39,001-\$40,000	\$607	\$658	\$732	\$ 823	\$ 942	\$ 988	\$ 989	\$1,152
\$40,001-\$41,000	\$613	\$675	\$746	\$ 844	\$ 956	\$1,013	\$1,004	\$1,181
\$41,001-\$42,000	\$618	\$692	\$760	\$ 865	\$ 970	\$1,038	\$1,018	\$1,210
\$42,001-\$43,000	\$623	\$708	\$774	\$ 885	\$ 983	\$1,063	\$1,032	\$1,240
\$43,001-\$44,000	\$629	\$725	\$788	\$ 906	\$ 997	\$1,088	\$1,047	\$1,269
\$44,001-\$45,000	\$634	\$742	\$803	\$ 927	\$1,020	\$1,113	\$1,071	\$1,298
\$45,001-\$46,000	\$639	\$758	\$817	\$ 948	\$1,044	\$1,138	\$1,096	\$1,327
\$46,001-\$47,000	\$644	\$775	\$831	\$ 969	\$1,067	\$1,163	\$1,121	\$1,356
\$47,001-\$48,000	\$650	\$792	\$845	\$ 990	\$1,091	\$1,188	\$1,145	\$1,385
\$48,001-\$49,000	\$655	\$808	\$859	\$1,010	\$1,114	\$1,213	\$1,170	\$1,415
\$49,001-\$50,000	\$660	\$825	\$873	\$1,031	\$1,138	\$1,238	\$1,196	\$1,444
\$50,001-\$51,000	\$666	\$842	\$887	\$1,052	\$1,161	\$1,263	\$1,219	\$1,473
\$51,001-\$52,000	\$671	\$858	\$902	\$1,073	\$1,185	\$1,288	\$1,244	\$1,502
\$52,001-\$53,000	\$676	\$875	\$916	\$1,094	\$1,208	\$1,313	\$1,268	\$1,531
\$53,001-\$54,000	\$682	\$892	\$930	\$1,115	\$1,232	\$1,338	\$1,293	\$1,560
\$54,001-\$55,000	\$687	\$908	\$944	\$1,135	\$1,255	\$1,363	\$1,318	\$1,590
\$55,001 Plus	\$676		\$944		\$1,255		\$1,318	

(2) After the minimum monthly support obligation and arrearage due the cabinet have been determined, the cabinet shall serve the notice of minimum monthly support obligation upon the obligor either in person or by certified mail, return receipt requested, in accordance with KRS 405.440.

(a) The effective date of the obligation shall be the first day of the month following the month the parent receives the notice of minimum monthly support obligation.

(b) In accordance with KRS 405.430(2), the cabinet may modify the minimum monthly support obligation as established by the cabinet.

1. If, while verifying the income information, the cabinet finds that the obligor's earnings are greater than what was previously reported, the cabinet may increase the support obligation. The cabinet may recover additional support which should have been paid under the correct obligation.

2. The cabinet shall not modify any obligation which was established by a court of competent jurisdiction.

Section 3. Appeal Procedures. The obligor may request a dispute hearing in accordance with KRS 405.440. An impartial hearing officer shall conduct the dispute hearing in the county of the child's or obligor's residence. The hearing shall be scheduled within sixty (60) days of the request. The obligor may request a hearing pursuant to the instructions in the notice of minimum monthly support obligation.

(1) The request for a dispute hearing shall be considered timely if:

(a) Made within twenty (20) days of receipt of a notice of minimum monthly support obligation;

(b) Made within twenty (20) days after the obligor is notified that a request for modification of the obligation will not be honored; or

(c) Made after thirty (30) days but before fifty (50) days have passed since the obligor requested a modification of the obligation, but the cabinet has not acted upon the request.

(2) If the request is not made within the time period specified in subsection (1) of this section, the obligor must show good cause for the late request. Good cause reasons may include, but are not limited to:

(a) The obligor's being away from home during the entire filing period;

(b) The obligor's inability to read the notice of minimum monthly support obligation; or

(c) The obligor's incapacity due to a serious illness during the entire filing period.

(3) The obligor or his authorized representative may review case material pertinent to the reason for the dispute and may present witnesses at the hearing.

(4) If the objection is being filed on an original notice of minimum monthly support obligations, the obligation shall be stayed pursuant to KRS 405.450(2).

(5) If the objection is being filed on a request for modification of obligation, the amount on the prior notice is enforceable and

determine the total amount of support owed. The cabinet shall serve an order to withhold to the person(s) in possession or control of the obligor's earnings or property. A copy of the order to withhold shall be provided to the obligor. The order shall state the basis for and the amount of the delinquent support and shall state that the obligor may offer a bond satisfactory to the cabinet to avoid losing possession of the property.

(a) When one (1) or more person(s) in possession or control of the obligor's earnings or property is identified, the cabinet may issue and serve an order to withhold for each person in possession or control. When more than one (1) person in possession or control answers the order to withhold and the combined assets exceed the amount of the delinquent support, the cabinet shall:

1. Decide which person in possession or control to serve with an order to deliver. The cabinet may take into consideration the obligor's request as to which source to withhold.

2. Send an order to release withholding to any person in possession or control not being served with an order to deliver.

3. Request only a portion of an asset to

satisfy the delinquent support when the total asset exceeds the amount of delinquent support.

(b) The obligor may contact the cabinet for an explanation of administrative enforcement. The cabinet may accept partial payment sufficient to release the order to withhold when deemed appropriate by the secretary.

(2) Order to deliver. When the employer or the person in possession or control of the earnings or property responds to the order to withhold, the cabinet may complete and serve on the person in possession or control an order to deliver the earnings or property to the cabinet. Earnings or property delivered to the cabinet in accordance with an order to deliver shall be applied to the amount of delinquent support pursuant to federal law.

(3) Order to release withholding. The cabinet shall issue and serve an order to release withholding on its claim on the obligor's earnings or property when the stated delinquent support is satisfied.

MIKE ROBINSON, Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: February 28, 1989

FILED WITH LRC: March 15, 1989 at 2 p.m.

unable to work or take paid leave for more than half of the workdays in a month due to a work related injury covered by workers compensation.]

(c) An employee who has exhausted paid leave shall not qualify for state contribution for life insurance and health benefits unless he works for more than half of the workdays in a month.

(d) Any employee who leaves state government in the middle of the month, before working or being on paid leave for over half of the workdays in the month shall remain eligible for state contribution for life insurance and health benefits in the following month.

[(b) When an employee is unable to work and has fewer paid leave days than required (i.e. over half of the workdays in a month), he may use the balance of his paid leave days the next month and remain eligible for state contribution for that month under the following conditions: [When the employee is unable to work or take paid leave for more than half of the workdays in a month due to his or immediate family member's prolonged illness or disability verified by a medical certificate signed by a licensed physician and certifying to the prolonged incapacity or illness.]]

[1. When the employee is unable to work or take paid leave for more than half of the workdays in a month due to a work related injury covered by workers compensation.]

[2. When the employee is unable to work or take paid leave for more than half of the workdays in a month due to prolonged illness or prolonged disability on the part of the employee or of a member of his immediate family; the illness or disability shall be verified by a medical certificate signed by a licensed physician and certifying to the prolonged illness or prolonged disability.]

(10) Employees shall be paid in a lump sum for accumulated annual leave, not to exceed the maximum amounts as set forth in Section 2(2) of this regulation, when separated by proper resignation or retirement. In the case of layoff, the employee shall be paid in a lump sum for all accumulated leave. An employee in the unclassified service who reverts to the classified service or an employee who resigns one day and is employed the next day shall retain his accumulated leave in the receiving agency unless he is appointed at a lower salary; in this case the employee has the option to be paid for accumulated annual leave at the higher rate. The effective date of the separation shall be the last workday. A pay voucher shall be submitted on accumulated annual leave.

(11) An employee who has been dismissed for cause or who has failed to give proper notice of resignation may, at the discretion of the appointing authority, be paid in a lump sum for accumulated annual leave not to exceed the maximum amounts set forth in Section 2(2) of this regulation.

(12) Upon the death of an employee, his estate shall be entitled to receive pay for the unused portion of the employee's accumulated annual leave.

(13) Absence for a fraction or part of a day that is charged to annual leave shall be charged in hours or increments of one-quarter (1/4) hours.

Section 2. Sick Leave. (1) Each employee in the state service, except emergency, per diem

and part-time employees who work less than 100 hours a month, shall accumulate sick leave with pay at the rate of one (1) working day for each month of service. An employee must have worked more than half of the workdays in a month to qualify for sick leave with pay. Each employee shall be credited with additional sick leave upon the first day of the month following the month in which the sick leave is earned. Employees serving on a part-time basis who work at least 100 hours a month shall accumulate sick leave with pay at the rate of one (1) working day for each month of service. Each employee shall be credited with additional sick leave upon the first day of the month following the month in which the sick leave is earned.

(2) Full-time employees completing 120 months of total service with the state shall be credited with ten (10) additional days of sick leave upon the first day of the month following the completion of 120 months of service. In computing months of total service for the purpose of crediting ten (10) additional days of sick leave, only those months for which an employee earned sick leave shall be used. In those cases where an employee is changed from part time to full time, those months in which the employee worked at least 100 hours as a part-time employee shall be counted in computing months of total service. Part-time employees who work at least 100 hours a month completing 120 months of total service with the state shall be credited with ten (10) additional sick leave days upon the first day of the month following the completion of 120 months of service. In computing months of total service for part-time employees who work at least 100 hours a month for the purpose of crediting ten (10) additional sick leave days, only those months in which the employee worked at least 100 hours shall be used. In those cases where an employee is changed from full time to part time, those months for which the employee earned sick leave as a full-time employee shall be counted in computing years of total service. The total service must be verified before the leave is credited to the employee's record. Former employees who have been rehired and who had been previously dismissed for cause from state service shall receive credit for service prior to the dismissal, except where such dismissal resulted from the violation of KRS 18A.140, 18A.145, or 18A.990.

(3) Unused sick leave may be accumulated with no maximum on accumulation.

(4) Sick leave shall accrue only when an employee is working or on authorized leave with pay. Sick leave shall not accrue when an employee is on educational leave with pay.

(5) An appointing authority shall grant accrued sick leave with pay when an employee:

(a) Receives medical, dental or optical examination or treatment;

(b) Is disabled by sickness, injury or pregnancy. The appointing authority may require a doctor's statement attesting to the inability to perform his/her duties;

(c) Is required to care for a sick or injured member of his immediate family for a reasonable period of time. The appointing authority may require a doctor's statement supporting the need for care;

(d) Would jeopardize the health of others at his duty post, because of exposure to a contagious disease;

jeopardized by job duties, whose health might jeopardize others, or whose health prevents performance of duties and responsibilities, and who, on request, fails to produce a satisfactory medical certificate.

Section 3. Court Leave. An employee shall be entitled to leave of absence from duties during his scheduled working hours, without loss of time or pay for that amount of time necessary to comply with subpoenas by any court, or administrative agency or body of the federal or state government or any political subdivision thereof, to serve as a juror or a witness except in cases where the employee himself or a member of his family is a party plaintiff. This leave shall include necessary travel time. If relieved from duty as a juror or witness during his normal working hours, the employee shall return to work.

Section 4. Compensatory Leave. (1) It shall be the responsibility of the appointing authorities to administer the overtime and compensatory leave provisions of the Fair Labor Standards Act. An employee who is authorized to work in excess of the prescribed hours of duty shall be granted compensatory leave on an hour-for-hour basis, subject to the provisions of the Fair Labor Standards Act and Kentucky Labor Laws. Compensatory leave may be accumulated or taken off in one-quarter (1/4) hour increments. The maximum amount of compensatory leave that may be accumulated shall be 200 hours.

(2) An employee who is transferred or otherwise changed from the jurisdiction of one agency to another shall retain his compensatory leave in the receiving agency.

(3) Upon separation from state service, employees will be paid for all unused compensatory leave at the greater of their regular hourly rate of pay or at the average regular rate of pay for the final three (3) years of employment.

(4) An employee who has accrued compensatory leave shall be permitted by the appointing authority or his designee to take such time off when practicable. To maintain a manageable level of accumulated compensatory time and for the specific purpose of reducing an employee's compensatory leave, an appointing authority or his designee may direct an employee to take accumulated compensatory time off from work. Notice must be in writing specifying the number of hours to be taken.

(5) An employee deemed to be "nonexempt" shall be paid one and one-half (1 1/2) times his regular hourly rate of pay for all hours worked in excess of forty (40) per week.

(6) An employee except one who is in policy making position, may, after accumulating 151 hours of compensatory leave, request that he be paid for fifty (50) hours at his regular rate of pay. An employee's leave balance shall be reduced accordingly.

(7) All employees, except those who are in policy making positions, shall be paid for fifty (50) hours at their regular hourly rate of pay upon accumulating 200 hours of compensatory leave. The employee's leave balance shall be reduced accordingly.

(8) All employees whose prescribed hours of duty are normally less than forty (40) per week and who have not exceeded the maximum amount of compensatory time shall receive compensatory

leave on an hour-for-hour basis until the total hours worked in that week reaches forty (40).

(9) Compensatory leave used during the same workweek it is earned does not constitute "hours worked" for computing paid overtime.

Section 5. Military Leave. Any employee who is an active member of the United States Army Reserve, the United States Air Force Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, the United States Coast Guard Reserve, the United States Public Health Service Reserve, or the Kentucky National Guard shall be relieved from his civil duties upon request therefor, to serve under orders on training duty without loss of his regular compensation for a period not to exceed ten (10) working days in any one (1) calendar year, and any such absence shall not be charged to leave. Absence in excess of this amount will be charged as annual leave, compensatory leave or leave without pay. The appointing authority may require a copy of the orders requiring the attendance of an employee before granting military leave. An appointing authority shall grant an employee entering military duty a leave of absence without pay for a period of such duty not to exceed six (6) years. All accumulated annual and compensatory leave may be paid in a lump sum, at the request of the employee, upon receiving this leave.

Section 6. Voting Leave. All employees who are eligible and registered to vote shall be allowed, upon prior request, four (4) hours, for the purpose of voting. Such absence shall not be charged against leave. Employees who are not scheduled to work during voting hours shall not receive voting leave and shall not be entitled to compensatory leave in lieu of time off to vote. Employees who are permitted to work in lieu of voting leave shall be granted compensatory leave on an hour-for-hour basis.

Section 7. Special Leave of Absence. (1) In addition to leaves as above provided, an appointing authority may grant leave without pay for a period or periods not to exceed thirty (30) working days in any calendar year.

(2) An appointing authority, with approval of the commissioner, may grant leave of absence when requested by an employee for a period not to exceed twenty-four (24) months, with or without pay for assignment to and attendance at college, university, vocational or business school for the purpose of training in subjects related to the work of the employee and which will benefit the state service.

(3) An appointing authority, with approval of the commissioner, may grant an employee a leave of absence without pay for a period not to exceed one (1) year for purposes other than specified in this regulation that are deemed in the best interest of the state.

(4) An appointing authority, with approval of the commissioner, may place an employee on leave without pay for a period not to exceed thirty (30) working days pending an investigation into allegations of employee misconduct. The employee shall be notified in writing by the appointing authority that he is being placed on leave without pay and of the reasons therefor. If such investigation reveals no misconduct on behalf of the employee, he shall be made whole for the period of such leave and all records relating to

dividing that number by 1.29.

(18) The term "sampler" means an individual who takes samples of hay for testing.

(19) The term "total digestible nutrients" means the digestible components of fiber, protein, fat and nitrogen-free extract in the diet.

(20) The terms used in reference to mineral content in hay shall be the official feed terms adopted by the Association of American Feed Control Officials and published in its official publication.

Section 2. The method of sampling hay shall be the following:

(1) For rectangular bales, probe shall be inserted in the end of the bale at a point approximately one-half (1/2) the distance from the center to the outside of the bale and drilled or pushed horizontally at least eleven (11) inches into the bale.

(2) For round bales, probe shall be inserted in the end of the bale at a point approximately one-half (1/2) the distance from the center to the outside of the bale and drilled or pushed at least eleven (11) inches into the bale.

(3) At least twenty (20) bales shall be sampled and composited to develop one (1) sample per lot. If a lot contains less than twenty (20) bales, all bales shall be sampled.

(4) Bales within a lot of hay shall be sampled at random by taking into account vertical and horizontal positions within the lot.

(5) Each bale sampled shall be tagged or marked with colored chalk or vegetable dye.

(6) Samples from a lot of hay shall be composited and placed in a plastic freezer bag and sealed tightly.

(7) The department shall keep samples from a lot of hay for a period of at least one (1) year.

Section 3. The testing of hay shall be performed by procedures adopted by the National Alfalfa Hay Testing Association and published at page 17 in its "Hay Testing Laboratory Certification Manual, Publication No. 2, February 10, 1986," which is hereby adopted by reference. A copy of the Hay Testing Laboratory Certification Manual may be obtained at the Division of Hay and Grain, 106 West Second Street, Frankfort, Kentucky 40601. The manual may be inspected or copied at the above address between the hours of 8 a.m. to 4:30 p.m., Monday through Friday.

Section 4. The grading of hay shall be based on the findings of a test performed by Near Infrared Reflectance Spectroscopy, or any other procedure which has the approval of the Association of Official Agricultural Chemists, and the test result shall include analysis under the categories of "As Received Basis" and "Dry Matter Basis" of the following:

- (1) Moisture;
- (2) Dry matter;
- (3) Crude protein;
- (4) Heat damaged protein;
- (5) Available protein;
- (6) Digestible protein;
- (7) Acid detergent fiber;
- (8) Neutral detergent fiber;
- (9) Relative feed value;
- (10) Phosphorous (P);
- (11) Calcium (Ca);
- (12) Potassium (K);

(13) Magnesium (MG).

Section 5. The grading of hay also shall be based on a physical description of the hay provided by those who take samples for testing; the description shall be listed on the test result and shall include the following:

- (1) Color;
- (2) Foreign material;
- (3) Injurious foreign material;
- (4) Odor;
- (5) Mold.

Section 6. Testing results shall be stated in a uniform manner as prescribed by the department.

Section 7. The grade of "Triple Crown" shall apply to hay in which the physical description is "light green" or "dark green" in color, the odor is "fresh" and there is no mold and no injurious foreign material that is identifiable by a visual inspection.

Section 8. The grade "Kentucky Pride" shall apply to hay in which the test analysis for crude protein exceeds fourteen (14) percent on a dry matter basis and the test analysis for relative feed value exceeds 124 [percent] and the physical description indicates no visible injurious foreign material.

Section 9. The grade "Kentucky Feeder" shall apply to hay in which the test analysis for crude protein is between eight (8) percent and fourteen (14) percent and the test analysis for relative feed value is between seventy-five (75) [percent] and 124 [percent] and the physical description includes no visible injurious foreign material.

Section 10. No grade shall be applied to hay that is not graded as "Triple Crown" or "Kentucky Pride" or "Kentucky Feeder."

Section 11. All hay testing laboratories used in the Kentucky standard hay grading program shall be certified by the National Hay Association under procedures outlined in the association's publication at page 5, "Hay Testing Laboratory Certification Manual, Publication No. 2, February 10, 1986."

Section 12. All persons who take samples of hay for testing under the Kentucky standard hay grading program shall be certified by the department and shall receive a certification card issued by the department after having successfully completed the following:

(1) The taking of samples from ten (10) lots of hay according to the procedures outlined by the National Hay Association in its publication at page 2 [10], "Hay Testing Laboratory Certification Manual, Publication No. 2, February 10, 1986."

(2) At least forty (40) hours of instruction, from the director of the department's Hay and Grain Division or a person who has been certified to sample, on properly recognizing the physical characteristics (color, mold, foreign material, type, stage of maturity) of hay.

Section 13. Upon application to the department, individuals who want to take samples of hay on behalf of hay growers' associations

ADMINISTRATIVE REGISTER - 2227

9.4	Transportation of Inmates to Funerals or Bedside Visits	27-02-01	Duties of Probation and Parole Officers
9.6	Contraband	27-03-01	Workload Formula Supervisor/Staff Ratio
9.7	Storage, Issue and Use of Weapons Including Chemical Agents	27-05-01	Testimony, Court Demeanor and Availability of Legal Services
9.8	Search Policy		Availability of Supervision Services
9.9	Transportation of Inmates	27-06-01	Equal Access to Services
9.10	Security Inspections	27-06-02	Cooperation with Law Enforcement Agencies
9.11	Tool Control	27-07-01	Kentucky Community Resources Directory
9.15	Institutional Entry and Exit Policy and Procedures	27-09-01	Advanced Supervision
9.18	Informants		Intensive Supervision
9.19	Found Lost or Abandoned Property	27-10-01	Supervision: Case Classification
10.2	Special Management Inmates	27-11-01	Risk/Needs Assessment
10.3	Safekeepers	27-12-01	Initial Interview
10.4	Special Needs Inmates	27-12-02	Conditions of Regular Supervision/Request for Modification
11.2	Nutritional Adequacy of the Diet for Inmates	27-12-03	Releasee's Report
11.3	Special Diet Procedures	27-12-04	Grievance Procedures for Offenders
13.1	Pharmacy Policy and Formulary	27-12-05	Employment, Education/Vocational Referral
13.2	Health Maintenance Services	27-12-06	Supervision Plan
13.3	Medical Alert System	27-12-07	Casebook
13.4	Health Program Audits		Guidelines for Monitoring Supervision Fee
13.5	Acquired Immune Deficiency Syndrome	27-12-08	Guidelines for Monitoring Financial Obligations Ordered by the Releasing Authority
13.6	Sex Offender Treatment Program [(Added 12/15/88)]	27-12-09	Other Financial Obligations (Not Ordered by Releasing Authority)
14.2	Personal Hygiene Items	27-12-10	Community Service Work
[14.3	Marriage of Inmates (Deleted 2/15/89)]	27-12-11	Client Travel Restrictions
14.4	Legal Services Program		Alcohol Detection
14.6	Inmate Grievance Procedures (Amended 2/15/89)	27-12-12	Interstate Compact Transfers
15.1	Hair and Grooming Standards		Interstate Compact Out-of-state Probation and Parole Violation
15.2	Offenses and Penalties	27-12-13	Supervision Report; Violations, Unusual Incidents
15.3	Meritorious Good Time	27-12-14	Absconder Procedures
15.5	Restoration of Forfeited Good Time (Amended 2/15/89)	27-13-02	Probation and Parole Issuance of Detainer/Warrant
15.6	Adjustment Procedures and Programs	27-14-01	Preliminary Revocation Hearing
16.1	General Inmate Visiting Procedure	27-14-02	Division of Probation and Parole
16.2	Inmate Correspondence		Controlled Intake Program
16.3	Telephone Calls	27-15-01	Prisoner Intake Notification
16.4	Inmate Packages		Prisoner Status Change
17.1	Inmate Personal Property	27-17-01	Apprehension and Transportation of Probation and Parole Violators
17.2	Assessment Center Operations	27-18-01	Fugitive Unit - Apprehensions
17.3	Controlled Intake of Inmates		Fugitive Unit - Transportation of Fugitives
18.4	Classification of the Inmate	27-19-01	In-state Transfer
18.5	Custody/Security Guidelines [(Amended 12/15/88)]	27-20-01	Closing Supervision Report
18.6	Classification Document [(Amended 12/15/88)]	27-20-02	Reinstatement of Clients to Active Supervision
18.7	Transfers	27-20-03	Application for Final Discharge from Parole
18.8	Guidelines for Transfers Between Institutions [(Amended 12/15/88)]	27-21-01	Assistance to Former Clients and Dischargees
18.9	Out-of-State Transfers	27-22-01	Restoration of Civil Rights
18.10	Preparole Progress Reports	27-22-02	Firearms/Explosives: Application for Relief from Disability
18.11	Kentucky Correctional Psychiatric Center Transfer Procedures		Parole Review Dates Modification
18.12	Referral Procedure for Inmates Adjudicated Guilty But Mentally Ill	27-23-01	Probation and Parole Investigation Reports (Introduction, Definitions, Confidentiality, Timing, and General Comments)
18.13	Population Categories	27-24-01	Probation and Parole Investigation Reports (Administrative Responsibilities)
18.15	Protective Custody	27-24-02	Probation and Parole Investigation Reports (Presentence/Postsentence Investigation Interview Procedure)
19.1	Government Services Projects	27-25-01	
19.2	Community Services Projects		
20.1	Study Release	27-26-01	
20.6	Vocational Study Release	27-27-01	
22.1	Privilege Trips	27-28-01	
25.1	Gratuities	27-29-01	
25.2	Public Official Notification of Release of an Inmate	28-01-01	
25.3	Prerelease		
25.4	Inmate Furloughs		
25.6	Community Center Program (Amended 2/15/89)	28-01-02	
25.7	Expedient Release		
25.8	Extended Furloughs		
27-01-01	Probation and Parole Procedures	28-01-03	

KSP 100000-08 Behavioral Counseling Record
 KSP 100000-09 Due Process/Disciplinary Procedures
 KSP 100000-11 Authorized and Unauthorized Inmate Property
 KSP 100000-14 Property Room: Clothing Storage and Inventory
 KSP 100000-15 Uniform Cell Standards for Fire Safety, Sanitation and Security
 KSP 100000-18 Inmate Grievance Committee Hearings (Amended 01/13/89)
 KSP 100000-20 Legal Services Program
 KSP 100000-21 Photocopies for NonIndigent Inmates with Special Court Deadlines
 KSP 110000-04 Parole Progress Report [(Amended 12/15/88)]
 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 110000-12 Unit Classification Committee - Inmate Work Assignments [(Amended 12/15/88)]
 KSP 110000-13 Classification Document [(Amended 12/15/88)]
 KSP 110000-14 Vocational School Placement
 KSP 110000-15 Transfers to Kentucky Correctional Psychiatric Center (KCPC) [(Amended 12/15/88)]
 KSP 110000-16 Consideration of Further Treatment Requirements for Inmates Prior to Release
 KSP 110000-18 Functions of the Classification Committee [(Added 12/15/88)]
 KSP 120000-04 Academic Education
 KSP 120000-07 Community Center Program
 KSP 120000-08 Inmate Furloughs
 KSP 120000-11 Religious Services - Staffing
 KSP 120000-18 Religious Services - Religious Programming
 KSP 120000-20 Marriage of Inmates
 KSP 120000-31 Extended Furloughs
 KSP 120000-32 Discharge of Inmates by Shock Probation
 KSP 130000-10 Execution Plan

JOHN T. WIGGINTON, Secretary
 APPROVED BY AGENCY: January 13, 1989
 FILED WITH LRC: January 13, 1989 at 11 a.m.

COMPILER'S NOTE: The following regulations were amended by the promulgating agency and the Administrative Regulation Review Subcommittee on April 10, 1989.

**CORRECTIONS CABINET
 (As Amended)**

501 KAR 6:060. Northpoint Training Center.

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

Section 1. Pursuant to the authority vested in the Corrections Cabinet the following policies and procedures are incorporated by reference on February 15 [January 13], 1989 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 01-03-01 Organization and Assignment of Responsibilities
 NTC 01-05-01 Extraordinary Occurrence Reports
 NTC 01-10-01 Legal Assistance for Staff
 NTC 01-11-01 Political Activities of Merit Employees
 NTC 01-15-01 Establishment of the Warden as Chief Executive Officer
 NTC 01-17-01 Relationships with Public, Media and Other Agencies
 NTC 02-02-02 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 02-07-02 Chapel Fund
 NTC 02-08-01 Inmate Canteen (Amended 2/15/89) (Amended 4/10/89)
 NTC 02-10-01 Insurance Coverage
 NTC 02-12-01 Inmate Personal Accounts (Amended 2/15/89)
 NTC 04-01-01 Training and Staff Development
 NTC 04-04-01 Firearms and Chemical Agents Training
 NTC 06-01-01 Offender Records
 NTC 06-01-02 Records - Release of Information
 NTC 06-01-03 Taking Offender Record Folders onto the Yard
 NTC 08-05-01 The Fire and Safety Officer
 NTC 08-05-02 Fire Procedures
 NTC 08-05-03 Fire Prevention
 NTC 08-05-04 Storage of Flammables and Dangerous Chemicals and Their Use
 NTC 08-07-01 Safety Standards
 NTC 10-01-01 Special Management Inmates (SMU)
 NTC 10-02-01 Security Guidelines for Special Management Inmates
 NTC 10-03-01 Protective Custody
 NTC 11-03-01 Food Services: General Guidelines
 NTC 11-04-01 Food Service: Meals
 NTC 11-04-02 Menu, Nutrition and Special Diets
 NTC 11-05-02 Health Standards/Regulations for Food Service Employees
 NTC 11-06-01 Inspections and Sanitation
 NTC 11-07-01 Purchasing, Storage and Farm Products
 NTC 12-01-01 Institutional Inspections
 NTC 12-02-01 Personal Hygiene for Inmates; Clothing and Linens
 NTC 12-02-02 Issuance of Personal Hygiene Products
 NTC 13-01-01 Emergency Medical Care Plan
 NTC 13-01-02 Emergency and Specialized Health Services
 NTC 13-02-01 Administration and Authority for Health Services
 NTC 13-03-01 Sick Call and Pill Call
 NTC 13-04-01 Utilization of Pharmaceutical Products
 NTC 13-05-01 Dental Services
 NTC 13-06-01 Licensure and Training Standards
 NTC 13-07-01 Provisions for Health Care Delivery
 NTC 13-08-01 Medical and Dental Records
 NTC 13-09-01 Special Diets

ADMINISTRATIVE REGISTER - 2231

BCC 08-02-01	Natural Disaster Plan (Tornado)	BCC 12-02-02	Personal Hygiene for Inmates: Clothing, Linens and Shower Facilities
BCC 08-03-01	Emergency Preparedness Plan Manual	BCC 12-05-01	Barber Shop Services
BCC 08-04-01	Fire Safety Plan, Drills and Related Staff Duties	BCC 12-06-01	BCC Housekeeping Plan
BCC 08-04-02	Immediate Release of Inmates from Locked Areas	BCC 13-01-01	Sick Call and Pill Call
BCC 08-06-01	Storage Control and Accountability of Flammable, Toxic, Caustic and Other Hazardous Materials	BCC 13-02-01	Administration and Authority for Health Services
BCC 08-07-01	Facility Furnishings: Exit and Emergency Lights and Noncombustible Containers	BCC 13-03-01	Provisions of Health Care Delivery
BCC 09-01-01	Inclement Weather/Emergency Condition Operation	BCC 13-04-01	Licensure and Training Standards
BCC 09-02-01	Restricted Areas	BCC 13-05-01	Medical Alert System
BCC 09-02-02	Inmate Pass System to Restricted Areas	BCC 13-06-01	Health Care Practices
BCC 09-02-03	Regulation of Inmate Movement	BCC 13-07-01	Emergency Medical Care Plan
<u>BCC 09-02-04</u>	<u>Radio Escorted Yard Movement During Daylight Savings Time (November 1 - April 30) (Added 2/15/89) (Amended 4/10/89)</u>	BCC 13-07-02	Emergency and Specialized Health Services
BCC 09-03-01	Inmate Identification	BCC 13-07-03	Immediate Medical Treatment for Person's Injured by Weapon or Chemical Agent
BCC 09-04-02	Complex Entry & Exit	BCC 13-08-01	Inmate Health Screening and Evaluation
BCC 09-05-01	Key Control	BCC 13-09-01	Prohibition on Medical Experimentation
BCC 09-06-02	Transportation to Courts	BCC 13-10-01	Dental Services
BCC 09-07-01	Drug Abuse and Intoxicants Testing	BCC 13-11-01	Suicide Prevention and Intervention Program
BCC 09-08-02	Use of Restraints	BCC 13-12-01	Use of Pharmaceutical products [(Amended 1/13/89)]
BCC 09-09-01	Population Counts and Count Documentation	BCC 13-12-02	Parenteral Administration of Medications and Use of Psychotropic Drugs
BCC 09-10-03	Development of Institutional Post Orders	BCC 13-13-01	Inmate Health Education
BCC 09-10-04	Governmental Services, Study Release Officer Post Orders	BCC 13-14-01	Management of Serious and Infectious Diseases
BCC 09-10-05	Unit A-1 Post Orders	BCC 13-15-01	Informed Consent
BCC 09-10-06	Recreation Post Orders: Observation	BCC 13-16-01	Health Records
BCC 09-10-07	Entrance Gate Post Orders	BCC 13-17-01	Notification of Inmate Family in the Event of Inmate Family in Injury or Surgery
BCC 09-10-08	Visiting Area Post Orders	BCC 13-19-01	Physicians Referrals/Continuity of Care
BCC 09-10-09	Security Staff General Orders	BCC 13-20-01	Chronic and Convalescent Care
BCC 09-10-10	Dining Room Officer Post Orders	BCC 13-22-01	Psychiatric and Psychological Services, Handling of Mentally Retarded Inmates and Transfers
BCC 09-12-01	Use of Physical Force; Prohibition of Personal Abuse and Corporal Punishment	BCC 13-23-01	First Aid Kits
BCC 09-13-01	Perimeter Patrol	BCC 14-01-01	Office of Public Advocacy
BCC 09-14-01	Prohibiting Inmate Authority Over Other Inmates	BCC 14-02-01	Law Library
BCC 09-15-01	Search Policy/Disposition of Contraband	BCC 14-03-01	Inmate Grievance Procedure [(Amended 1/13/89)]
BCC 09-16-01	Security Activity Logs	BCC 14-04-01	Inmate Rights and Responsibilities
BCC 09-17-01	Institutional Supervisor Inspections	BCC 14-05-01	Inmate Claims [(Amended 1/13/89)]
BCC 09-18-01	Use of State Vehicles and Staff Owned Vehicles	BCC 14-06-01	Legal and Support Services for Indigent Inmates [(Added 01/13/89)]
BCC 09-19-01	Duties and Responsibilities of the Institutional Captain	BCC 15-01-01	Authorized Inmate Personal Property
BCC 09-19-02	Duties and Responsibilities of the Shift Supervisor	BCC 15-02-01	Meritorious Living Unit (B-1)
BCC 09-20-01	Inmate Death	BCC 15-02-02	Room Assignment
BCC 09-21-01	Tool Control	BCC 15-03-01	Rules and Regulations for Dormitories
BCC 09-22-01	Emergency Communication System	BCC 15-04-01	Restoration of Forfeited Good Time
BCC 10-01-01	Special Management Inmates	BCC 15-05-01	Extra Duty Assignments
BCC 11-01-01	Menu and Special Diets	BCC 15-06-01	Due Process/Disciplinary Procedures
BCC 11-02-01	Food Service: Inspection, Health Protection and Sanitation	BCC 16-01-01	Inmate Furloughs
BCC 11-03-01	Food Service: Meals	BCC 16-02-01	Visiting
BCC 11-04-01	Dining Room Guidelines	BCC 16-03-01	Inmate Packages
BCC 11-05-01	Food Service Security: Knife & Other Sharp Instrument/Utensil Control	BCC 16-03-02	Outgoing Inmate Packages
BCC 11-06-01	Purchasing, Storage and Farm Products	BCC 16-03-03	Inmate Correspondence
BCC 11-07-01	Food Service Operations Manual	BCC 17-03-01	Processing of New Inmates From Local Jails
BCC 12-02-01	Personal Hygiene Items	BCC 18-01-01	Classification: Institutional Classification and Reclassification

CABINET FOR HUMAN RESOURCES
Office of Inspector General
(As Amended)

lines of authority and designate an administrator who shall be principally responsible for the daily operation of the nursing pool [SMSA].

(2) Policies. The nursing pool [SMSA] shall establish and follow written administrative policies covering all aspects of operation, including:

(a) A description of organizational structure, staffing and allocation of responsibility and accountability;

(b) Policies and procedures for the guidance and control of personnel performance;

(c) A description of the duties, responsibilities, policies and procedures of the nursing pool [SMSA], the personnel who provide the service, and of the health care facilities which utilize the supplemental medical personnel from the agency.

(3) Personnel.

(a) There shall be a written job description for each person employed or on a registry which shall be reviewed and revised as necessary.

(b) A questionnaire utilized to evaluate personnel performance on an annual basis shall be developed with input sought from all health facilities to which medical personnel are sent. The results of the evaluation shall be available to health facilities utilizing the nursing pool [SMSA], upon request.

(c) All new employees shall participate in a job orientation program which defines the duties and responsibilities of the employee to the nursing pool [SMSA], the nursing pool [SMSA] to the employee, and the health care facilities which utilize the nursing pool [SMSA].

(d) The nursing pool [SMSA] shall document that each temporary employee provided to a health care facility currently meets the minimum licensing, training and continuing education standards for the position in which he or she shall be working, and that the employee's license and credentials are in good standing with their respective licensure boards.

(e) Current personnel records shall be maintained for each employee which include the following:

1. Name, address and social security number;
2. Evidence of current registration, certification or licensure of personnel;
3. Training and experience;
4. Performance evaluation;
5. Initial interview for employment;
6. Information obtained through reference checks;
7. Current negative tuberculin skin test or chest x-ray;
8. Current cardiopulmonary resuscitation certification for personnel that provide direct care to patients; and
9. Initial job orientation for new employees.

(f) In-service training. All personnel shall participate in ongoing in-service training programs relating to their respective job activities including at least infection control and safety on an annual basis.

(g) The nursing pool [SMSA] shall employ a registered nurse who shall supervise personnel performance.

WILLIAM M. GARDNER, Inspector General
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: March 3, 1989
FILED WITH LRC: March 8, 1989 at 9 a.m.

906 KAR 1:060. Nursing pool [Supplemental medical staffing agency] hearings.

RELATES TO: KRS Chapter 216.860, 216.865
STATUTORY AUTHORITY: KRS 194.030(12)(b), 216.865

NECESSITY AND FUNCTION: KRS 216.865 states that the Secretary of the Cabinet for Human Resources shall adopt regulations relating to licensure fees, standards of care and service, and procedures for enforcement of penalties for nursing pools [supplemental medical staffing agencies]. The Office of Inspector General has been designated the promulgating agency in accordance with KRS 194.030(12)(b).

Section 1. Definitions. [(1) "Cabinet" means the Cabinet for Human Resources.]

[(1) [(2)] "Negative licensure action" means an action by the cabinet to revoke, modify, suspend or deny relicensure of a nursing pool [supplemental medical staffing agency].

[(3) "Supplemental medical staffing agency (SMSA)" means any organization which provides or procures temporary employment for medical personnel with licensed health care facilities in accordance with KRS 216.860(4).]

[(2) [(4)] "Hearing officer" means the person designated by the Secretary of Human Resources to conduct a hearing and make a recommendation to the cabinet on any appeal of negative licensure action.

Section 2. (1) Any nursing pool [SMSA] may appeal negative licensure action taken by the cabinet by notifying the Cabinet for Human Resources within twenty (20) days of the issuance of notice of negative licensure action. Upon receipt of notice of appeal, the Secretary of the Cabinet for Human Resources shall designate a hearing officer.

(2) Notice of hearing shall be mailed to the nursing pool [employment agency] not less than ten (10) days prior to the commencement of the hearing. The notice of hearing shall contain the reasons for negative licensure action. The notice of hearing shall be mailed by certified mail, return receipt requested to the nursing pool [SMSA].

(3) The nursing pool [SMSA] and the cabinet may be represented by counsel and make oral or written argument, offer testimony, cross-examine witnesses, or take any combination of such actions. No depositions shall be permitted for the purpose of discovery, however, the hearing officer may authorize depositions of witnesses who, in his opinion, for good cause shown cannot be present at the hearing. A hearing officer shall reside at the hearing, shall keep order, administer oaths, may issue subpoenas and may admit relevant and probative evidence and shall conduct the hearing in accordance with reasonable administrative practice.

(4) All testimony at the hearing shall be recorded but need not be transcribed unless requested. The person or organization requesting a transcript shall bear the cost of such transcript.

(5) The hearing officer may place reasonable

REGULATIONS AMENDED AFTER PUBLIC HEARING

TRANSPORTATION CABINET
 Department of Vehicle Regulation
 Division of Motor Carriers
 (Amended After Hearing)

601 KAR 1:015. Special overweight/overdimensional permits issued at highway district offices and the Transportation Cabinet in Frankfort.

RELATES TO: KRS 189.270, 189.274

STATUTORY AUTHORITY: KRS 174.080, 189.274

NECESSITY AND FUNCTION: KRS 189.274 [A new section of KRS Chapter 189 was created by Chapter 332 of the 1984 Acts to] allows for certain overweight and [proposed] overdimensional permits to be issued at the twelve (12) district offices of the Department of Highways and the Transportation Cabinet in Frankfort. This regulation establishes standards and procedures necessary to issue these [such] permits.

Section 1. Definitions. (1) "Daylight hours" means the period of day from one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset.

(2) "Base fee" means the initial fee of sixty (60) dollars charged for the issuance of an overweight or overdimensional permit to cover the cost of processing the permit application, including but not limited to a qualification check of the applicant, a statutory compliance check, and an initial bridge and weight analysis.

(3) "Additional fee" means the additional charge for overweight or overdimensional permits imposed by KRS 189.270. Vehicles with six (6) or more axles or with a width of ten (10) or more feet shall be charged the base fee as well as the additional fee as provided for by statute. This additional fee is to cover the additional administrative costs for processing the permit application, including specific bridge computer analysis, unique routing needs, axle spacing needs, additional enforcement and other necessary or incidental Transportation Cabinet costs.

Section 2. [1.] Permits. (1) In accordance with KRS 189.274 the twelve (12) district offices of the Department of Highways and the Transportation Cabinet in Frankfort may issue special overweight and overdimensional permits for operators of equipment used for soil conservation purposes, residential construction purposes, and public utility service purposes and other specialized equipment, such as oil well and mine equipment and truck cranes and loaders. Only these overweight or overdimensional permits may be issued by the highway district offices.

(2) The permit application shall contain a detailed description of the equipment to be moved; a description and vehicle identification number of the power unit moving the equipment; registration weight and number of the power unit; equipment operator's name and address; routes requested for travel; and county in which the equipment is based or the applicant maintains headquarters and any other information required by the Department of Vehicle Regulation.

(2) Such special permits are issued only to vehicles which are properly licensed in Kentucky, if the vehicles are required to be licensed in Kentucky.]

(3) [(2)] [(3)] The permit [shall be] issued for a movement of a specific vehicle, load, machine, or piece of equipment shall [. The load, machine, or piece of equipment must be] clearly identify [identified] or describe[d] the load, machine, or piece of special equipment (for example, D-8 dozer).

(4) [(3)] The base fee for the issuance of a special permit to a vehicle which is both overweight and overdimensional shall be sixty (60) dollars. The base fee for the issuance of a permit to a vehicle which is either overweight or overdimensional shall be sixty (60) dollars. An additional fee as set forth in KRS 189.270 shall be assessed if the vehicle for which an overweight permit is applied has six (6) or more axles or if the vehicle for which an overdimensional permit is applied has a width of ten (10) feet or more.

(5) [(4)] An issued permit shall be valid for ten (10) days and may be issued for more than one (1) movement.

Section 3. Divisible Loads. Except as allowed by KRS 189.274(6) a permit shall not be issued for a divisible load which when reasonably divided, dismantled, disassembled or rearranged would no longer be overweight or overdimensional.

Section 4. Highway Right-of-way. A permit holder shall not cut, trim, remove or relocate any tree, shrub, guardrail, highway sign or other object on the highway right-of-way without the personal, written approval of the chief district engineer having jurisdiction over the property involved.

Section 5. [3.] [2.] Height. There is no set height limit except as determined by underpasses and bridges; however, fifteen (15) feet in most cases is the highest practical for moves over Kentucky highways.

Section 6. [4.] [3.] Weight. (1) No gross or axle overweight shall [will] be permitted on combination units of less than five (5) axles nor on a single unit except off-road equipment such as scraper, mobile cranes or other self-propelled units and in no case shall [may] axle weight exceed the product of 600 pounds times the aggregate width in inches of all of the tires on the axle [600 lbs. x aggregate tire rim inch].

(2) Kentucky licensed vehicles shall [will] not be permitted weights exceeding that for which licensed unless licensed for the maximum of 80,000 lbs.

(3) In no event shall the weight on any single axle in any combination exceed the product of 600 pounds times the aggregate width in inches established by the manufacturer's stamped tire measurement of all the tires on the axle, or the following axle or axle group weights, whichever is less [Following are axle weights and gross weights which may be permitted with use of four (4) wheels and tires per axle at least ten (10.00) rim inch size]:

(a) Single axle - 24,000 pounds;

Department of Vehicle Regulation may require additional escort vehicles or red flags.

JEROME LENTZ, Commissioner
 O. GILBERT NEWMAN, State Highway Engineer
 APPROVED BY AGENCY: April 5, 1989
 FILED WITH LRC: April 5, 1989 at noon

TRANSPORTATION CABINET
 Department of Vehicle Regulation
 Division of Motor Carriers
 (Amended After Hearing)

601 KAR 1:016. Special annual overweight/overdimensional permits issued for specialized equipment.

RELATES TO: KRS 189.270, 189.273

STATUTORY AUTHORITY: KRS 174.080, 189.273

NECESSITY AND FUNCTION: KRS 189.273 allows annual overweight/overdimensional permits to be issued for soil conservation equipment and other specialized equipment. This regulation establishes standards and procedures necessary to issue these permits.

Section 1. Definitions. (1) "Daylight hours" means the period of a day from one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset.

(2) "Base fee" means the initial fee of sixty (60) dollars charged for the issuance of an overweight or overdimensional permit to cover the cost of processing the permit application, including but not limited to, a qualification check of the applicant, a statutory compliance check, and an initial bridge and weight analysis.

(3) "Additional fee" means the additional charge for overweight or overdimensional permits imposed by KRS 189.270. Vehicles or equipment with six (6) or more axles or with a width of ten (10) or more feet shall be charged the base fee as well as the additional fees as provided for by statute. This additional fee is to cover the additional administrative costs for processing the permit application including specific bridge computer analysis, unique routing needs, axle spacing needs, additional enforcement and other necessary or incidental Transportation Cabinet costs.

Section 2. Permit Applications. (1) All applications for an annual permit to transport soil conservation or other specialized equipment in accordance with the provisions of KRS 189.273 shall be made to the Department of Vehicle Regulation, Division of Motor Carriers.

(2) The permit application shall contain a detailed description of the equipment to be moved; a description and vehicle identification number of the power unit moving the equipment; registration weight and number of the power unit; equipment operator's name and address; routes requested for travel; and county in which the equipment is based or the application maintains headquarters and any other information required by the Department of Vehicle Regulation.

Section 3. Permit Fee. The base fee for the issuance of this annual permit shall be sixty (60) dollars as set forth in KRS 189.270. The additional fee as set forth in KRS 189.270 shall be assessed if the vehicle or equipment for

which an overweight permit is applied has six (6) or more axles or if the vehicle or equipment for which an overdimensional permit is applied has a width of ten (10) feet or more.

Section 4. Divisible Loads. Except as allowed by KRS 189.273(5) a permit shall not be issued for a divisible load which when reasonably divided, dismantled, disassembled or rearranged would no longer be overweight or overdimensional.

Section 5. Highway Right-of-way. A permit holder shall not cut, trim, remove or relocate any tree, shrub, guardrail, highway sign or other object on the highway right-of-way without the personal, written approval of the chief district engineer having jurisdiction over the property involved.

Section 6. [4.] Weight. (1) No gross or axle overweight shall be permitted on combination units of less than five (5) axles nor on a single unit except off-road equipment such as scraper, mobile cranes or other self-propelled units and in no case shall the axle weight exceed the product of 600 pounds times the aggregate width in inches established from the manufacturer's stamped tire measurement of all of the tires on the axle.

(2) Kentucky licensed vehicles shall not be permitted weights exceeding that for which licensed unless licensed for the maximum of 80,000 lbs.

(3) In no case shall the weight on any single axle in any combination exceed the product of 600 pounds times the aggregate width in inches established from the manufacturer's stamped tire measurement of all the tires on the axle, or the following axle or axle group weights, whichever is less:

(a) Single axle - 24,000 pounds;

(b) Tandem axle group - 48,000 pounds (minimum forty-two (42) inches spacing between the center of each of the axles of the tandem axle group);

(c) Tridem axle group - 60,000 pounds (minimum forty-two (42) inches spacing between the center of each of the axles of the tridem axle group);

(d) Five (5) axle combination units are not to exceed 96,000 pounds gross weight;

(e) Six (6) axle combination units are not to exceed 120,000 pounds gross weight.

(4) Since bridge capacity is the weight controlling factor in most instances, these maximum weights shall not be permitted unless all bridges involved are of sufficient capacity to accommodate the load.

Section 7. [5.] Permit Validity. Permits shall only be valid during daylight hours from Monday thru Saturday noon. However, on national holidays travel shall not be permitted from noon of the day preceding the holiday until daylight of the next permissible day.

Section 8. [6.] Nothing in this administrative regulation shall prohibit the permit issuing office from further restricting movements or denying a permit for any movement which may cause damage to property or which may be detrimental to public safety.

Section 9. [7.] The permit shall be carried in the overweight/overdimensional vehicle at all times. It shall be presented, upon request, to any law enforcement officer or

complete the movement, and description and the identity of the vehicle to be used and any other information required by the Department of Vehicle Regulation.

Section 4. Permit Fee. The base fee for the issuance of a special permit to a vehicle which is both overweight and overdimensional shall be sixty (60) dollars. The base fee for the issuance of a special permit to a vehicle which is either overweight or overdimensional shall be sixty (60) dollars. An additional fee shall be assessed if the vehicle for which the overweight permit is applied is six (6) axles or more or if the vehicle for which an overdimensional permit is applied has a width of ten (10) feet or more.

Section 5. Movement Time Allowed. [3.] (1) A single trip permit shall be valid for a period not to exceed ten (10) days. A time extension shall only be granted if the permit holder proves extenuating circumstances.

(2) Permits are valid during daylight hours only from Monday through Saturday noon. However, permits are not valid on national holidays and [, except for those periods before, during, and after the following holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day. In connection with these holidays,] travel is not permitted from noon the preceding day until daylight hours of the next permissible day. If the national holiday occurs on Sunday the restricted period shall [will] extend from noon of the preceding Friday to daylight hours of the following Tuesday.

(3) If satisfactory proof of an emergency is furnished the Department of Vehicle Regulation, the department may authorize moves during the restricted hours.

(4) The department may further prohibit movements in congested areas within the peak traffic hours. The additional restrictions shall be noted on the permit when issued. [The term "daylight hours" means the period from one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset, but it does not include such period or part thereof when atmospheric conditions render visibility lower than is ordinarily the case during such daylight hours.]

Section 6. Highway Right-of-way. A permit holder shall not cut, trim, remove or relocate any tree, shrub, guardrail, highway sign or other object on the highway right-of-way without the personal, written approval of the chief district engineer having jurisdiction over the property involved.

Section 7. Farm Implements. No permit shall be required to transport overdimensional farm implements, either self-propelled or on another vehicle, from one (1) farm to another, from a farm to a repair shop or dealer, or from a repair shop or dealer to a farm. However, a permit shall be required for movement of any farm implement on an interstate highway or movement of a self-propelled farm implement on any limited access highway. Self-propelled farm implements are not allowed to operate on an interstate highway and shall not be issued a permit.

Section 8. Denial of Permit Application. [6.] [4.] The Department of Vehicle Regulation and the Department Highways shall have [reserves] the right to deny a permit for any movement which may cause damage to public property or may be detrimental to public safety.

Section 9. Permit Availability. [7.] The permit shall be carried in the overweight/overdimensional vehicle at all times. It shall be presented, upon request, to any law enforcement officer or authorized personnel of the Department of Vehicle Regulation.

Section 10. Escort Vehicle and Flag Requirements. (1) Required escort vehicles shall accompany the permitted vehicle at a distance of 300 feet on open highways. This interval shall be shortened in cities or congested areas to protect other traffic. An escort vehicle's headlamps shall be lit at all times. Red flags which are a minimum of twelve (12) inches square shall be displayed on each side of an escort vehicle.

(2) On a two (2) lane highway, a vehicle and load with a width in excess of ten (10) feet, six (6) inches but less than twelve (12) feet shall have one (1) lead escort.

(3) On a two (2) lane highway, a vehicle and load with a width exceeding twelve (12) feet shall have one (1) lead escort and one (1) trail escort.

(4) On a two (2) lane highway, a vehicle and load traveling at speeds below the average driving speed of traffic on its route shall have one (1) trail escort.

(5) On a four (4) lane or wider highway, a vehicle and load with a width exceeding twelve (12) feet shall have one (1) trail escort.

(6) On a two (2) lane highway, a vehicle and load with a length in excess of seventy-five (75) feet but not more than eighty-five (85) feet shall have one (1) lead escort. If the vehicle and load exceed eighty-five (85) feet, it shall have one (1) lead and one (1) trail escort.

(7) On a four (4) lane or wider highway, a vehicle and load with a length of 110 feet or greater shall have one (1) trail escort.

(8) Red flags which are a minimum of twelve (12) inches square shall be displayed on each vehicle and load operating under the auspices of either an overlength or an overwidth permit. Flags shall be displayed at the outside dimensions of the load at approximately bumper height. Additional flags shall be located at a minimum height of nine (9) feet above the pavement, on each of the four (4) top corners of the load.

(9) All toll roads shall be considered four (4) lane for the purpose of determining the need for escort vehicles regardless of the actual number of lanes on the highway.

(10) As a special provision of the permit, the Department of Vehicle Regulation may require additional escort vehicles or red flags.

JEROME L. LENTZ, Commissioner

O. GILBERT NEWMAN, State Highway Engineer

APPROVED BY AGENCY: April 5, 1989

FILED WITH LRC: April 5, 1989 at noon

not be granted to employees who present new credentials but have previously:

(a) Received a high school diploma, high school equivalency certificate, or a passing score on the G.E.D. test; or

(b) Completed college course work on the undergraduate or graduate level.

(3) To apply for an educational achievement award an employee shall submit supporting documentation to the appointing authority or his designee. For 260 classroom hours or its equivalent, this documentation shall include the educational achievement request DPT Form-10 (or its equivalent). In compliance with the standards set forth in Section 6 of this regulation, the appointing authority may recommend the application for approval and may forward the documentation to the Commissioner of the Department of Personnel for final approval. A lump sum educational achievement award shall not be added to the employee's base salary or wages.

THOMAS C. GREENWELL, Commissioner

APPROVED BY AGENCY: March 17, 1989

FILED WITH LRC: April 5, 1989 at 2 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on May 24, 1989 at 10:30 a.m. at Room 381, Capitol Annex. Individuals interested in attending this hearing shall notify this agency in writing by May 19, 1989, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Thomas C. Greenwell, Commissioner, Department of Personnel, Capitol Annex, Room 373, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Danny Kreutzer

(1) Type and number of entities affected: All appointing authorities and employees in the Executive Department, subject to KRS Chapter 18A.

(a) Direct and indirect costs or savings to those affected: None; this is a housekeeping measure to move authority for educational achievement increases for unclassified employees to the appropriate regulation. They used to be included under 101 KAR 2:030. They will be subject to the same standard as employees who are eligible under 101 KAR 2:030, except for mention of probationary periods in 101 KAR 2:030.

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: No change.

(2) Effects on the promulgating administrative body: No change

(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: No change.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Authority needs to be under 101 KAR 3:040, not 101 KAR 2:030.

(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: No TIERING: Was tiering applied? Yes

GENERAL GOVERNMENT CABINET

Board of Embalmers and Funeral Directors
(Proposed Amendment)

201 KAR 15:010. Definitions.

RELATES TO: KRS 316.010, 316.040, 316.090

STATUTORY AUTHORITY: KRS 316.210(4)

NECESSITY AND FUNCTION: Defines terms used throughout KRS Chapter 316 and the regulations governing the Kentucky Board of Embalmers and Funeral Directors.

Section 1. Definitions. (1) "All his working hours," as used in KRS 316.040 and 316.090, is defined as regular employment in a licensed funeral establishment in this state. Said regular employment must involve at least forty (40) working hours per week to [which may] be accumulated [in any manner] under actual working conditions and under the personal supervision of a licensed embalmer and licensed funeral director holding a valid Kentucky license. Said employment shall be regular and steady employment and shall not be secondary to any other [another] employment or educational pursuit.

(2) "Branch establishments" is defined to mean any place apart from their main establishment which is used for conducting any part of a funeral service, and such branch establishment must operate under the constant supervision of a licensed funeral director and licensed embalmer who devotes his regular working hours to this branch establishment.

DONALD M. BUTLER, President

APPROVED BY AGENCY: April 10, 1989

FILED WITH LRC: April 13, 1989 at 1 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Tuesday, May 23, 1989 at 10 a.m. at 210 E. Fourth Street, Beaver Dam, Kentucky 42320. Individuals interested in attending this hearing shall notify Mary Duvall in writing by May 18, 1989, of his/her intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not

species, singly or in the aggregate, per falconer.

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

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
Fur bearers (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 more than the daily bag limit within a twenty-four (24) hour period from noon to noon.

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

(1) Resident landowner or tenant trapping license. This license authorizes the licensee to take wild animals by trapping upon owned 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 species listed in this regulation may have in his or her possession any buckshot or shotgun slugs.

DON R. McCORMICK, Commissioner
 MARY RAY OAKEN, Secretary
 DAVID GODBY, Chairman

APPROVED BY AGENCY: March 6, 1989

FILED WITH LRC: April 14, 1989 at noon

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on May 26, 1989 at 11:30 a.m. at the Wildlife Annex, Department of Fish and Wildlife Resources, #1 Game Farm Road, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by May 21, 1989, five days prior to the hearing, of their intent

to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Lauren E. Schaaf, Director of Wildlife, 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: 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 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: 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

each participant shall [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) Fox (gray and red) taking: gun and archery on December 1 through January 31.

(h) Woodchuck: daylight hours only. March 15 through March 31 and during the LBL deer archery season only by legally licensed and equipped deer archery hunters. All harvested animals shall [must] be removed from the area. 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 LBL 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.

(k) All dogs shall [must] wear a collar bearing the owner's name, address, and telephone number. Dogs shall [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 fur bearers.

1. Only those persons who are selected by a drawing are permitted to trap fur bearers on LBL.

2. Authorized trappers may trap in assigned areas only and shall [must] report their harvest in accordance with LBL instructions.

3. Trapping season: December 26 through January 8 for all fur bearers.

4. Trapping devices. No. 3 or smaller foothold traps and snares without self-locking devices are permitted. The jaws of No. 1 1/2 and larger foothold traps used on land shall [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 foothold traps, No. 330 or smaller Conibear-type traps, and snares.

(m) 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 midnight. No bag or possession limits.

(c) Hunters shall [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 other applicable seasons.

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

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

(b) Unleashed dogs are prohibited [Dog training is closed] April 1 through the opening of the Western Zone squirrel season. [August 31] except during permitted field trials.

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

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

(b) Quail and rabbit: November 1 through January 31 except during the deer gun season.

(c) Unleashed dogs are prohibited [Dog training is closed] April 1 through the opening of the Western Zone squirrel season. [August 31] except during permitted field trials.

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

(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, recurve bows or compound bows and crossbows. Muzzle-loading shotguns for taking squirrels, quail, grouse and rabbits shall [must] not be used with shot larger than No. 2 [in size].

(a) Except for the purpose of hunting during an open hunting season, unleashed dogs are prohibited [Dog training is closed] February 1 through August 31 except during permitted field trials.

(b) Breech-loading firearms shall [must] be unloaded in both the chamber and magazine unless possessed by authorized personnel.

(8) Fort Campbell Wildlife Management Area located in Christian and Trigg Counties. There shall [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 shall [will] be no hunting on December 25 and January 1.

(a) Seasons, bag and possession limits.

1. Squirrel (gray and fox): August 17 [13] through September 22 [16], November 23 [24] through December 8 [9], December 9 [10] through 31 on selected areas; January 4 [2] through February 26, March 1 through 31 [30].

2. Quail: November 23 [24] through December 8 [9], December 9 [10] through 31 on selected areas; January 4 [2] through February 26 [27].

3. Rabbit: November 23 [24] through December 8 [9], December 9 [10] through 31 on selected areas; January 4 [2] through February 26 [27]; bag limit five (5); possession limit ten (10).

4. Raccoon, gray fox and opossum: taking with gun [and/or] dogs, November 23 [24] through December 8 [9], December 9 [10] through 31 on selected areas. January 4 [2] through February 26 [30]; limit one (1) per person.

5. Coyote and woodchuck: May 11 [2] through August 14 [13] and during any other authorized hunt.

6. Red fox: November 23 [24] through December 8 [9], December 9 [10] through 31 on selected areas. January 4 [2] through 29 [30].

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

hunting or trapping or unleashed dogs allowed during the deer gun season.

(20) [(21)] Taylorville Lake Wildlife Management Area in Spencer, Anderson and Nelson Counties.

(a) Areas closed to all hunting, fishing, boating and trespassing are designated by refuge signs.

(b) Quail and rabbit: November 1 through January 31 except during the deer gun season.

(21) [(22)] Fleming Wildlife Management Area located in Fleming County.

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

(b) Grouse: October 1 through December 31.

(c) Squirrel (gray and fox): September 15 [October 1] through December 31.

(d) Unleashed dogs are prohibited [Dog training is closed] February 1 through August 31 except during permitted field trials.

(e) There shall [will] be no small game or furbearer hunting or [,] trapping or unleashed dogs allowed [dog training] during the deer gun season.

(22) [(23)] Grayson Lake Wildlife Management Area in Carter and Elliott Counties.

(a) The entire management area, excluding the areas west of KY 1496 and east of the area formed by the line created by Bruin Creek and that section of the Little Sandy River (Grayson Lake) extending north from the confluence of Bruin Creek, is open to hunting. The open area includes the "Coon Eye" and Gimlet and Little Gimlet Creek portions of the area. [The portion of the management area west of the Little Sandy River and Bruin Creek portions of Grayson Lake is open to hunting.]

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

(c) Grouse: October 1 through December 31.

(d) Squirrel (gray and fox): September 15 [October 1] through December 31.

(e) Unleashed dogs are prohibited [Dog training is closed] February 1 through August 31 except during permitted field trials.

(f) There shall [will] be no small game or furbearer hunting or [,] trapping or unleashed dogs allowed [dog training] during deer [gun] quota hunts.

[(g) The portion of the management area east of the Little Sandy River and Bruin Creek portions of Grayson Lake is closed to hunting.]

(23) [(24)] Robinson Forest Wildlife Management Area located in Breathitt, Perry and Knott Counties is closed to all hunting.

(24) Lake Cumberland Wildlife Management Area - All Kentucky Department of Fish and Wildlife Resources managed lands on the north side of Lake Cumberland.

(a) Grouse: October 1 through December 31.

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

(c) Unleashed dogs are prohibited February 1 through August 31 except during permitted field trials.

(d) There shall be no small game or furbearer hunting or trapping or unleashed dogs allowed during deer gun season.

(25) Green River Lake Wildlife Management Area in Taylor and Adair Counties.

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

(b) Unleashed dogs are prohibited February 1 through August 31 except during permitted field trials.

(c) There shall be no small game or furbearer hunting or trapping or unleashed dogs allowed during deer gun season.

(26) Barren River Wildlife Management Area in Allen and Barren Counties.

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

(b) There shall be no small game or furbearer hunting or trapping or unleashed dogs allowed during deer gun season.

(27) Nolin Reservoir Wildlife Management Area in Edmonson, Grayson and Hart Counties.

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

(b) There shall be no small game or furbearer hunting or trapping or unleashed dogs allowed during deer gun season.

DON R. McCORMICK, Commissioner

MARY RAY OAKEN, Secretary

DAVID GODBY, Chairman

APPROVED BY AGENCY: March 6, 1989

FILED WITH LRC: April 14, 1989 at noon

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on May 26, 1989 at 9 a.m. at the Wildlife Annex, Department of Fish and Wildlife Resources, #1 Game Farm Road, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by May 21, 1989, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Lauren E. Schaaf, Director of Wildlife, 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 14,000 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 resident landowner/tenant), respectively. A \$15 hunting permit is required by Fort Campbell authorities.

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

seven (7) days of the season. [On the last six (6) days, either sex deer may be taken. Both white and yellow tags are valid for antlered or antlerless deer on the appropriate day.] Counties in this zone are Allen, Anderson, Ballard, Boone, Bracken, Butler, Carlisle, Carroll, Franklin, Fulton, Gallatin, Grant, Graves, Henderson, Henry, Hickman, Jefferson, Kenton, McCracken, Marion, Meade, Ohio, Oldham, Owen, Pendleton, Shelby, Trigg, Trimble, Union, and Washington. [Allen, Ballard, Boone, Bracken, Carlisle, Carroll, Gallatin, Grant, Graves, Henry, Hickman, McCracken, McLean, Oldham, Owen, Pendleton, and Trimble.]

(3) Zone No. 3: open [to antlered deer gun hunting] for ten (10) consecutive days beginning the second Saturday in November. The white tag is valid for antlered deer only on the first seven (7) days and for any deer on the last three (3) days of the season. The yellow tag is valid only for antlerless deer on the last three (3) days and is not valid on the first seven (7) days of the season. [On the last three (3) days, either sex deer may be taken. Both yellow and white tags are valid for antlerless or antlered deer on the appropriate day.] Counties in this zone are Bullitt, Calloway, Daviess, Grayson, Green, Hardin, Harrison, Larue, Lyon, McLean, Mercer, Metcalfe, Nelson, Robertson, Scott, Taylor, Warren, and Woodford. [Anderson, Bullitt, Franklin, Harrison, Jefferson, Larue, Lyon, Marion, Meade, Nelson, Robertson, Scott, Shelby, Spencer, Trigg, and Washington.]

(4) Zone No. 4: open [to antlered deer gun hunting] for ten (10) consecutive days beginning the second Saturday in November. The white tag is valid for antlered deer on the first nine (9) days and for any deer on the last day. The yellow tag is not valid for the first nine (9) days and is valid only for antlerless deer on the last day of the season. [On the last day, either sex deer may be taken. Both yellow and white tags are valid for antlerless or antlered deer on the appropriate day.] Counties in this zone are Adair, Barren, Boyle, Campbell, Casey, Cumberland, Edmonson, Marshall, Mason, Monroe, Nicholas, and Spencer. [Adair, Barren, Boyle, Calloway, Campbell, Casey, Cumberland, Daviess, Edmonson, Fulton, Grayson, Green, Hardin, Kenton, Marshall, Mercer, Metcalfe, Taylor, Warren, and Woodford.]

(5) Zone No. 5: open [to antlered deer gun hunting] for ten (10) consecutive days beginning the second Saturday in November. The white tag is valid only for antlered deer. The yellow tag is not valid. Counties in this zone are Bath, Boyd, Carter, Clark, Elliott, Fleming, Greenup, Hart, Lawrence, Lincoln, McCreary, Menifee, Morgan, Pulaski, Rowan, Russell, Simpson, and Wayne. [Bath, Clark, Mason, Menifee, Monroe, Nicholas, Rowan, Russell, and Simpson.]

(6) Zone No. 6: open [to antlered deer gun hunting] for five (5) [ten (10)] consecutive days beginning on the Thursday following the second Saturday in November. The white tag is valid for antlered deer only. [the second Saturday in November.] The yellow tag is not valid. Counties in this zone are Bell, Bourbon, Breathitt, Clay, Clinton, Fayette, Floyd, Garrard, Harlan, Jackson, Jessamine, Johnson, Knott, Laurel, Lee, Leslie, Lewis, Madison, Martin, Montgomery, Owsley, Pike, Powell, Rockcastle, Whitley, and Wolfe. [Boyd, Carter, Elliott, Greenup, Lawrence, McCreary, Morgan, Pulaski, and Wayne.]

(7) Zone No. 7: counties, wildlife management areas, and parks closed to all deer hunting; [open to antlered deer gun hunting for five (5) consecutive days beginning on the Thursday following the second Saturday in November. The yellow tag is not valid. Counties in this zone are Clinton, Fleming, Hart, Jackson, Laurel, Lincoln, and Whitley.]

(a) Counties in this zone are Estill, Knox, Letcher, Magoffin, and Perry.

(b) Wildlife management areas: Ballard WMA in Ballard County (except that portion south of Terrell Landing Road), 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 gun hunting for three (3) consecutive days beginning on the third Saturday in November. The yellow tag is not valid. Counties in this zone are Bell, Bourbon, Breathitt, Clay, Fayette, Floyd, Garrard, Harlan, Jessamine, Johnson, Knott, Lee, Leslie, Lewis, Madison, Magoffin, Martin, Montgomery, Owsley, Pike, Powell, Rockcastle, and Wolfe.

(9) Zone No. 9: counties, wildlife management areas, and parks closed to all deer hunting;

(a) Counties in this zone are Estill, Knox, Letcher, and Perry.

(b) Wildlife management areas: Ballard WMA in Ballard County (except that portion south of Terrell Landing Road); Central Kentucky WMA in Madison County; Paintsville Lake WMA in Johnson and Morgan Counties; 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.

(10) Exceptions to tag usage. Hunters using special purpose tags as antlerless deer permits issued to landowners, as specified in 301 KAR 2:210 shall take only one (1) antlerless deer in addition to the statewide limit. Hunters required to possess a deer permit as specified in Section 6(1) of this regulation must have this permit in possession when hunting with a special purpose tag. [Both tags may be used with antlerless deer permits to take antlerless deer in any zone.]

Section 2. [Deer] Archery and Crossbow Season, Zones, Dates, Tags, and Legal Deer. Except as specified in Sections 1 and 3 of this regulation, both the yellow and white tags are valid for any deer [antlered and antlerless deer] in Zones 1, 2, 3, 4, and 5; and [except as specified in Sections 1 and 3 of this regulation. Both tags are valid for antlered and antlerless deer for the first thirty (30) days of archery season in Zone 6. In the remainder of the archery season in Zone 6, they are valid for antlered deer only.] both the yellow and white tags are valid for antlered deer only in Zone 6 [s 7 and 8].

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

(2) Crossbow season: beginning the second Saturday in November [day after the close of the gun season] and continuing for twenty (20) [ten (10)] consecutive days and during the [gun and special] muzzle-loading seasons only.

(3) Archery and crossbow hunting during firearms [gun] seasons. Archery and crossbow equipment may be used during any gun and

Additional applications will result in disqualification. Completed applications must be stamped, self-addressed and be postmarked no later than August 31. Hunters may hunt on assigned dates and areas only. Except as specified below, the special muzzle-loading gun season does not apply to these areas.]

(6) [(1)] Beaver Creek WMA in McCreary and Pulaski Counties, [Cane Creek WMA in Laurel County,] and Mill Creek WMA in Jackson County.

(a) Archery hunt: antlered deer only, October 15 through November 10.

(b) Quota hunt: antlered deer only, first Saturday and Sunday in December.

(7) Cane Creek WMA in Laurel County.

(a) Archery hunt: antlered deer only, October 1 through November 10 and December 4 through December 31.

(b) Gun hunt: antlered deer only, third Saturday in November.

(8) Central Kentucky WMA in Madison County.

(a) Archery hunt: antlered deer only, December 18 through 31.

(b) No firearms hunting allowed.

(9) [(2)] Clay WMA in Nicholas County.

(a) Archery hunt: any deer [either sex deer], October 15 through 30.

(b) Quota hunt: any deer [either sex deer], first Saturday and Sunday in December.

(10) [(3)] Dewey Lake WMA in Floyd County.

(a) Archery hunt: antlered deer only, October 1 through November 10 [(1)] and December 4 [(5)] through December 31.

(b) Quota hunt: antlered deer only, first Saturday and Sunday in December.

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

(a) Youth quota hunt: any [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 16th birthday. Each youth must have a state approved hunter safety certificate, and must be accompanied by an adult. Youth hunting] only on that portion west [east] of Route 1496, east of the Little Sandy River and on the Bruin Creek portions of the area.

(b) Archery and crossbow hunt: any [either sex] deer, except on the portion west of Route 1496, east of the Little Sandy River and on the Bruin Creek section. [west of the Little Sandy River and west of the Bruin Creek portions of Grayson Lake only,] October 1 through December 31.

(12) [(5)] Higginson-Henry WMA in Union County.

(a) Quota [gun and archery] hunt for deer as specified on permit [either sex deer], first Saturday and Sunday in November.

(b) Archery hunt: any [either sex] deer, October 1 through December 31, except during quota hunt.

(13) [(6)] Kleber WMA in Owen and Franklin Counties.

(a) Quota [gun and archery] hunt for any [either sex] deer, first Saturday and Sunday in December.

(b) Archery hunt: Third Saturday in October through December 31, except during quota hunt. [October 15 through December 31.]

(14) Paintsville Lake WMA in Morgan and Johnson Counties.

(a) Quota hunt: antlered deer only, first Saturday and Sunday in December.

(b) Archery hunt: antlered deer only October 1 through the Friday preceding the second Saturday

in November.

(15) Peabody and White City WMA's in Hopkins, Muhlenberg and Ohio Counties.

(a) Archery hunt: October 1 through December 31. Advance application required for all tracts except White City WMA.

(b) Quota hunt 1: the second Saturday in November through the following Wednesday.

(c) Quota hunt 2: the Thursday following the second Saturday in November through the following Monday.

(d) Limits: one (1) deer. The white tag is valid for any deer and the yellow tag is valid only for antlerless deer.

(e) All hunters must apply in advance on the standard application form and have the validated portion of this form in their possession while hunting. Archery hunters shall not be selected by a drawing and may apply to hunt through December 1.

(16) Pennyryle WMA in Caldwell, Christian, and Hopkins Counties. All deer hunting shall conform to Zone 3 regulations.

(7) Peal WMA in Ballard County: gun season open under Zone 2 regulations. Archery hunt for either sex deer October 1 through the end of statewide gun season.]

(17) [(8)] 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.

(c) Hunting is permitted during the muzzle-loading [loader] season as specified in Section 3 of this regulation.

(18) [(9)] Redbird WMA in Clay and Leslie Counties.

(a) Archery hunt: antlered deer only, October 1 through November 10 [(1)] and December 4 [(5)] through December 31.

(b) Gun hunt: antlered deer only, third Saturday in November. [Any legal deer hunting equipment may be used.]

(19) Tradewater WMA in Hopkins County; all deer hunting shall conform to Zone 3 regulations.

(20) [(10)] West Kentucky WMA in McCracken County:

(a) Archery hunt and quota archery hunts: any [either sex] deer, October 2 [(6)] through the Thursday [Friday] preceding the first Saturday in November, November 6 through November 16, November 20 through November 24, and December 6 through December 14 [and November 7 through 13]

on all tracts except those tracts posted as safety zones [1 through 6] and December 18 [(24)] through 31 on tracts 5 and 6 only. Quota archery hunts shall take place during specified periods to be announced. A special purpose tag, available at check in, shall be used and shall not count against the state limit.

(b) [First] Quota hunt 1: any [either sex] deer, third Saturday and Sunday in November.

(c) [Second] Quota hunt 2: any [either sex] deer, third Saturday and Sunday in December.

(d) Youth quota hunt: any [either sex] deer, first Saturday and Sunday in November. [Open only to persons at least ten (10) years of age but who have not reached their 16th birthday. Each youth must have a state approved hunter safety certificate, and must be accompanied by an adult.]

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 shall not [may] be placed in trees [no] more than two (2) weeks before opening day of each hunting period and shall [must] be removed within one (1) week following the last day of each hunting period. All portable tree stands shall [must] be marked with the owner's name and address. Existing permanent tree stands shall [may] not be used.

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

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

Section 8. Firearms and Ammunition Restrictions for Gun Deer Hunting. (1) Permitted: center-fire rifles; [with a minimum caliber of .240 and a cartridge case length of not less than one and one-half (1 1/2) inches;] muzzle-loading rifles of .40 caliber or larger; and muzzle-loading or [and] breech-loading shotguns of ten (10) gauge maximum and twenty (20) gauge minimum firing a single projectile; [.] handguns with barrel lengths of 3.9 inches and a minimum caliber of .30 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 and legal rifle cartridges may be used in handguns.

(2) Prohibited: 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; muzzle-loading handguns; semiautomatic and pump rifles or shotguns a magazine capacity exceeding ten (10) rounds fully jacketed ammunition tracer bullet ammunition; buckshot or any type of shot shells.

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

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

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

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 shall [will] be described in the letter of authorization, which shall [will] be signed by the commissioner and a conservation officer who shall [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 license year.

DON R. McCORMICK, Commissioner
MARY RAY OAKEN, Secretary
DAVID GODBY, Chairman

APPROVED BY AGENCY: March 6, 1989

FILED WITH LRC: April 14, 1989 at noon

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on May 26, 1989 at 10 a.m. at the Department of Fish and Wildlife Resources in the Commission Room, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by May 21, 1989, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Lauren E. Schaaf, Director of Wildlife, 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 211,000 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 a deer permit. Indirect costs are determined by the individual hunter, depending on his level of participation.

1. First year: Persons participating in the hunting proposed for authorization by this regulation would be required to possess a valid hunting license (\$8.50 for residents) and a deer permit (\$17.50) 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): None

(b) Reporting and paperwork requirements: Deer hunters will be asked to check their deer at a county deer check station and fill out a game check card 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

bobcat if the carcass is not suitably enclosed in plastic.

(3) The tagging agent shall [will] not tag an illegally taken bobcat. Any untagged bobcat pelt for which there is no carcass or any bobcat taken illegally may be seized.

(4) It is illegal for anyone other than a department employee to possess an unused bobcat tag.

Section 3. Processing Requirements. (1) Taxidermists are required to report monthly the status of bobcats in their possession. Taxidermists receiving tagged bobcat pelts or entire bobcats shall [must] leave the tag attached until after the pelt is tanned or until the pelt is to be mounted. All untanned or unmounted bobcat pelts without a tag are subject to seizure.

(2) The lower jaw from bobcat carcasses received by taxidermists or fur processors, and the removed bobcat tag or the tag number shall [must] be provided to the department when the bobcat is skinned. Jaw mail-in envelopes shall [will] be provided upon request to the wildlife division.

(3) Tags shall [must] remain attached to all bobcat pelts until the furs are processed.

DON R. McCORMICK, Commissioner
 MARY RAY OAKEN, Secretary
 DAVID GOBBY, Chairman

APPROVED BY AGENCY: March 6, 1989

FILED WITH LRC: April 14, 1989 at noon

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on May 26, 1989 at 10:30 a.m. at the Wildlife Annex, Department of Fish and Wildlife Resources, #1 Game Farm Road, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by May 21, 1989, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Lauren E. Schaaf, Director of Wildlife, 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: The addition of bobcat to the furbearer list will allow their taking during the furbearer taking season within 35 eastern Kentucky counties only. This additional opportunity will be utilized by approximately 500 hunters and 1000 trappers. The total season harvest is not expected to exceed 300.

(a) Direct and indirect costs or savings to those affected: There are no significant costs involved in this activity.

1. First year: This regulation applies only to

people who are already licensed hunters or trappers. No special licenses are required.

2. Continuing costs or savings: None

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

(b) Reporting and paperwork requirements: Bobcats must be taken to department personnel for tagging.

(2) Effects on the promulgating administrative body: Requires time and effort in conducting research and preparing a population status report as required by the U.S. Fish and Wildlife Service. Requires time and effort in developing and publishing the proposed regulation. Department personnel will be required to tag all bobcats taken. No extra enforcement effort will be required.

(a) Direct and indirect costs or savings: All costs are associated with developing and publishing the regulation and tagging by department personnel.

1. First year: The estimated cost associated with establishing and advertising this regulation is \$500. Personnel will be required to tag bobcats as part of their normal duties.

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: Annual bobcat population status report required by the U.S. Fish and Wildlife Service.

(3) Assessment of anticipated effect on state and local revenues: Local economies in the bobcat harvest zone will benefit from expenditures of participating sportsmen. Persons taking bobcats will benefit from the sale of the pelts which are the most valuable of Kentucky's furbearing species.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The only available alternative to regulated hunting or trapping of bobcats within the designated bobcat harvest zone is to maintain season closure or to institute a statewide bobcat harvest. The season closure alternative was rejected because current research indicates that a harvest conducted as prescribed will not be detrimental to the population and will provide substantial opportunity and economic benefits. A statewide bobcat harvest season was rejected due to insufficient bobcat population data for regions outside the proposed harvest zone.

(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

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. This regulation has nothing to do with federal statutes. However, the regulation does provide guidelines for attachment of federal bobcat pelt tags required for legal export of bobcat pelts outside the United States.

2. State compliance standards. N/A

3. Minimum or uniform standards contained in

Educational collecting permit: \$3.00
 Scientific collecting permit: \$150.00

(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 area 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, maximum four (4) days): \$50.00

Shoot to retrieve field trial permit (single day): \$15.00.

(24) Bird dog training device permit: \$2.50

Section 2. Except for scientific or educational collecting permits as specified in 301 KAR 4:070 the licenses, permits, stamps or tags authorized by this regulation shall not be changed, altered, or defaced in any manner. All licenses, permits, tags, and stamps are nontransferable.

Section 3. Unless otherwise specified below, the licenses, tags, and permits listed in this regulation shall expire on December 31 of the year issued.

(1) Those licenses, tags, permits and stamps listed in Section 1(1), (2), (3), (7), (8), (9) and (10) of this regulation, except short-term nonresident licenses, shall be valid from March 1 through the last day of February the following year, except that those issued for the 1989 license year shall be valid from January 1, 1989 through February 28, 1990.

(2) Those licenses, tags and permits listed in Section 1(17) and (21) of this regulation shall be valid for one (1) year from date of issue.

(3) Short-term nonresident licenses, special commercial fishing permits, commercial waterfowl area shooting permits and shoot-to-retrieve field trial permits shall be valid only for the date specified on each license.

DON R. McCORMICK, Commissioner

MARY RAY OAKEN, Secretary

DAVID GODBY, Chairman

APPROVED BY AGENCY: March 6, 1989

FILED WITH LRC: April 14, 1989 at noon

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on May 30, 1989 at 11 a.m. at the Department of Fish and Wildlife Resources Commission Room, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by May 25, 1989, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Lauren E. Schaaf, Director of Wildlife, 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: There are 379 taxidermists licensed in Kentucky.

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

1. First year: There were no buyer/seller taxidermist licenses sold under provisions of the previous version of this regulation. With this amendment, no taxidermists will incur costs beyond the regular fee of \$11.50. As a result of this change, buyer/seller taxidermists will not incur additional costs of \$138.50.

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: All taxidermists that engage in buying or selling of inedible wildlife parts will have to continue to file monthly reports. Those who do not will not have to file monthly reports.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: No increases over and above those now incurred in administering taxidermist license will occur.

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: There will be a decrease in paperwork to the agency from not having to file monthly reports on specimens mounted. Reports from purchased goods, however, will continue to be filed monthly.

(3) Assessment of anticipated effect on state and local revenues: Overall state and local revenues will be unaffected except for the revenue generated to the local and state economies due to the ability to buy and sell wildlife parts and mounted specimens. The level of income that will be generated cannot be estimated at this time. Department income will not increase.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Taxidermists could have been required to purchase a higher priced license. In order to maintain consistency with others who buy and sell wildlife hides, it seemed prudent to require buyers and sellers of wildlife parts for taxidermy purposes to purchase a license with an equivalent cost of \$150. This alternative, however, was rejected due to objections by some taxidermists.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There will be no overlap or conflict with other statutes or regulations. This regulation is being promulgated to clarify provisions of KRS 150.175 and 150.411.

(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. Note in

(4) Assessment of alternative methods; reasons why alternatives were rejected: Keeping the quail and rabbit season closed from November 1 - 11 would have shortened the season considerably in eastern Kentucky, an unnecessary situation.

(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

FISCAL NOTE ON LOCAL GOVERNMENT

1. Does this administrative regulation relate to any aspect of a local government, including any service provided by that local government? Yes X No

2. State whether this administrative regulation will affect the local government or only a part or division of the local government. Only parts of local government will be affected.

3. State the aspect or service of local government to which this administrative regulation relates. The County Clerks office serves as a distribution system for the hunting licenses required by this regulation. The County Circuit Courts are where violators of these regulations are prosecuted.

4. How does this administrative regulation affect the local government or any service it provides? The County Clerk's office personnel are involved in sale of hunting licenses. This office receives a \$.50/license fee for selling the licenses. The County Circuit Courts are utilized for prosecution of cases made against violators of these regulations and recover their costs as the court cost portion of any levied fines.

**CORRECTIONS CABINET
(Proposed Amendment)**

501 KAR 6:020. Corrections policies and procedures.

RELATES TO: KRS Chapters 196, 197, 439

STATUTORY AUTHORITY: 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 14 [February 15], 1989 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

- 1.4 The operation of Contracted Adult Correctional Facilities
- 1.6 Extraordinary Occurrence Reports
- 1.9 Institutional Duty Officer
- 1.11 Population Counts and Reporting Procedures (Amended 4/14/89)
- 1.12 Operation of Motor Vehicles by Corrections Cabinet Employees
- 2.1 Inmate Canteen (Amended 4/14/89)
- 2.2 Warden's Fund
- 2.10 Surplus Property
- 3.1 Code of Ethics
- 3.12 Institutional Staff Housing
- 4.2 Staff Training and Development
- 4.3 Firearms and Chemical Agents Training
- 6.1 Open Records Law
- 7.2 Asbestos Abatement [(Amended 2/15/89)]
- 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
- 9.6 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 (Amended 4/14/89)
- 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 (Amended 4/14/89)
- 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
- 13.6 Sex Offender Treatment Program
- 14.2 Personal Hygiene Items
- 14.4 Legal Services Program
- 14.6 Inmate Grievance Procedures [(Amended 2/15/89)]
- 15.1 Hair and Grooming Standards
- 15.2 Offenses and Penalties
- 15.3 Meritorious Good Time
- 15.5 Restoration of Forfeited Good Time [(Amended 2/15/89)]
- 15.6 Adjustment Procedures and Programs
- 16.1 General Inmate Visiting Procedure
- 16.2 Inmate Correspondence
- 16.3 Telephone Calls
- 16.4 Inmate Packages
- 17.1 Inmate Personal Property
- 17.2 Assessment Center Operations (Amended 4/14/89)
- 17.3 Controlled Intake of Inmates
- 18.4 Classification of the Inmate
- 18.5 Custody/Security Guidelines (Amended 4/14/89)
- 18.6 Classification Document (Amended 4/14/89)
- 18.7 Transfers
- 18.8 Guidelines for Transfers Between Institutions (Amended 4/14/89)
- 18.9 Out-of-state Transfers
- 18.10 Parole Progress Reports

ADMINISTRATIVE REGISTER - 2261

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.

CORRECTIONS CABINET
 (Proposed Amendment)

501 KAR 6:030. Kentucky State Reformatory.

RELATES TO: KRS Chapters 196, 197, 439
 STATUTORY AUTHORITY: 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 14 [March 14], 1989 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 [(Amended 3/14/89)]
- KSR 02-00-03 Screening Disbursements from Inmate Personal Accounts
- KSR 02-00-11 Inmate Personal Accounts [(Amended 3/14/89)]
- KSR 02-00-12 Institutional Funds and Issuance of Checks
- KSR 04-00-02 Staff Training and Development
- KSR 05-00-01 Officers' Daily Housing Security and Safety Log
- 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 and Release of Psychological/ Psychiatric Information
- KSR 07-00-02 Institutional Tower Room Regulations (Amended 4/14/89)
- KSR 07-00-04 Handling of PCB Articles and Containers
- KSR 07-00-05 Proper Removal of Transformers
- KSR 07-00-06 Asbestos Abatement
- 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
- KSR 08-00-09 Emergency Preparedness Training
- KSR 08-00-10 Hazardous Chemicals and Material Safety Data Sheet
- KSR 09-00-04 Horizontal Gates/Box 1 Entry and Exit Procedure
- KSR 09-00-05 Gate I Entrance and Exit Procedure
- KSR 09-00-09 Contraband, Dangerous Contraband and Search Policy
- KSR 09-00-14 Use of Force
- KSR 09-00-21 Crime Scene Camera
- KSR 09-00-22 Collection, Preservation, and Identification of Physical Evidence
- KSR 09-00-23 Drug Abuse Testing
- KSR 09-00-25 Inmate Motor Vehicle Operator's License
- KSR 09-00-26 Contraband Outside Institutional Perimeter
- KSR 09-00-27 Construction Crew Entry/Exit
- KSR 09-00-28 Restricted Areas (Amended 4/14/89)
- KSR 10-00-01 Unit D - Staffing Pattern, Staff Allocation, Position Description, Staff Selection, Training and Evaluation, Time and Attendance, and Unit Personnel Records
- KSR 10-00-02 Unit D - General Operational Procedures
- KSR 10-00-03 Unit D - Inmate Tracking System and Records System
- KSR 10-00-04 Unit D - Administrative Segregation
- KSR 10-00-05 Unit D - Disciplinary Segregation
- KSR 10-00-06 Unit D - Protective Custody
- KSR 10-00-07 Unit D - Geriatrics
- KSR 10-00-08 Unit D - Safekeepers
- KSR 10-00-09 Unit D - Hold Ticket Residents
- KSR 10-00-10 Unit D - Inmate Legal Access
- KSR 10-00-11 Unit D - Behavior Problem Control
- KSR 10-00-12 Unit D - Designated Staff Visits
- KSR 10-00-13 Unit D - Property Room Access
- KSR 11-00-01 Meal Planning for the General Population
- KSR 11-00-02 Special Diets
- KSR 11-00-03 Food Service Inspections
- KSR 11-00-04 Dining Room Dress Code for Inmates
- KSR 11-00-06 Health Standards/Regulations for Food Service Employees

(6) Any additional information or comments:
None
TIERING: Was tiering applied? No. All policies are administered in a uniform manner.

**CORRECTIONS CABINET
(Proposed Amendment)**

501 KAR 6:040. Kentucky State Penitentiary.

RELATES TO: KRS Chapters 196, 197, 439
STATUTORY AUTHORITY: 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 14 [March 14], 1989 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 020000-15 Legal Assistance
- KSP 030000-01 Inventory Records and Control
- KSP 030000-04 Requisition and Purchase of Supplies and Equipment
- KSP 030000-05 Inmate Personal Funds
- KSP 030000-06 Inmate Commissary Program
- KSP 040000-01 Management Information System
- 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
- KSP 060000-02 Operational Procedures for Disciplinary Segregation, Administrative Segregation, Administrative Control and Behavioral Control Units
- KSP 060000-04 Protective Custody Unit
- 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

- KSP 100000-03 Disposition of Unauthorized Property
- KSP 100000-04 Inmate Grooming and Dress Code (Amended 4/14/89)
- KSP 100000-05 Procedures for Providing Clothing, Linens and Other Personal Items [(Amended 3/14/89)]
- KSP 100000-06 Inmate Mail and Packages (Amended 4/14/89)
- KSP 100000-07 Inmate Telephone Access (Amended 4/14/89)
- KSP 100000-08 Behavioral Counseling Record
- KSP 100000-09 Due Process/Disciplinary Procedures
- KSP 100000-11 Authorized and Unauthorized Inmate Property
- KSP 100000-14 Property Room: Clothing Storage and Inventory
- 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 NonIndigent Inmates with Special Court Deadlines
- KSP 110000-04 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 110000-12 Unit 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 110000-18 Functions of the Classification Committee
- KSP 120000-04 Academic Education
- KSP 120000-07 Community Center Program [(Amended 3/14/89)]
- KSP 120000-08 Inmate Furloughs [(Amended 3/14/89)]
- KSP 120000-11 Religious Services - Staffing
- KSP 120000-18 Religious Services - Religious Programming
- KSP 120000-20 Marriage of Inmates
- KSP 120000-31 Extended Furloughs [(Amended 3/14/89)]
- KSP 120000-32 Discharge of Inmates by Shock Probation [(Amended 3/14/89)]
- KSP 130000-10 Execution Plan

JOHN T. WIGGINTON, Secretary

APPROVED BY AGENCY: April 14, 1989

FILED WITH LRC: April 14, 1989 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for May 23, 1989 at 9 a.m., in the State Office Building Auditorium. 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: 355 employees of the Kentucky State Penitentiary,

ADMINISTRATIVE REGISTER - 2265

NTC 15-02-03 Hearing Officer
 NTC 15-03-01 Rules for Inmates Assigned to Outside Detail
 NTC 15-03-02 Rules and Regulations for General Population Dormitories
 NTC 15-04-01 Inmate Identification
 NTC 16-01-01 Mail Regulations
 NTC 16-02-01 Visiting [(Amended 2/15/89)]
 NTC 16-02-02 Extended and Special Visits
 NTC 16-02-03 Honor Dorm Visiting (Amended 4/14/89)
 NTC 16-03-01 Inmate Furloughs
 NTC 16-05-01 Telephone Use and Control
 NTC 17-01-01 Personal Property Control (Amended 4/14/89)
 NTC 17-01-02 Authorized Inmate Personal Property (Amended 4/14/89)
 NTC 17-01-03 Unauthorized Inmate Property (Amended 4/14/89)
 NTC 17-01-04 Disposition of Unauthorized Property
 NTC 17-03-01 Assessment/Orientation
 NTC 18-01-01 Preparole Progress Report
 NTC 18-02-01 Classification
 NTC 18-02-02 Classification - 48 Hour Notification
 NTC 18-03-01 Special Notice Form [(Amended 2/15/89)]
 NTC 18-05-01 Transfers of Inmates
 NTC 18-05-02 Transfer of Inmates to Kentucky Correctional Psychiatric Center
 NTC 19-01-01 Inmate Work Program
 NTC 19-01-03 Temporary Leave from Job Assignment
 NTC 19-02-01 Correctional Industries
 NTC 19-02-02 Guidelines for Correctional Industries
 NTC 20-01-01 Academic School Program
 NTC 20-02-01 Vocational School
 NTC 20-02-02 Live Work Projects in Vocational School Classes
 NTC 21-01-01 Library Services
 NTC 22-03-01 Conducting Inmate Organizational Meetings and Programs [(Amended 2/15/89)]
 NTC 23-01-01 Religious Services (Amended 4/14/89)
 NTC 24-04-01 Honor Status [(Amended 2/15/89)]
 NTC 24-05-01 Unit Management
 NTC 25-01-01 Release Preparation Program
 NTC 25-01-02 Temporary Release/Community Center Release [(Amended 2/15/89)]
 NTC 25-01-03 Graduated Release
 NTC 25-02-01 Funeral Trips and Bedside Visits (Amended 4/14/89)
 NTC 25-03-01 Inmate Release Procedure [(Amended 2/15/89)]
 NTC 26-01-01 Citizen Involvement and Volunteer Services Program

JOHN T. WIGGINTON, Secretary

APPROVED BY AGENCY: April 14, 1989

FILED WITH LRC: April 14, 1989 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for May 23, 1989 at 9 a.m., in the State Office Building Auditorium. 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: 286 employees of the Northpoint Training Center, 921

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.

CORRECTIONS CABINET
(Proposed Amendment)

501 KAR 6:080. Corrections Cabinet Manuals.

RELATES TO: KRS Chapters 196, 197, 439
 STATUTORY AUTHORITY: 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 14, 1989 [June 10, 1988] and hereinafter should be referred to as Corrections Cabinet Manuals. Copies of the procedures may be obtained from the Office of the General Counsel, Corrections Cabinet, State Office Building, Frankfort, Kentucky 40601.

Offender Records Manual - None.

Stock Procedure Manual - None.

Food Services Manual - None.

Classification Manual - Yes.

JOHN T. WIGGINTON, Secretary

APPROVED BY AGENCY: April 14, 1989

FILED WITH LRC: April 14, 1989 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for May 23, 1989

- FCDC 14-04-01 Handicap or Political Beliefs and Are Protected Against Corporal Punishment
- FCDC 15-01-01 Legal Services Program
- FCDC 15-03-01 Good Time - Credits
- FCDC 15-03-01 Conduct of Adjustment Committee Hearings (Chairperson)
- FCDC 15-04-01 Prehearing Detention and Protective Custody Requests
- 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 (Amended 4/14/89)
- FCDC 18-02-01 Reclassification Document (Amended 4/14/89)
- FCDC 18-03-01 Instructions for Six Month Review (Amended 4/14/89)
- 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 (Amended 4/14/89)
- 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

JOHN T. WIGGINTON, Secretary

APPROVED BY AGENCY: April 14, 1989

FILED WITH LRC: April 14, 1989 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for May 23, 1989 at 9 a.m., in the State Office Building Auditorium. 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: 43 employees of the Frankfort Career Development Center, 180 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.

CORRECTIONS CABINET
(Proposed Amendment)

501 KAR 6:120. Blackburn Correctional Complex.

RELATES TO: KRS Chapters 196, 197, 439
 STATUTORY AUTHORITY: 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 14 [February 15], 1989 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 01-05-01 Duty Officer and Acting Warden
- BCC 01-07-01 Extraordinary Occurrence Reports
- BCC 01-09-01 Legal Assistance for Staff
- 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 (Amended 4/14/89)
- BCC 01-15-01 Internal Affairs Office (Amended 4/14/89)
- BCC 01-16-01 Tours of Blackburn Correctional Complex
- BCC 01-19-01 Inmate Access to BCC Staff
- 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
- 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 (Amended 4/14/89)
- BCC 02-05-01 Property Inventory (Amended 4/14/89)
- BCC 02-06-01 Purchasing
- BCC 02-07-01 Inmate Personal Accounts
- BCC 04-02-01 Firearms Training
- BCC 04-03-01 Educational Assistance Program

ADMINISTRATIVE REGISTER - 2269

BCC 16-03-02 Outgoing Inmate Packages (Amended 4/14/89)
 BCC 16-03-03 Inmate Correspondence
 BCC 17-02-01 Authorized Inmate Personal Property (Added 4/14/89)
 BCC 17-03-01 Processing of New Inmates From Local Jails (Amended 4/14/89)
 BCC 18-01-01 Classification: Institutional and Reclassification (Amended 4/14/89)
 BCC 18-02-01 Racial Balance in Living Areas
 BCC 19-01-01 Inmate Work Programs (Amended 4/14/89)
 BCC 19-02-01 Classification of Inmates to Governmental Service Program
 BCC 19-03-01 Correctional Industries
 BCC 20-01-01 Academic and Vocational School
 BCC 20-02-01 College Programs
 BCC 20-04-01 Educational Program Evaluation
 BCC 20-05-01 Educational Program Planning
 BCC 20-06-01 Academic and Vocational Curriculum
 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
 BCC 22-04-01 Recreation and Inmate Activities
 BCC 22-04-02 Inmate Clubs and Organizations
 BCC 22-04-03 Conducting Inmate Organizational Meetings and Programs
 BCC 22-04-04 Recreation Program Availability
 BCC 22-04-05 Supervision of Leisure-Time Craft Club Activities and Materials
 BCC 22-06-01 Music Club
 BCC 22-09-01 Use of Inmates in Recreation Programs
 BCC 23-01-01 Religious Services (Amended 4/14/89)
 BCC 24-01-01 Duties and Responsibilities of Classification and Treatment Officers
 BCC 24-02-01 Duties and Responsibilities of the Unit Director and Assistant to Unit Director
 BCC 24-03-01 Social Services (Amended 4/14/89)
 BCC 25-01-01 Inmate Check Out Procedure
 BCC 25-02-02 Temporary Release/Community Center Release (Amended 4/14/89)
 BCC 25-05-01 Supplemental Parole Progress Reports
 BCC 26-01-01 Citizen Involvement and Volunteer Service Program

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.

TRANSPORTATION CABINET
 Department of Highways
 (Proposed Amendment)

600 KAR 3:010. Relocation assistance payments of the Transportation Cabinet.

RELATES TO: KRS 56.610 to 56.760, 49 CFR Part 24

STATUTORY AUTHORITY: KRS 56.610, 174.080, 183.024, 49 CFR Part 24
 NECESSITY AND FUNCTION: The Transportation Cabinet is required to adopt administrative regulations and procedures to implement the provisions of KRS 56.610 to 56.760 with regard to providing for uniform relocation assistance services and compensation to persons displaced by the land acquisition programs of the Transportation Cabinet.

Section 1. The Transportation Cabinet adopts without change the federal regulations relating to uniform relocation assistance that are set forth in 49 CFR Part 24, Subparts A, C, D, E, F and G which were effective March 2, 1989. This federal regulation shall govern relocation assistance payments of the Transportation Cabinet. [25 which became effective April 28, 1986. The cabinet does also adopt Appendix A of 49 CFR Part 25, effective April 28, 1986 as it relates to uniform relocation assistance.] Payments shall be made and services shall be provided to persons displaced by land acquisition programs on all projects of the Transportation Cabinet in the instances and upon the conditions set forth in the adopted federal regulations.

Section 2. The payments and services set forth above which involve a Transportation Cabinet project shall be made regardless of whether federal funds are used or not used in the

JOHN T. WIGGINTON, Secretary

APPROVED BY AGENCY: April 14, 1989

FILED WITH LRC: April 14, 1989 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for May 23, 1989 at 9 a.m., in the State Office Building Auditorium. 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: 85 employees of the Blackburn Correctional Complex, 382 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

stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? The state administrative regulation provides exactly the same benefits as provided by the federal regulation. However, the appeal process mandated by 49 CFR Part 24 is set forth for the Kentucky Transportation Cabinet in this administrative regulation.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The federal regulation does not establish an appeals process for the state agencies - just for the federal agencies. This state administrative regulation sets out the appeals process at the state level.

TRANSPORTATION CABINET
Department of Vehicle Registration
Division of Motor Vehicle Licensing
(Proposed Amendment)

601 KAR 9:130. Motor vehicle registration.

RELATES TO: KRS Chapters 186, 186A
 STATUTORY AUTHORITY: KRS 186.020, 186.041, 186.042, 186.044, 186.1701, 186.1702, 186.171, 186.172, 186.1721, 186.173, 186.1731, 186.1732, 186.177, 186.178, 186.179, 186.182, 186.185, Chapter 47, Appendix A, Part IV, Preamble

NECESSITY AND FUNCTION: KRS 186.020 requires owners of motor vehicles to apply for registration in accordance with regulations issued by the Transportation Cabinet before operating the motor vehicle or permitting its operation. Other sections of KRS Chapter 186 either permit or require the Transportation Cabinet to adopt administrative regulations regarding the issuance of special license plates to motor vehicles during registration of the vehicle. This administrative regulation establishes those procedures. In addition, House Bill 516, the Executive Budget Bill passed by the 1988 General Assembly, requires that the initial application for a special license plate which serves to recognize specific groups or associations shall have a registration fee of fifty (50) dollars. This administrative regulation specifically sets forth the time periods when the fifty (50) dollars is to be paid.

Section 1. Vehicle Transaction Form. The vehicle transaction record form required by KRS 186A.060 shall serve as the application for first time vehicle registration. The certificate of registration issued when a vehicle is registered in Kentucky shall serve as the application for renewal of registration.

Section 2. Title in Motor Vehicle. During the fifteen (15) day period [allowed by] KRS 186.020(1) allows a person to register a newly acquired motor vehicle or a new Kentucky resident to register his motor vehicle, an assigned title shall be carried in the motor vehicle if the vehicle was last licensed in a title issuing jurisdiction. If the jurisdiction does not issue titles, the standard document for perfecting the sale of the motor vehicle in the licensing jurisdiction shall be carried in the vehicle.

Section 3. Found License Plate. Any person

finding a lost, unexpired registration plate shall deliver it to the Department of Vehicle Regulation or to any county clerk.

Section 4. Temporary Kentucky Residents. Any full-time college student or member of the armed forces who is temporarily maintaining a place of abode in Kentucky while attending a Kentucky college or university or stationed at a military facility is not required to register his vehicle in Kentucky if he maintains residency in his home state. However, the purchase of property in Kentucky, registration to vote in Kentucky or the possession of a valid Kentucky operator's license shall be legally sufficient to establish a case that the vehicle owner is a resident of Kentucky and therefore required to register the vehicle in Kentucky.

Section 5. Placement of License Plate and Renewal Decal. (1) No license plate [or renewal decal] shall be placed on a motor vehicle other than the one for which it was issued.

(2) No renewal decal shall be placed on any license plate except the plate for which the renewal decal was issued.

(3) A renewal decal shall only be placed on its associated license plate in the indentation provided for a decal.

Section 6. Lost or Stolen Special Plates. If a special license plate is lost or stolen the individual responsible for the registration of the vehicle may secure a replacement special license plate by following the provision of KRS 186.180.

Section 7. Fee for License Plates which Recognize Specific Groups or Associations. The one (1) time fifty (50) dollar initial registration fee imposed by KRS Chapter 47, Appendix A, shall be paid at the time of any initial application subsequent to July 15, 1988 by the person responsible for the vehicle registration. Beginning July 1, 1990, the fifty (50) dollar fee shall expire. However, the registration fees imposed in KRS Chapter 186 shall not expire.

Section 8. Renewal Decals on Special Plates. Registration for vehicles with license plates issued under the authority of KRS 186.173, 186.1731, 186.1732 and 186.182 are required to be renewed each year to remain valid. However, the Transportation Cabinet shall have the authority to determine if a new license plate shall be issued or if the renewal is validated by placing a renewal decal on the existing license plate. However, if the special national guard plate, civil air patrol plate, congressional medal of honor recipient plate or army reserve plate deteriorates to the point where the inscriptions are not discernible, the owner may obtain a replacement plate free of charge.

Section 9. National Guard License Plates. (1) Taxicabs, airport limousines, and U-drive-it vehicles registered under the provisions of KRS 186.050(1) shall not be issued a national guard license plate under the provisions of KRS 186.173.

(2) If the applicant for a national guard license plate is a Kentucky national guard retiree, his application shall be signed by the

shall specify the make, rated capacity, vehicle identification number, license number and state of registration, and name and address of the owner of the towing vehicle. In addition, it shall specify whether the motor carrier operating the towing vehicle is a for-hire or private carrier and the routes of travel requested.

Section 3. Permit Required. (1) [1.] No house trailer of a width greater than eight (8) feet shall be towed on any highway governed by KRS 189.221[, or eight and one-half (8 1/2) feet on any highway governed by KRS 189.222 or with a combined length of house trailer and towing vehicle greater than sixty (60) feet, shall be towed upon any Kentucky highway] unless, and until, a special written permit has been issued by the Department of Vehicle Regulation, Division of Motor Carriers.

(2) No house trailer of a width greater than eight and one-half (8 1/2) feet shall be towed on any highway governed by KRS 189.222 unless, and until, a special written permit has been issued by the Department of Vehicle Regulation, Division of Motor Carriers.

(3) No house trailer with a combined length of house trailer and towing vehicle greater than sixty (60) feet shall be towed upon any Kentucky highway unless, and until, a special written permit has been issued by the Department of Vehicle Regulation, Division of Motor Carriers.

[Section 2. Permits may be issued for single trips on all overdimensional house trailers. At the option of owners as set forth in Section 3 of this regulation, an annual permit may be issued to authorize the movement of house trailers not exceeding twelve (12) feet in width. Registration and capacity of towing vehicles for house trailers in excess of the allowed legal width shall be the same as noted in Section 3 of this regulation. Single trip permits will be issued for a period of not more than ten (10) calendar days.]

Section 4. [3.] Annual Permits. (1) An annual permit shall not be issued for the movement of a house trailer in excess of twelve (12) feet in width.

(2) A movement of a house trailer under the provisions of an annual permit shall be on highways specified on the annual permit.

(3) Annual permits for the movement of house trailers [not exceeding twelve (12) feet in width on specified highways as indicated on the permit] may be issued only to dealers and manufacturers located within the Commonwealth of Kentucky; to certificated motor carriers who are properly licensed as motor carriers [such] by the Department of Vehicle Regulation; and to private owner-residents of Kentucky for movements of their personally owned house trailers. [No annual permit shall be issued for the movement of a house trailer in excess of twelve (12) feet in width.]

(4) Each towing vehicle for house trailers greater than the legal width shall be registered in Kentucky for a gross weight of not less than 22,000 pounds, have dual wheels on the rear and be rated at least one and one-half (1 1/2) ton capacity.

(5) An annual permit shall not be issued or used for the movement of a house trailer if the length of the house trailer and towing unit

combined exceeds ninety-five (95) feet in length. [Towing vehicles for house trailers greater than twelve (12) feet wide must have a minimum of 185 horsepower, shall have a minimum of two (2) ton capacity, and shall be licensed for a gross weight equal to the combined weight of the towing vehicle and the house trailer.]

Section 5. Single Trip Permits. (1) A single trip permit shall be valid for no more than ten (10) days.

(2) A single trip permit shall not be issued for any unit, including towing vehicle and house trailer combined, which exceeds ninety-five (95) feet in length or fourteen (14) feet in width exclusive of usual and ordinary overhang.

(3) A single trip permit shall specify the highways to be used in the movement of the house trailer.

Section 6. Permit Costs. [4.] The issuance cost of an annual or a single trip permit, as set forth in KRS 189.270, shall apply to the towing vehicle and the cost shall [will] not be prorated. [A permit shall not be issued for any unit, including towing vehicle and house trailer combined, which exceeds ninety-five (95) feet in length or fourteen (14) feet in width exclusive of usual and ordinary overhang. Single trip permits will specify the highway to be used for a trip.]

[Section 5. All permits shall be issued by the Division of Motor Carriers, Department of Vehicle Regulation, Frankfort, Kentucky.]

Section 7. [6.] Escort Vehicles and Lighting Requirements. (1) One (1) lead escort vehicle is required for the movement of house trailers greater than the legal width but not exceeding twelve (12) feet wide on all two (2) lane highways except on sections of toll roads which may be two (2) lanes.

(2) When a house trailer more than twelve (12) feet wide is moved, one (1) escort shall be required in the rear of each house trailer on highways with four (4) or more lanes. On highways of two (2) lanes, two (2) escort vehicles shall be required for each house trailer, one (1) in front and one (1) in the rear.

(3) Escort vehicles, both front and rear, shall [may] be required [on some highways] where highway conditions dictate the need.

(4) Red flags at least twelve (12) inches [by twelve (12) inches] square shall [must] be displayed on both sides of the front bumper of the lead escort and on both sides of the rear of a following escort.

(5) Amber flashing lights may be used on both the escort and towing vehicles if the unit's width does not exceed twelve (12) feet. If the house trailer exceeds twelve (12) feet in width, all escort vehicles shall have an amber flashing light on the roof and the house trailer shall be equipped with four (4) amber flashing lights located on each front and rear corner of the house trailer spaced not less than six (6) feet above the roadway.

(6) All overdimensional mobile homes and towing vehicles shall be marked and lighted in accordance with those requirements set forth in 601 KAR 1:005. All running lights shall be on while the unit is in motion.

JEROME L. LENTZ, Acting Commissioner
 O. GILBERT NEWMAN, State Highway Engineer
 MILO D. BRYANT, Secretary

APPROVED BY AGENCY: April 4, 1989

FILED WITH LRC: April 6, 1989 at 8 a.m.

PUBLIC HEARING: A public comment hearing will be held on this administrative regulation on May 22, 1989 at 1:30 p.m., local prevailing time in the Fourth Floor Hearing Room of the State Office Building located at the corner of High and Clinton Streets, Frankfort, Kentucky. Any person who intends to attend this hearing must in writing by May 17, 1989 so notify this agency. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public comment hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the administrative regulation. If the hearing is cancelled, written comments will only be accepted until May 17, 1989. Send written notification of intent to attend the public hearing or written comments on the administrative regulation to: Sandra G. Pullen, Executive's Staff Advisor, Transportation Cabinet, 10th Floor State Office Building, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sandra G. Pullen

(1) Type and number of entities affected: All applicants for overdimensional mobile home permits.

(a) Direct and indirect costs or savings to those affected: Movement of 14-foot wide house trailers will be allowed when a road is only wet. This will result in fewer delays for mobile home manufacturers. The cost savings cannot be established but is a savings in the interest which must be paid on loans for inventory stacking up on a lot. For each two weeks of wet weather it would be about \$12,000. It further makes the manufacturers not situated on a 4-lane highway competitive with those that are.

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 as a result of this amendment to the regulation.

(2) Effects on the promulgating administrative body: None as a result of this amendment to the regulation.

(a) Direct and indirect costs or savings: NA

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: NA

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: The do-nothing alternative was rejected when spokespersons for the mobile home industry pointed out that many of Kentucky's contiguous states allow movement of mobile homes on wet pavement without a noticeable adverse effect on safety.

(5) Identify any statute, administrative

regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: NA

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

(6) Any additional information or comments: Proposed change would allow movement of 14-foot wide mobile homes on wet pavement. Other changes are grammatical changes to bring the regulation into compliance with the format requirements of KRS Chapter 13A.

TIERING: Was tiering applied? Yes.

EDUCATION AND HUMANITIES CABINET
 Department for the Blind
 (Proposed Amendment)

720 KAR 1:010. Federal Vocational Rehabilitation Program.

RELATES TO: KRS 163.450 to 163.470

STATUTORY AUTHORITY: KRS Chapter 13A

NECESSITY AND FUNCTION: KRS 163.450 to 163.470 designates the Department for the Blind to be responsible for all rehabilitation services for citizens of the Commonwealth of Kentucky who are blind and visually impaired. These regulations adopt federal rules governing the services, personnel, and administration of the Department for the Blind required as a condition for the agency to receive federal funds and to administer federal vocational rehabilitation programs. [P.L. 93-112, as amended, requires the submission of a Three (3) Year State Plan for Vocational Rehabilitation Services to the Secretary of the United States Department of Education, and] P.L. 93-516, as amended, requires the submission to the Commissioner of Rehabilitation Services, Department of Education, an application for designation as state licensing agency to administer the Randolph-Sheppard Vending Facility Program.

[Section 1. Pursuant to the authority vested by KRS 163.450 to 163.470, the Kentucky State Plan for Vocational Rehabilitation Services for the Blind and Visually Impaired, as amended, for the period October 1, 1985, through September 30, 1987, effective October 1, 1985, is presented herewith for filing with the Legislative Research Commission and incorporated by reference. A copy of said plan may be obtained from the Department for the Blind, Education and Humanities Cabinet.]

Section 1. [2.] Pursuant to the authority vested by KRS 163.450 to 163.470, the Kentucky Application for Designation for the Randolph-Sheppard Vending Facility Program, effective November 15, 1979, as amended December 15, 1987, is presented herewith for filing with the Legislative Research Commission and incorporated by reference. A copy of said application may be obtained from the Department for the Blind, Education and Humanities Cabinet.

CHARLES W. McDOWELL, Executive Director

APPROVED BY AGENCY: April 13, 1989

FILED WITH LRC: April 14, 1989 at 9 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on May 22, 1989 at 10 a.m. at the Kentucky Department

PUBLIC PROTECTION & REGULATION CABINET
 Kentucky State Racing Commission
 (Proposed Amendment)

810 KAR 1:001. Definitions.

RELATES TO: KRS 230.210 to 230.360

STATUTORY AUTHORITY: KRS ~~230.260~~ [Chapter 13A]

NECESSITY AND FUNCTION: To regulate conditions under which thoroughbred 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 stakes fees paid by subscribers to form the total purse for a stakes race.

(2) "Age" means the number of years since a horse was foaled, reckoned as if such horse was foaled on January 1 of the year in which such horse was foaled.

(3) "Arrears" means all sums due by a licensee as reflected by his account with the horsemen's bookkeeper, including subscriptions, jockey fees, forfeitures, and any default incident to these rules.

(4) "Association" means any person, or persons, or legal entity, required to be licensed under KRS 230.300 to conduct a race meeting, and when used herein, the association conducting a race meeting where such rule is applicable.

(5) "Authorized agent" means any person currently licensed as an agent for a licensed owner principal by virtue of notarized appointment of agency lodged with the commission.

(6) "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.

(7) "Bleeder" means any horse known to have bled internally or from its nostrils during a workout or race.

(8) "Breeder" means owner of the dam of a horse at the time such horse was foaled. A horse is "bred" at the place of its foaling.

(9) "Claiming race" means any race in which every horse running therein may be transferred in conformity with these rules.

(10) "Closing" means time published by the association after which entries for a race will not be accepted.

(11) "Commission" means the Kentucky State Racing Commission. "Commissioner" is a member of the commission.

(12) "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."

(13) "Declaration" means withdrawal of horse entered in a race prior to time of closing of entries therefor in conformance with these rules.

(14) "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.

(15) "Disqualification" means an order of the stewards or commission revising the order of finish of a race.

(16) "Entry" means the act of nominating a horse for a race in conformance with these rules. (See "mutuel entry.")

(17) "Equipment" means accouterments 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.

(18) "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.

(19) "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 totalizer, and the highest numbered horse within the numbering capacity of the totalizer and all horses of a higher number are grouped in the "mutuel field."

(20) "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.

(21) "Handicap race" means 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.

(22) "Horse" means thoroughbred registered as such with the Jockey Club in New York and when used in these rules to designate any thoroughbred irrespective of age or sex designation.

(23) "Ineligible" means horse or person not qualified under these rules or conditions of a race to participate in a specified racing activity.

(24) "Jockey" means rider currently licensed to ride in races as a jockey, or apprentice jockey, or amateur jockey, or a provisional jockey permitted by the stewards to ride in three (3) races prior to applying for a license.

(25) "Lessee" means licensed owner whose interest in a horse is a leasehold.

(26) "Licensee" means person or association that has been duly issued a currently valid license to participate in racing in this Commonwealth.

(27) "Maiden" means horse which has never won a race on the flat at a recognized meeting in any country; a "maiden" which was disqualified after finishing first remains a "maiden;" race conditions referring to "maidens" shall be interpreted as meaning "maidens" at the time of starting.

(28) "Match race" means race between two (2) horses, for which no other horses are eligible.

(29) "Meeting" means the entire period of consecutive days, exclusive of dark days, granted by the commission to a licensed association for the conduct of racing, beginning

months beginning with January and ending with December.

LYLE G. ROBEY, Chairman

APPROVED BY AGENCY: March 30, 1989

FILED WITH LRC: April 12, 1989 at 9 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on May 24, 1989 at 10 a.m. at the offices of the Kentucky State Racing Commission at the Kentucky Horse Park, 4063 Iron Works Pike, Bldg. B., Lexington, Kentucky 40511. Individuals interested in attending this hearing shall notify this agency in writing by May 19, 1989, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Michael A. Fulkerson, Kentucky State Racing Commission, P.O. Box 1080, Lexington, Kentucky 40588.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Mike Fulkerson

(1) Type and number of entities affected: Four licensed racing associations and trainers.

(a) Direct and indirect costs or savings to those affected: There are 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: There are none.

(2) Effects on the promulgating administrative body: There are none.

(a) Direct and indirect costs or savings: There are none.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: There are none.

(3) Assessment of anticipated effect on state and local revenues: There are none.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Either you couple horses with a common trainer or you don't. There are only two ways to do it and this changes to the other way.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There are 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: This change simply deletes the requirement for horses entered in a race with a common trainer to be a coupled entry for wagering purposes.

TIERING: Was tiering applied? No. Tiering is not desirable because all tracks should operate under the same procedures for entries.

**PUBLIC PROTECTION & REGULATION CABINET
Kentucky State Racing Commission
(Proposed Amendment)**

810 KAR 1:013. Entries, subscriptions and declarations.

RELATES TO: KRS 230.210 to 230.360

STATUTORY AUTHORITY: KRS 230.260 [13A.350]

NECESSITY AND FUNCTION: To regulate conditions under which thoroughbred 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 for a period of one (1) year.

(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 licensed authorized agent of such owner or trainer.

(3) Every entry must be in writing, except that an entry may be made by telephone to the racing secretary, but must be confirmed 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, and dam, as reflected by such horse's registration certificate.

(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.

(c) Every entry shall clearly state any and all medications, drug, or substances which the horse shall receive as pre-race treatment. Medications, drugs, or substances shall be categorized into two (2) sections and shall be designated as follows: NSAID (nonsteroidal anti-inflammatory) shall be designated by (B); and any and all bleeder medications shall be designated by (L). Horses racing for the first time with either of the above categories shall be clearly designated with (1).

(5) No alteration may be made in any entry

(4) If any purse race in the printed condition book fails to fill with the minimum number of entries required by subsection (3) 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 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 of 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 included two (2) or more horses joined as a single betting interest.

Section 11. Also-eligible List. (1) If the number of entries for a race exceeded 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 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 sequence drawn, unless otherwise stipulated in published conditions of the race.

(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 permitted to run in the race for which it 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. The racing secretary shall submit for approval of the commission at least thirty (30) days prior to the opening date of a race meeting a detailed description of the manner in which preference will be allocated.

(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.

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. Declarations. 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 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 race preceding such stakes race by the filing in writing of such intention with the racing secretary, unless a list of also-eligibles has been drawn, in which case scratches must be filed at the regular scratch time as posted by the racing secretary, and no horse will be excused thereafter without a valid physical reason. 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

and the offending parties may be suspended pending a hearing, and thereafter if said action was unjustified.

Section 4. No owner, agent, or driver, who has entered a horse shall thereafter demand of the track a bonus of money or other special award or consideration as a condition for starting the horse.

Section 5. No owner, trainer or driver of a horse shall bet or cause any other person to bet on his behalf on any other horse in any race in which there shall start a horse owned, trained or driven by him, or which he in anywise represents or handles or in which he has an interest. No such person shall participate in exacta, quinella or other multiple pool wagering on a race in which such horse starts other than the daily double.

Section 6. Duty to Report Fraudulent Proposal. If any person shall be approached with any offer or promise of a bribe, or a wager or with a request or suggestion for a bribe, or for any improper, corrupt or fraudulent act in relation to racing, or that any race shall be conducted otherwise than fairly and honestly, it shall be the duty of such person to report the details thereof immediately to the presiding judge.

Section 7. Any misconduct on the part of a licensee fraudulent in its nature or injurious to the character of the turf, although not specified in these rules, is forbidden. Any person or persons who, individually or in concert with one another, shall fraudulently and corruptly, by any means affect or attempt to affect the outcome of any race or affect or attempt to affect a false registration or commit any other act injurious to the sport, shall be guilty of a violation.

Section 8. If two (2) or more persons shall combine and confederate together in any manner, regardless of where the said persons may be located, for the purpose of violating any of these rules and regulations and shall commit some act in furtherance of said purpose and plan, it shall constitute a conspiracy and a violation.

Section 9. In any case where an oath is administered by judges, representative of the commission, or a notary public, or any other person legally authorized to administer oaths, if the party knowingly swears falsely or withholds information pertinent to the investigation, he shall be fined, suspended, or both, or expelled.

Section 10. Financial Responsibility. Any participant who shall accumulate unpaid obligations, or default in obligations, or issue drafts or checks that are dishonored, or payment refused, or otherwise display financial irresponsibility reflecting on the sport, may be denied a license or may be suspended by the commission.

Section 11. Nerved Horses. All horses that have been nerved shall be so designated on the United States Trotting Association registration certificate and the eligibility certificate and be certified by a practicing veterinarian. It is

the responsibility of the owner of the horse at the time the horse is nerved to see that this information is placed on the registration certificate and the eligibility certificate. All horses that have been nerved prior to the adoption of this rule must also be certified and it will be the responsibility of the owner or trainer of such horse to see that such information is carried on the registration certificate. No trainer or owner will be permitted to enter or start a horse that is high nerved. Low nerved horses may be permitted to start providing this information is published on the bulletin board in the racing secretary's office.

Section 12. Spayed Mares. The fact that a mare has been spayed must be noted on the registration certificate, the eligibility certificate and any program when such mare races. It shall be the owner's responsibility to report the fact that the mare has been spayed to the United States Trotting Association and return its papers for correction.

Section 13. Any violation of any of the provisions of this rule shall be punishable by a fine, suspension or both, or by expulsion.

Section 14. No owner, trainer, driver, attendant or other person representing a horse which has previously tested positive for Equine Infectious Anemia shall knowingly cause said horse to be declared into any race; and no owner, trainer, driver, attendant or other person shall seek to bring about the transfer of such a horse without first notifying the prospective purchaser or transferee of the fact that the horse had previously tested positive for Equine Infectious Anemia.

JAY SPURRIER, Chairman

THEODORE T. COLLEY, Secretary

APPROVED BY AGENCY: March 10, 1989

FILED WITH LRC: April 14, 1989 at noon

PUBLIC HEARING: A public hearing has been scheduled concerning this regulation on May 23, 1989 at 10 a.m. at the office of the Kentucky Harness Racing Commission. Anyone interested in attending this hearing shall notify in writing Rudy A. Bisciotti, Assistant Attorney General, The Capitol Building, Frankfort, Kentucky 40601, at least five days before the public hearing.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Rudy A. Bisciotti

(1) Type and number of entities affected: All licensees, owners, trainers, drivers or attendants of horses.

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

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: NA

(2) Effects on the promulgating administrative body: NA

(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:

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 quarterhorse or appaloosa horse five (5) years of age or older may be entered or raced in a race restricted to maidens. No Arabian horse six (6) 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 811 KAR 2:095.
- (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.

JAY SPURRIER, Chairman
THEODORE T. COLLEY, Secretary

APPROVED BY AGENCY: April 14, 1989

FILED WITH LRC: April 14, 1989 at noon

PUBLIC HEARING: A public hearing has been scheduled concerning this regulation on May 23, 1989, at 10 a.m. at the office of the Kentucky Harness Racing Commission. Anyone interested in attending this hearing shall notify in writing Rudy A. Bisciotti, Assistant Attorney General, The Capitol Building, Frankfort, Kentucky 40601, at least five days before this public hearing.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Rudy A. Bisciotti

(1) Type and number of entities affected: All licensees, owners, trainers, drivers or attendants of horses.

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

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: NA

(2) Effects on the promulgating administrative body: NA

(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:

(4) Assessment of alternative methods; reasons why alternatives were rejected: NA

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: NA

(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. No disproportionate impact on any certain class or classes of regulated entities; no overregulation problem encountered through this regulation.

PUBLIC PROTECTION & REGULATION CABINET
Department of Housing, Buildings & Construction
Division of Building Codes Enforcement
(Proposed Amendment)

815 KAR 7:020. Building code.

RELATES TO: KRS Chapter 198B

STATUTORY AUTHORITY: KRS 198B.040(7), 198B.050

NECESSITY AND FUNCTION: The Kentucky Board of Housing, Buildings and Construction is required by KRS 198B.040(7) to adopt and promulgate a mandatory uniform state building code, which establishes standards for construction of buildings in the state. This regulation establishes the Kentucky Building Code basic provisions relating to new construction, including general building limitations, special use and occupancy, light, ventilation and sound transmission control, means of egress, structural and foundation loads and stresses, acceptable materials and tests, fire resistive construction and fire protection systems, safety during building operations, mechanical systems, energy conservation and electrical systems. This amendment is necessary to update to the newest technology by citing the latest edition in reference materials for elevators and to recognize acceptability of specially designed wheelchair lifts. [This amendment is needed to clarify the intent of the code as it relates to building size limitations of Table 501 and to recognize the jurisdiction of the Division of Water over any buildings to be constructed in flood prone areas.]

Section 1. Definitions. As used in this regulation unless otherwise provided, the following definitions shall be used:

- (1) "Basement": As defined by KRS 198B.010(3).
- (2) "Building": As defined by KRS 198B.010(4).
- (3) "Construction": As defined by KRS 198B.010(12).
- (4) "Equipment": As defined by KRS 198B.010(15).
- (5) "Reconstruction: The process of reproducing by new construction the exact form and detail of a vanished building, structure or object or part thereof as it appeared at a specific period of time."
- (6) "Rehabilitation: The process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use of while preserving those portions or features of the property which are significant to historical, architectural and cultural values."
- (7) "Restoration: The process of accurately recovering the form and details of the property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work."
- (8) "Stabilization: The process of applying measures designed to reestablish a weather-resistant enclosure and the structural stability of an unsafe or deteriorated property while maintaining the essential form as it exists."
- (9) "Story": As defined by KRS 198B.010(22).
- (10) "TIA or Tentative Interim Amendment: means a publication of the National Fire Protection Association Standards Council which is a tentative amendment of the National Electrical Code referenced in Section 2 of this

regulation because it has not been processed through the entire standards-making process; and it is interim because it shall be effective only between editions of the standard. As used in this regulation, it shall be a permanent provision until otherwise amended."

Section 2. The Kentucky Building Code shall include the National Electrical Code, 1987 Edition, N.F.P.A. #70, published by and copies available from the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269. The National Electrical Code is hereby adopted by reference.

Section 3. The Kentucky Building Code shall include the "BOCA National Building Code/1987," Tenth Edition, published by and copies available from Building Officials and Code Administrators International, Inc., 4051 W. Flossmoor Road, Country Club Hills, Illinois 60477. That code, including all standards listed in Appendices A through D is hereby adopted by reference on June 18, 1987, with the additions, exceptions and deletions set forth in this regulation, including the following amendments:

(1) Delete Article 1 in its entirety. All requirements for the administration and enforcement of this regulation are set forth in 815 KAR 7:010 with fees established by 815 KAR 7:013.

(2) Amend subsection 309.5 to read as follows: "309.5 Use group R-4 Structures: This use group shall include all detached one (1) or two (2) family dwellings not more than than three (3) stories in height, and their accessory structures as indicated in the Appendix B Standard, One (1) and Two (2) family Dwelling Code. All such structures shall be designed and built in accordance with the requirements of this code for use group R-3 structures or shall be designed and built in accordance with all the requirements of the one (1) and two (2) family dwelling code as listed in Appendix B, except that the requirements of the state plumbing code (Article 28) shall supersede those conflicting requirements of the one (1) and two (2) family dwelling code. This choice shall be made by the builder at the time of plans submission. Nevertheless, any builder may use exception #3 of Section 809.4 to determine minimum size of egress windows."

(3) Amend subsection 505.1 to read as follows: "505.1 Alteration Limitations: These provisions shall not be deemed to prohibit alterations within the limitations of Sections 106 and 505.2 provided an unlawful change of use is not involved."

(4) Delete Sections 512.1 through 512.4.1 and insert in lieu thereof the following: "512.1 Requirements for accessibility of the handicapped: Please see 815 KAR 7:060 for construction requirements providing accessibility to the handicapped, Article 33 of this Code."

(5) Amend Article 32 as follows:

(a) Amend Section 3202.1 to read as follows: "The provisions in the following Section 3202.1.1 through 3202.1.5 shall apply to existing buildings that will continue to be, or are proposed to be, in Use Groups A, B, E, F, M, R and S. These provisions shall not apply to historic buildings as provided for in Section 102.5."

(b) Amend subsection 3202.1.5 to read as

an outside window or an exterior door for emergency escape from such sleeping room shall not be required.

3. Buildings equipped throughout with a complete automatic fire suppression system.

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

Section 4. Elevator, Dumbwaiter and Conveyor Equipment, Installation and Maintenance. The following subsections of Article 26 of the BOCA National Building Code, 1987 Edition are deleted or amended to read as follows:

(1) Amend Subsection 2603.4 of Article 26 to read as follows: "2603.4 Posting certificates of compliance: The owner or lessee shall post the last issued certificate of compliance in a conspicuous place on the elevator, available to the building official."

(2) Amend Subsection 2602.4.1 of Article 26 to read as follows: "2602.4.1 Periodic Inspection Intervals: Periodic inspections shall be made at intervals of not more than twelve (12) months for all passenger elevators, manlifts and escalators."

(3) Amend Subsection 2610.1 of Article 26 to read as follows: "2610.1 General: The construction of machine rooms and related construction for passenger and freight elevators and dumbwaiters shall be protected from the weather, and shall be enclosed with fire resistive enclosures. Enclosures and access doors thereto shall have a fire endurance at least equal to that required for the hoistway enclosure in Table 401."

(4) Create a new Section 2618.0. Wheelchair and Stairway Lifts, in Article 26 to read as follows: "2618.1 General. Except as herein provided, inclined stairway chairlifts and inclined and vertical wheelchair lifts shall conform to the requirements of ASME A17.1 listed in Appendix A. Exception: Vertical wheelchair lifts are permitted to have a travel distance not to exceed 23 feet and penetrate a floor subject to the following additional requirements.

1. The platform shall be fully enclosed on the top and any side which is not used as an exit or entrance. Enclosures shall conform to the requirements of ASME A17.1 listed in Appendix A.

2. The runway shall be fully enclosed from the floor to the ceiling on all floors conforming with the requirements of Section 2608.0.

3. All runway entrances shall be protected by a door of unperforated construction conforming to the requirements of Section 2611.0.

4. All runway entrance doors shall be equipped with approved interlocks conforming to the requirements of ASME A17.1 listed in Appendix A."

Section 5. Elevators. On page 485 of Appendix A of the BOCA National Building Code under "Elevators, Escalators and Moving Walks," delete the reference to A17.1-84 and the 1985

supplement and insert in its place A17.1-1987 [add the following citations: "A17.1B-1985; A17.1C-1986,] with the exception of rules 102.2(c)(4) and 700.4b, 700.5, 700.7b, 700.10b, 707.4."

Section 6. Amend Article 3 of the 1987 Edition of the BOCA National Building Code adding a new section to read as follows: "310.4 Tobacco auction warehouses: Warehouses, for the sale of tobacco only, of Type 1, Type 2, or Type 3 construction, may be constructed without a sprinkler system when all the following requirements have been met:

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

(2) A manual fire alarm and smoke detection system with notification to the local fire service shall be provided with installation in accordance with Section 1017 of this code.

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

(4) A fifty (50) foot fire separation shall be maintained between the warehouse and the lot line and the warehouse and the nearest building."

Section 7. Amend the 1987 Edition of the BOCA National Building Code as follows:

(1) Amend Article 5 as follows:

(a) In subsection 505.1, change the number, "103.0," to read "106.0."

(b) In subsection 511.1, change the number, "124.0," to read "123.0."

(c) Delete subsection 513.1 in its entirety.

(2) Delete the reference to the BOCA Fire Prevention Code listed in Appendix A and insert in lieu thereof the following: "The Kentucky Fire Safety Standards (815 KAR 10:020 - Fire Safety Standards) shall be used as the fire prevention code."

(3) Amend Figure 1113.1 of Article 11 by adding the following list of 120 Kentucky counties showing the assigned earthquake risk zone for each. The risk zone assigned herein shall supersede any general area designations as shown upon the face of the map.

Earthquake Risk Zone #1			
Adair	Elliott	Laurel	Oldham
Allen	Estill	Lawrence	Owen
Anderson	Fayette	Lee	Owsley
Barren	Fleming	Leslie	Pendleton
Bath	Floyd	Letcher	Perry
Bell	Franklin	Lewis	Pike
Boone	Gallatin	Lincoln	Powell
Bourbon	Garrard	Logan	Pulaski
Boyd	Grant	Madison	Robertson
Boyle	Grayson	Magoffin	Rockcastle
Bracken	Greene	Marion	Rowan
Breathitt	Greenup	Martin	Russell
Breckinridge	Hancock	Mason	Scott
Bullitt	Hardin	Meade	Shelby
Butler	Harlan	Menifee	Simpson
Campbell	Harrison	Mercer	Spencer
Carroll	Hart	Metcalfe	Taylor
Carter	Henry	Monroe	Todd
Casey	Jackson	Montgomery	Trimble
Christian	Jefferson	Morgan	Warren
Clark	Jessamine	Muhlenberg	Washington

for Use Group A3 shall not be required for principal entrance/exit doors if (1) they are free-swinging; and (2) the calculated occupant load does not exceed 150; and (3) the latch/lock device is a thumb latch/lock or a key operated lock device in which the key cannot be removed from the side from which egress is to be made when it is locked."

Section 9. Amend Section 1016.1 to read as follows: "1016.1 Fire hydrants: Fire hydrants installed on private property as a part of a private fire protection system shall be located so as to meet the requirements of NFPA 24. Yard hydrant installation shall be coordinated with the responsible fire officials who shall not make recommendations which exceed the requirements of NFPA 24. Hydrants not addressed by NFPA 24 shall conform to the standards of the administrative authority of the jurisdiction and the fire department. Hydrants shall not be installed on a water main less than six (6) inches in diameter."

Section 10. Amend Article 9 of the 1987 Edition of the BOCA National Building Code by creating certain portions thereof to read as follows:

(1) Create a new subsection 905.4 to read as follows: "905.4 Combustible Pipe: Combustible Pipe shall be permitted in all use groups and construction types where approved by Article 28 of this Code and the Kentucky State Plumbing Code."

(2) Create a new subsection 905.4.1 to read as follows: "905.4.1 Vertical Combustible Pipes: Vertical Combustible Pipes shall comply with Sections 905.4.2 and 915.4."

(3) Create a new subsection 905.4.2 to read as follows: "905.4.2 Combustible Pipe Penetrations: Combustible pipe penetrations of fire-resistance rated assemblies shall be acceptable when installed in accordance with an approved tested assembly utilizing combustible pipe penetrations. If there is no approved tested assembly with combustible pipe penetrations, noncombustible fittings shall be required where combustible pipe penetrations enter into or exit from the fire-resistance rated assembly."

Section 11. Create a new Section 2511 of the 1987 BOCA National Building Code entitled "Rangehoods" to read as follows: "2511 Rangehoods. Rangehoods in kitchen exhaust systems shall comply with the requirements of the Mechanical Code listed in Appendix A. The bottom edge of the hood shall be located at a height of not more than four feet (4') above the cooking surface."

Section 12. Amend subsection 625.1 of the 1987 Edition of the BOCA National Building Code by adding a sentence to read as follows: "625.1.1 The Cabinet for Human Resources, Department for Health Services shall regulate the design and construction of new facilities as related to water distribution and treatment systems for public swimming pools and the proper operation and maintenance of all such facilities. See 902 KAR 10:120, Kentucky Public Swimming and Bathing Facilities Regulation."

Section 13. Amend Appendix A, page 492 of the 1987 BOCA National Building Code under Council of American Building Officials (CABO) by adding

a reference to CABO-1987 Supplement.

Section 14. Amend the 1987 Edition of the BOCA National Building Code, Section 1012.2.9, Use Group S, by adding an Exception to read as follows: "Use Group S: In all buildings or structures or portions thereof of Use Group S, other than public garages which shall conform to Section 1012.2.11, when:

(1) Three (3) or more stories in height, of Use Group S-1, and more than 3,000 square feet (279 m²) in area per floor; or

(2) Three (3) or more stories in height, of Use Group S-2, and more than 10,000 square feet (930 m²) in area per floor; or

(3) Four (4) or more stories in height of Use Group S-1 or S-2 regardless of the area per floor.

EXCEPTION: For open parking structures, the required standpipe may be a dry standpipe system without making a connection to the permanent water supply."

Section 15. Amend Table 806 of Article 8 of the 1987 Edition of the BOCA National Building Code by adding an Exception to Industrial Areas to read as follows: "Exception: For purposes of determining jurisdiction under Sections 108 and 109, design professional seal requirements, and Article 33 coverage, use 200 gross."

Section 16. Amend subsection 304.1 of the 1987 Edition of the BOCA National Building Code to read as follows: "304.1 General: All buildings and structures, or parts thereof, other than those used for business training or vocational training, shall be classified in Use Group E which are used by more than five (5) persons at one (1) time for educational purposes including, among others, schools, academies, colleges and universities. Educational type uses with a total occupant load less than fifty (50) shall be classified as Use Group B. School buildings, or parts thereof, for business training or vocational training shall be classified in the same use group as the business or vocation taught."

Section 17. Amend various sections of the 1987 BOCA National Building Code dealing with apartment buildings and single family dwellings by creating certain exceptions, as follows:

(1) Create an exception to Section 708.1.3 to read, "Exception: Use Group R-3 basement recreation rooms, a furred ceiling height of six feet and eight inches (6'8") around the ducts may be made in the soffit area only for structural beams and mechanicals. The above two-thirds (2/3) area requirements must still be met."

(2) Create an exception to Section 828.2.2 to read, "Exception: Handrails within individual dwelling units shall not be less than thirty (30) inches nor more than thirty-four (34) inches, measured vertically, above the nosing of the treads or above the finished floor."

Section 18. Amend Subsection 2102.1, General, of the 1987 Edition of the BOCA National Building Code by adding an Exception to read as follows: "Exception: Plans showing compliance with Subsection 2102.1 through 2102.10.3 shall be submitted to the Kentucky Division of Water pursuant to KRS 151.250 and 260. Approval of plans by or through that agency together with

Section 1. Definitions. In addition to the definitions contained herein, the definitions of National Fire Protection Association Pamphlet Number 501(C) shall apply:

(1) "Act" means the Mobile Home and Recreational Vehicle Act, KRS 227.550 to 227.660.

(2) "Agency, testing" means an outside organization which is:

(a) Primarily interested in testing and evaluating equipment and installations;

(b) Qualified and equipped for, or to observe experimental testing to approved standards;

(c) Not under the jurisdiction or control of any manufacturer or supplier of any industry;

(d) Makes available a published report in which the specific information is included stating that the equipment and installations listed or labeled have been tested and found safe for use in a specific manner; and

(e) Approved by the board.

(3) "Alteration or conversion" means the replacement, addition, modification, or removal of any equipment or installations which may affect the plumbing, heat-producing, electrical, and fire and life safety systems or the functioning thereof of recreational vehicles subject to these rules is an alteration or conversion unless excluded by these rules. The above equipment must be installed in accordance with manufacturer's specifications.

(4) "Board" means the Recreational Vehicle Certification and Licensure Board defined in KRS 227.550(1).

(5) "Certificate of acceptability" means the certificate provided to the manufacturer signifying the manufacturer's ability to manufacture, import or sell recreational vehicles within the state.

(6) "Class 'A' seal" as defined by KRS 227.550(2).

(7) "Class 'B' seal" as defined by KRS 227.550(3).

(8) "Dealer" as defined by KRS 227.550(4).

(9) "Established place of business" as defined by KRS 227.550(5).

(10) "Hard surfaced lot" means an area open to the public during business hours with a surface of concrete, asphalt/macadam, compacted gravel or stone, or other material of similar characteristics.

(11) "NFPA 501(C)" as defined by KRS 227.550(12).

(12) "Office" as defined by KRS 227.550(13).

(13) "Person" means a person, partnership, corporation or other legal entity.

(14) "Recreational vehicle" as defined by KRS 227.550(14).

(15) "Suitable sign" means a sign with the dealership name and type of dealership in letters of a minimum height of six (6) inches and a minimum width of one and one-half (1 1/2) inches.

Section 2. [1.] Authorization. This regulation is [(1) These rules are] authorized to [by KRS 227.590 and established pursuant to the rule-making procedures set forth in KRS Chapter 13A, in order to implement, interpret, and] carry out the provisions of law[s of 1974 as amended] in [1976,] KRS Chapter 227[, relating to mobile homes and recreational vehicles]. In the event that these regulations conflict with the codes promulgated by the National Fire Protection Association (NFPA 501(C), the codes shall govern in all cases.

[(2) At least thirty (30) days before the adoption or promulgation of any change in or addition to the rules and regulations, the office shall mail to all manufacturers possessing valid certificates of acceptability and dealers possessing valid licenses a notice including a copy of the proposed changes and additions and the time and place that the board will consider any objections to the proposed changes and additions. After giving the notice required by this section, the board shall afford interested persons an opportunity to participate in the rule making through submission of written data, views or arguments with or without opportunity to present the same orally in any manner.]

[(3) Every rule or regulation, or modification, amendment or repeal of a rule or regulation adopted by the board shall state the date it shall take effect.]

[Section 2. Enforcement. Subject to the provisions of applicable law, the Office of the State Fire Marshal shall administer and enforce all the provisions of the Mobile Home and Recreational Vehicle Act. Any officer, agent, or employee of the State Fire Marshal's Office is authorized to enter any premises in order to inspect any recreational vehicle for which the office has issued a seal of approval, or to inspect such recreational vehicle's equipment and/or its installations to insure compliance with the Act, the code, and these regulations. Upon complaint and request, a privately-owned recreational vehicle bearing a seal may be entered to determine compliance with these regulations. When it becomes necessary to determine compliance, he may require that a portion or portions of such recreational vehicles be removed or exposed in order that a compliance inspection can be made.]

[Section 3. Definitions. In addition to the definitions contained herein, the definitions of NFPA 501(C) by the National Fire Protection Association shall apply:]

[(1) Act. The Mobile Home and Recreational Vehicle Act, KRS 227.550 to 227.660.]

[(2) Agency, testing. An outside organization which is:]

[(a) Primarily interested in testing and evaluating equipment and installations;]

[(b) Qualified and equipped for, or to observe experimental testing to approved standards;]

[(c) Not under the jurisdiction or control of any manufacturer or supplier of any industry;]

[(d) Makes available a published report in which the specific information is included stating that the equipment and installations listed or labeled have been testing and found safe for use in a specific manner; and]

[(e) Approved by the board.]

[(3) Alteration or conversion. The replacement, addition, modification, or removal of any equipment or installations which may affect the plumbing, heat-producing, electrical, and fire and life safety systems or the functioning thereof of recreational vehicles subject to these rules is an alteration or conversion unless excluded by these rules. The above equipment must be installed in accordance with manufacturer's specifications.]

[(4) Board. Recreational Vehicle Certification and Licensure Board.]

[(5) Certificate of acceptability. The

(d) Inspection of fire/life safety (fire extinguishers and second means of egress).

(6) Any licensed Kentucky recreational vehicle dealer that maintains the capability to perform minor maintenance of plumbing, heating, and electrical systems of recreational vehicles shall be permitted to inspect and certify those recreational vehicles purchased in another state for use within the Commonwealth of Kentucky. Any dealer desiring to perform this service shall make application to the Department of Housing, Buildings and Construction, State Fire Marshall's Office for appropriate certification.

(7) Any unit found to be in noncompliance with the requirements of Section 4 5 of this regulation shall be corrected prior to the dealer certifying the unit. All units requiring repairs or corrections prior to unit certification shall be reported to the office specifying the repairs required to correct the deficiencies. Appropriate reporting forms shall be made available to qualified dealers performing inspection.

(8) The fee for the inspection of recreational vehicles shall be fifteen (15) dollars per hour plus mileage as required and a twenty (20) dollar seal fee.

Section 5. [6.] Applicability and Interpretation of Code and Regulation Provisions. (1) Any questions regarding the applicability or interpretation of any provisions of code or regulation adopted shall be submitted in writing by any interested person to the office for resolution. It is the policy of the office that with respect to questions regarding NFPA 501(C), any such questions shall whenever feasible be submitted to the NFPA in accordance with the established procedures of the organization. The decision of the office shall be in writing.

Section 6. [7.] Certificate of Acceptability. (1) No manufacturer may manufacture, import, or sell any recreational vehicle in this state [after the effective date of this Act,] unless he has procured a certificate of acceptability from the board. Compliance shall be enforced through KRS 227.992. Recreational vehicles manufactured in this state and designed for delivery to and for sale in a state that has a code that is inconsistent with NFPA 501(C) need not comply with this provision.

(2) Requirements for issuance.

(a) The manufacturer must submit and the office must approve in-plant quality control systems;

(b) An affidavit certifying compliance with the applicable standards must be attached to the application;

(c) A \$400 fee must accompany the application. The fee shall be paid by check or money order and shall be made payable to: Kentucky State Treasurer;

(d) The manufacturer must furnish and maintain with the office proof of general liability insurance to include lot and completed operations insurance in the minimum amount of \$300,000 bodily injury or death for each person, \$400,000 bodily injury or death for each accident, and \$100,000 property damage.

(3) To obtain in-plant quality control approval, a manufacturer shall submit a system for in-plant control pursuant to paragraph (b) of this subsection and submit to inspection by

the office for field certification of satisfactory quality control. Applications for approval of in-plant quality control systems shall contain the following:

(a) A certified copy of the plans and specifications of a model or model-group for electrical, heating, and plumbing systems. All plans shall be submitted on sheets, the minimum possible size of which is eight and one-half (8 1/2) inches by eleven (11) inches, and the maximum possible size of which is twenty-four inches by thirty inches (24" x 30"). The manufacturer shall certify that the aforementioned systems comply with NFPA 501(C).

(b) Also a copy of the procedure which will direct the manufacturer to construct recreational vehicles in accordance with the plans, specifying:

1. Scope and purpose.

2. Receiving and inspection procedure for basic materials.

3. Material storage and stock rotation procedure.

4. Types and frequency of product inspection.

5. Sample of inspection control form used.

6. Responsibility for quality control programs, indicating personnel, their assignments, experience and qualifications.

7. Test equipment.

8. Control of drawings and material specifications.

9. Test procedures.

(4) A unit certification format certifying compliance with the Act and regulations shall be submitted to the office no later than the end of the first week of each month. The unit certification format shall contain the information in the format of Appendix A.

(5) No manufacturer to which a certificate of acceptability has been issued shall modify in any way its manufacturing specifications without prior written approval of the office.

(6) If the manufacturer is also a dealer, he must also comply with dealer licensing provisions.

(7) Should the applicant not conform with these regulations, the applicant shall be so notified in writing by the office within ten (10) working days of the date received. Should the applicant fail to submit a corrected application in accordance with the information supplied on the application correction notice, the application will be deemed abandoned and twenty (20) percent of fees due will be forfeited to the office. Any additional submission shall be processed as new application.

(8) Manufacturers shall notify the office in writing within thirty (30) days of any of the following occurrences:

(a) The corporate name is changed;

(b) The main address of the company is changed;

(c) There is a change in twenty-five (25) percent or more of the ownership interest of the company within a twelve (12) month period;

(d) The location of any manufacturing facility is changed;

(e) A new manufacturing facility is established; or

(f) There are changes in the principal officers of the firm.

(9) Any information relating to building systems or in-plant quality control systems which the manufacturer considers proprietary shall be so designated by him at the time of its submission, and shall be so held by the office,

shall endorse the change of location on the license without charge if it be within the same municipality. A change of location to another municipality shall require a new license.

(6) The dealer must furnish and maintain with the office certification of liability insurance in the minimum amount of \$200,000 bodily injury or death for each person, \$300,000 bodily injury or death for each accident, and \$100,000 property damage.

(7) Periodic reports.

(a) A unit compliance format certifying compliance with the Act and regulations shall be submitted to the field inspector on a monthly basis for "all" units sold. The unit certification format shall contain the information in Appendix B.

(b) Notification of a change in the application information must be made within thirty (30) days of any of the following occurrences:

1. Dealership name is changed;
2. Established place of business is changed;
3. There is a change in twenty-five (25) percent or more of the ownership interest of the dealership within a twelve (12) month period; or
4. There are changes in the principal officers of the firm.

[(8) A license may be denied, suspended or revoked on the following grounds:]

[(a) A showing of insolvency in a court of competent jurisdiction;]

[(b) Material misstatement in application;]

[(c) Willful failure to comply with any provision of the Act or any rule or regulation promulgated by the board under the Act;]

[(d) Willful failure to perform any written agreement with the buyer;]

[(e) Willfully defrauding any buyer;]

[(f) Failure to have or to maintain an established place of business;]

[(g) Failure to furnish or maintain the required liability insurance;]

[(h) Making a fraudulent sale, transaction or repossession;]

[(i) Employment of fraudulent devices, methods, or practices in connection with the requirements under the statutes of this state with respect to the retaking of goods under retail installment contracts and the redemption and resale of such goods;]

[(j) Failure of a dealer to put the title to a recreational vehicle in his name after said dealer has acquired ownership of the recreational vehicle by trade or otherwise; or]

[(k) Violation of any law relating to the sale or financing of recreational vehicles.]

[(9) If a licensee is a firm or corporation, it shall be sufficient cause for the denial, suspension or revocation of a license that any officer, director, or trustee of the firm or corporation, or any member in case of a partnership, has been guilty of any act of omission which would be cause for refusing, suspending, or revoking a license to such party as an individual. Each licensee shall be responsible for any or all of his salesmen while acting as his agent while the said agent is acting within this scope of his authority.]

[(10) Upon proceedings for the suspension of a license for any of the violations enumerated in the Act, the licensee may have the alternative, subject to the approval of the board, to pay in lieu of part or all of the days of any suspension the sum of fifty (50) dollars per

day.]

[(11) Procedure for denial, revocation, or suspension.]

[(a) The office may deny the application for a license within thirty (30) days after receipt thereof by written notice to the applicant, stating the grounds for such denial.]

[(b) No license shall be suspended or revoked by the office except after a hearing thereon. The office shall give the licensee at least thirty (30) days notice of the time and place of hearing and of the charges to be heard.]

[(c) Any dealer who violates or fails to comply with the Act or any rules or regulations promulgated thereunder shall be notified in writing setting forth facts describing the alleged violation, and instructed to correct the violation within twenty (20) days. Should the dealer fail to make the necessary corrections within the specified time, the office may, after notice and hearing, suspend or revoke any license if it finds that:]

[1. The dealer has failed to pay the fees authorized by the Act; or that]

[2. The dealer either knowingly or without the exercise of due care to prevent the same, has violated any provision of the Act or any regulation or order lawfully made pursuant to and within the authority of the Act.]

[(12) Any person aggrieved by any ruling of the office denying, suspending or revoking a license, within fifteen (15) days after such ruling of the office may appeal such ruling to the board herein provided for. Such appeal shall be in writing. The board shall state in writing, officially signed by all members concurring therein, its findings and determination after such hearing and its order in the matter. If the board shall determine that the licensee has willfully or through gross negligence been guilty of a violation of any of the provisions of the Act, his license may be suspended or revoked.]

[(13) Any person aggrieved by any ruling of the board may appeal to the Franklin Circuit Court and to the Court of Appeals in the manner provided for by KRS 281.780 and 281.785.]

Section 9. [10.] Temporary Licenses. (1) Any dealer other than one duly licensed in Kentucky, wishing to show and offer recreational vehicles within the Commonwealth of Kentucky for the express purpose of retailing said units to the general public, shall be required to purchase from the Office of the State Fire Marshal a temporary license. Said license shall not exceed fifteen (15) days duration and the license fee shall be ten (10) dollars for each authorized event.

(2) Applicant shall meet the following requirements before a temporary license is granted:

(a) Be a duly licensed dealer in a state other than Kentucky;

(b) Must furnish to the office proof of liability insurance in the minimum amount of \$50,000 bodily injury or death for each person, \$100,000 bodily injury or death for each accident, and \$25,000 property damage;

(c) Provide satisfactory assurance to the office by way of a physical inspection by an authorized representative of the office, that each new unit the dealer displays, shows or offers for sale, bears a Kentucky class "A" seal of approval. Used units are not permitted to be

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith G. Walden

(1) Type and number of entities affected: Licensed LP Gas distributors.

(a) Direct and indirect costs or savings to those affected: Increase in rate commensurate with increase only for those who had but \$10,000. Most people have the \$100,000 minimum.

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 has no increased or decreased costs; paperwork the same. Simply a matter of recordkeeping.

(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: Local revenues would be unaffected; state revenue increased through insurance surcharge based on premium.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The alternative was to leave statutory minimum or other increases. \$100,000 deemed reasonable for type of business and possible hazards given the highest of insurance.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: KRS 234.160 states a minimum amount of \$10,000 and \$50,000. The department harmonized legislative intent to promulgate regulation to authorize greater restriction.

(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. All businesses engaged in the manufacturer or sale of LP gas presents sufficient hazard to the public to require similar financial security minimums.

PUBLIC PROTECTION & REGULATION CABINET
Department of Housing, Buildings & Construction
Office of State Fire Marshal
(Proposed Amendment)

815 KAR 30:040. Anhydrous ammonia.

RELATES TO: KRS 250.483, 250.484

STATUTORY AUTHORITY: KRS 227.300, 250.483

NECESSITY AND FUNCTION: KRS 250.484 requires that all equipment connected with anhydrous ammonia shall be installed and maintained in conformity with the rules and regulations of the Department. Pursuant to KRS 227.300, the functions, duties and responsibilities vested in the Department of Insurance, concerning anhydrous ammonia were transferred to the Division of Fire Prevention, Department of Housing, Buildings and Construction. This regulation sets forth the safety regulations for the storage and handling of anhydrous ammonia.

This amendment is necessary to satisfy the technical requirements of KRS Chapter 13A.

Section 1. Definition. As used in this regulation unless otherwise provided, the following definition shall be used: "Anhydrous ammonia": as defined by KRS 250.482(3) [means the compound found by the combination of two (2) gaseous elements, nitrogen and hydrogen, in the proportion of one (1) part nitrogen to three (3) parts of hydrogen by volume. Anhydrous ammonia is ammonia gas in compressed or liquefied form, and is not aqueous ammonia].

Section 2. Scope. (1) The minimum standards set forth in Section 3 of this regulation shall [are intended to] apply to the design, construction, location, installation and operation of equipment for storing, handling, transporting by tank truck, tank trailer, and utilizing anhydrous ammonia.

(2) This standard shall [does] not apply to:

(a) Ammonia manufacturing plants.

(b) Refrigeration plants where ammonia is used solely as a refrigerant. [It is suggested that such plants refer to ANSI-B-9-1, Code for Mechanical Refrigeration.]

(c) Ammonia transportation pipelines.

Section 3. Standards. The standards for the design, construction, location, installation and operation of equipment for storing, handling, transporting by tank truck, tank trailer, and utilizing anhydrous ammonia shall be American National Standards Institute (safety regulations for the storage and handling of anhydrous ammonia) ANSI K 61.1-1972, also known as either CGA-G-2.1-1972 or TFI-MO1972, filed herein by reference. This standard represents the consensus of the Compressed Gas Association, Inc., the Fertilizer Institute and other interested parties concerning minimum safety regulations for the storage, transportation and handling of anhydrous ammonia. Copies are available for a fee from American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018.

CHARLES A. COTTON, Commissioner

THEODORE T. COLLEY, Secretary

APPROVED BY AGENCY: April 13, 1989

FILED WITH LRC: April 14, 1989 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation shall be held on May 23, 1989 at 10 a.m. in the office of the Department of Housing, Buildings and Construction, U.S. 127 South, Frankfort, Kentucky. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is received. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: 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 18, 1989, the hearing may be cancelled.

There are no specific reporting requirements or paperwork required as a result of this regulation.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: The extension of the long-term care and home health services moratorium will result in fewer CON applications in these services which will lessen the potential for increased obligation of Kentucky and federal Medicaid dollars that would be used to subsidize eligible new long-term care facility residents and home health service recipients.

1. First year: The moratorium on establishing new long-term care beds and home health services will result in fewer CON applications and prevent an increase in the obligation of state and federal Medicaid dollars that would be used to subsidize eligible new long-term care facility residents or home health service recipients.

2. Continuing costs or savings: There will be no continuing costs or savings beyond the first year.

3. Additional factors increasing or decreasing costs: There are no additional factors increasing or decreasing costs.

(b) Reporting and paperwork requirements: The one-year extension of the long-term care and home health service moratorium will result in fewer CON applications and will not require additional staff time, paper or postage costs, for processing applications.

(3) Assessment of anticipated effect on state and local revenues: The one-year extension of the long-term care and home health service moratorium will result in fewer CON applications being submitted and therefore fewer application fees being paid.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Consideration was given to not extend the long-term care moratorium, however that alternative was rejected because of the increased obligation of state and federal Medicaid dollars that would result.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no statute, administrative regulation, or government policy that will be in conflict, overlapped, or duplicated.

(a) Necessity of proposed regulation if in conflict: There is no regulation in conflict.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: There is no regulation in conflict.

(6) Any additional information or comments: There is no additional information or comments.

TIERING: Was tiering applied? No. The review criteria and standards are applied equally to all entities submitting applications for certificates of need to determine consistency with the State Health Plan.

CABINET FOR HUMAN RESOURCES
Department for Employment Services
Division of Unemployment Insurance
(Proposed Amendment)

903 KAR 5:290. Employer contribution rates.

RELATES TO: KRS 341.270

STATUTORY AUTHORITY: KRS 194.050, 341.270

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, 1988 [1987], was \$333,642,813.27 [251,483,024.34].

(2) There was no outstanding loan from the Federal Unemployment Trust Fund as of December 31, 1988 [1987].

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 B [C] of Table A shall be in effect for calendar year 1989 [1988], because the "trust fund balance" equals or exceeds \$275,000,000 [250,000,000] but is less than \$350,000,000 [275,000,000], on December 31, 1988 [1987]. Rates listed in Schedule B [C] of Table A are listed below.

Employer Reserve Ratio	Rate Schedule
8.0% and over	<u>0.40</u> [0.50]%
7.0% but under 8.0%	<u>0.50</u> [0.60]%
6.0% but under 7.0%	<u>0.60</u> [0.70]%
5.0% but under 6.0%	<u>0.80</u> [1.00]%
4.6% but under 5.0%	<u>1.20</u> [1.40]%
4.2% but under 4.6%	<u>1.50</u> [1.80]%
3.9% but under 4.2%	<u>1.70</u> [2.20]%
3.6% but under 3.9%	<u>1.80</u> [2.40]%
3.2% but under 3.6%	<u>2.10</u> [2.50]%
2.7% but under 3.2%	<u>2.30</u> [2.60]%
2.0% but under 2.7%	<u>2.50</u> [2.70]%
1.3% but under 2.0%	<u>2.60</u> [2.80]%
0.0% but under 1.3%	<u>2.70</u> [2.90]%
-0.5% but under -0.0%	<u>6.75</u> [7.00]%
-1.0% but under -0.5%	<u>7.00</u> [7.25]%
-1.5% but under -1.0%	<u>7.25</u> [7.50]%
-2.0% but under -1.5%	<u>7.50</u> [7.75]%
-3.0% but under -2.0%	<u>7.75</u> [8.00]%
-4.0% but under -3.0%	<u>8.00</u> [8.25]%
-6.0% but under -4.0%	<u>8.50</u> [8.75]%
-8.0% but under -6.0%	<u>8.75</u> [9.00]%
Less than 8.0%	<u>9.25</u> [9.50]%

MARGARET WHITTET, Acting Commissioner
 HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: March 24, 1989

FILED WITH LRC: March 31, 1989 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for May 22, 1989 at 9 a.m. in the Health Services Auditorium, Health Services Building, 1st Floor, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing

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. All determinations regarding whether a child has been deprived of parental support or care by reason of the physical [and/or] mental incapacity of a natural or adoptive parent shall be in conformance with federal regulations found at 45 CFR §233.90(c)(1)(iv) and the criteria set forth in this subsection. Each determination shall be based on a full consideration and assessment of all medical, social, and economic factors involving a particular claimant. Should a verified medical condition exist, then all relevant social and economic factors will be considered to determine whether the parent's condition is the cause of and results in a parent's inability to support or care for the child(ren).

(a) Incapacity exists in each case when the following criteria are met:

1. It is medically determined that one (1) parent has a physical [and/or] mental defect, illness or impairment which was present at the time of application and which has continued or is expected to last for a period of at least thirty (30) calendar days, including a period, if any, in which the claimant is undergoing planned diagnostic studies [and/or] evaluation of rehabilitation potential; and

2. It is determined by nonmedical evaluation that such defect, illness or impairment is of such debilitating nature as to reduce substantially or eliminate the parent's ability to support or care for an otherwise eligible child.

(b) Factors to be considered in making the medical determination shall include:

1. The claimant's medical history and subjective complaints regarding an alleged physical [and/or] mental defect, illness or impairment; and

2. Competent medical testimony relevant to:

a. Whether a physical or mental defect, illness or impairment exists;

b. Whether the defect, illness or impairment is enough to reduce the parent's ability to support or care for a child; and

c. Whether the defect, illness or impairment is likely to last thirty (30) days. The thirty (30) days is not intended to be a "waiting period." Rather, expected duration is substantial and pertinent to causal relationship.

(c) Factors to be considered in making the nonmedical evaluation shall include:

1. The claimant's age, employment history, vocational training, educational background, and subjective complaints regarding the alleged effect of the physical or mental condition on the claimant's [his/her] ability to support or care for the child; and

2. The extent and accessibility of employment opportunities available in the claimant's area of residence.

(d) In determining the extent and accessibility of available employment

opportunities, the limited employment opportunities of handicapped individuals shall be taken into account; and

1. Available printed materials that provide information regarding available employment opportunities shall be researched;

2. The local Department for Employment Service (DES) office shall be contacted regarding accessible employment opportunities within the claimant's area of residence; and

3. The claimant shall be referred, if necessary, for further appraisal of his[/her] abilities.

(e) A written report shall be made of the determination under this subsection.

(f) Each claimant shall be provided timely and adequate notice of and an opportunity for a fair hearing in accordance with federal regulations found at 45 CFR §205.10.

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

(f) Individuals living in a "remote" (non-JET) county:

(g) A parent or caretaker relative of a child under age three (3) who personally provides full-time care of the child with only very brief and infrequent absences from the home. Brief and infrequent absences without considering time traveled to and from work/school are defined as:

1. Employment by the caretaker relative of less than thirty (30) hours per week;

2. Less than full-time school attendance (or for college enrollment) by the caretaker relative;

3. Less than full-time school attendance (or for college enrollment) and less than fifteen (15) hours per week employment by the caretaker relative;

4. Attendance by the child under age three (3) in nursery school;

5. Additional brief and infrequent absences include:

a. Visits by the child under age three (3) 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.

6. 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.

Section 9. [8.] Cooperation in Child Support Enforcement 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 shall [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 10. [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 11. [10.] Furnishing of Social Security Account Numbers. All applicants/recipients must furnish social security account numbers pursuant to 45 CFR 232.10.

Section 12. [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 13. [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.

MIKE ROBINSON, Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: April 11, 1989

FILED WITH LRC: April 14, 1989 at noon

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on May 22, 1989 at 9 a.m. at the Health Services Auditorium. Individuals interested in attending this hearing shall notify this agency in writing by May 17, 1989, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Ryan Halloran, General Counsel, Cabinet for Human Resources,

overpayments of assistance payments.

(11) "Retrospective budgeting" means computing amount of assistance based on actual income and circumstances which existed in the second month prior to the payment month.

(12) "Lump sum income" means income that does not occur on a regular basis, and does not represent accumulated monthly income received in a single sum.

Section 2. Resource Limitations. Real and personal property owned in whole or in part by an applicant or recipient including sanctioned individual(s) and his parent(s), even if the parent(s) is not an applicant or recipient, if the applicant/recipient is a dependent child living in the home of said parent, shall be considered. The amount that can be reserved by each assistance group shall not be in excess of \$1,000 equity value excluding those items specifically listed in subsection (1) of this section as follows:

(1) Excluded resources. The following resources shall be excluded from consideration:

- (a) One (1) owner-occupied home;
- (b) Home furnishings, including all appliances;
- (c) Clothing;
- (d) One (1) motor vehicle, not to exceed \$1,500 equity value;
- (e) Farm machinery, livestock or other inventory, and tools and equipment other than farm, used in a self-employment enterprise;
- (f) Items valued at less than fifty (50) dollars each;
- (g) One (1) burial plot/space per family member;
- (h) Funeral agreements not to exceed maximum equity of \$1,500 per family member;
- (i) Real property which the assistance group is making a good faith effort to sell. This exemption shall not exceed a period of nine (9) months and is contingent upon the assistance group agreeing to repay AFDC benefits received beginning with the first month of the exemption. Any amount of AFDC paid during that period that would not have been paid if the disposal of property had occurred at the beginning of the period is considered an overpayment. The amount of the repayment shall not exceed the net proceeds of the sale. If the property has not been sold within the nine (9) months, or if eligibility stops for any other reason, the entire amount of assistance paid during the nine (9) month period shall be treated as an overpayment;
- (j) Other items/benefits mandated by federal regulations.

(2) Disposition of resources. An applicant/recipient shall not have transferred or otherwise divested himself/herself of property without fair compensation in order to qualify for assistance. If the transfer was made expressly for the purpose of qualifying for assistance and if the uncompensated equity value of the transferred property, when added to total resources, exceeds the resource limitation, the household's application shall be denied, or assistance discontinued. The time period of ineligibility shall be based on the resulting amount of excess resources and begins with the month of transfer. If the amount of excess transferred resources does not exceed \$500, the period of ineligibility shall be one (1) month; the period of ineligibility shall be increased one (1) month for every \$500 increment up to a

maximum of twenty-four (24) months.

Section 3. Income Limitations. In determining eligibility for AFDC the following will apply:

(1) Gross income test. The total gross non-AFDC income of the assistance group, as well as income of parent(s), sanctioned individuals and amount deemed available from the parent(s)/legal guardian(s) of a minor parent/legal guardian living in the home with such assistance group, and amount deemed available from a stepparent(s) living in the home, and amount deemed available from an alien's sponsor and sponsor's spouse if living with the sponsor, shall not exceed the gross income limitation standard. Disregards specified in Section 4(1) of this regulation shall apply. If total gross income exceeds the gross income limitation standard, the assistance group is ineligible.

(2) Applicant eligibility test. If the gross income is below the gross income limitation standard and the assistance group has not received assistance during the four (4) months prior to the month of application, the applicant eligibility test shall be applied. The total gross income after application of exclusions/disregards set forth in Section 4(1) and (2) of this regulation shall be compared to the assistance standard set forth in Section 8 of this regulation. If income exceeds this standard, the assistance group is ineligible. For assistance groups who meet the gross income test but who have received assistance any time during the four (4) months prior to the application month, the applicant eligibility test shall not apply.

(3) Benefit calculation. If the assistance group meets the criteria set forth in subsections (1) and (2) of this section, benefits shall be determined by applying disregards in Section 4(1), (2), and (3) of this regulation. If the assistance group's income, after application of appropriate disregards, exceeds the assistance standard, the assistance group is ineligible. Amount of assistance for the initial two (2) months of eligibility shall be determined prospectively in accordance with 45 CFR 233.34 and for subsequent months retrospectively, in accordance with 45 CFR 233.35.

(4) A period of ineligibility shall be established in accordance with 45 CFR 233.20(a)(3)(ii)(F), for applicants/recipients whose income in the month of application or during any month for which assistance is paid exceeds the limits as set forth in subsections (2) or (3) of this section due to receipt of lump sum income. The ineligibility period shall be recalculated if any of the following circumstances occur:

- (a) The standard of need increases and the amount of grant the assistance group would have received also changes.
- (b) The income received has become unavailable to the assistance group for reasons beyond their control.
- (c) The assistance group incurs and pays medical expenses in accordance with 42 CFR 435.831(C).

Section 4. Excluded/Disregarded Income. All gross non-AFDC income received or anticipated to be received by the assistance group, natural parent(s) and parent(s)/legal guardian(s) of a

of this disregard shall not be applied to an individual after the fourth consecutive month it has been applied to his earned income. The thirty (30) dollar portion of this disregard shall be applied concurrently with the one-third (1/3) disregard, however, it shall be extended for an additional eight (8) months following the four (4) months referenced in the preceding sentence. These disregards shall be applied in accordance with 45 CFR 233.20(a)(11)(i)(D) and 45 CFR 233.20(a)(11)(ii)(B) and shall not be available to the individual until he/she has not been a recipient for twelve (12) consecutive months; and

(c) Earnings of a child in full-time school attendance or earnings of a child in part-time school attendance, if not working full-time.

(4) Exceptions. Disregards from earnings in subsections (2)(c) and (d) and (3)(b) of this section shall not apply for any month in which the individual:

(a) Reduces, terminates, or refuses to accept employment within the period of thirty (30) days preceding such month, unless good cause exists as follows:

1. The individual is unable to engage in such employment or training for mental or physical reasons; or

2. The individual has no way to get to and from the work site or the site is so far removed from the home that commuting time would exceed three (3) hours per day; or

3. Working conditions at such job or training would be a risk to the individual's health or safety; or

4. A bona fide offer of employment at a minimum wage customary for such work in the community was not made; or

5. Effective February 1, 1988, the child care arrangement is terminated through no fault of the client; or

6. Effective February 1, 1988, the available child care does not meet the needs of the child(ren), e.g., handicapped or retarded children.

(b) Fails to make a timely report of earnings unless good cause exists as follows:

1. The assistance group moved and reported the move timely, however, the move resulted in a delay in receiving or failure to receive the mandatory monthly report form; or

2. An immediate family member living in the home was institutionalized or died during the filing period; or

3. The specified relative was out of town during the entire filing period; or

4. The assistance group has been directly affected by a natural disaster (i.e., fire, flood, storm, earthquake).

(c) Requests assistance be terminated for the primary purpose of evading the four (4) month limitation on the deduction in subsection (3)(b) of this section.

(5) Sanction exception. The earned income of sanctioned individuals shall be counted without providing the exclusion/disregards in either subsections (2) and (3) of this section.

Section 5. Income and Resources. Income and resources of a stepparent living in the home with a dependent child and parent(s)/legal guardian(s) living in the home with a minor parent/legal guardian but whose needs are not included in the grant are considered as follows:

(1) Income. The gross income is considered

available to the assistance group, subject to the following exclusions/disregards:

(a) The first seventy-five (75) dollars of the gross earned income;

(b) An amount equal to the AFDC assistance standard for the appropriate family size, for the support of the stepparent or parent(s)/legal guardian(s) of a minor parent/legal guardian and any other individuals living in the home but whose needs are not taken into consideration in the AFDC eligibility determination and are or may be claimed by the stepparent or parent(s)/legal guardian(s) of a minor parent/legal guardian as dependents for purposes of determining his federal personal income tax liability;

(c) Any amount actually paid by the stepparent or parent(s)/legal guardian(s) of a minor parent/legal guardian to individuals not living in the home who are or may be claimed by him as dependents for purposes of determining his/her personal income tax liability;

(d) Payments by the stepparent and parent(s)/legal guardian(s) of a minor parent/legal guardian for alimony or child support with respect to individuals not living in the household; and

(e) Income of a stepparent and parent(s)/legal guardian(s) of a minor parent/legal guardian receiving Supplemental Security Income (SSI) under Title XVI.

(2) Sanction exception. The needs of any sanctioned individual are not eligible for the exclusion(s) listed in this section.

(3) Resources. Resources which belong solely to the stepparent and parent(s)/legal guardian(s) of a minor parent/legal guardian are not considered in determining eligibility of the parent or the assistance group.

Section 6. Alien Income and Resources. For the purposes of this section the alien's sponsor and sponsor's spouse (if living with the sponsor) shall be referred to as sponsor. The gross non-AFDC income and resources of an alien's sponsor shall be deemed available to the alien(s), subject to disregards as set forth below, for a period of three (3) years following entry into the United States. If an individual is sponsoring two (2) or more aliens, the income and resources shall be prorated among the sponsored aliens. A sponsored alien is ineligible for any month in which adequate information on the sponsor/sponsor's spouse is not provided. If an alien is sponsored by an agency or organization, which has executed an affidavit of support, that alien is ineligible for benefits for a period of three (3) years from date of entry into the United States, unless it is determined that the sponsoring agency or organization is no longer in existence or does not have the financial ability to meet the alien's needs. The provisions of this section shall not apply to those aliens identified in 45 CFR 233.51(e).

(1) Income. The gross income of the sponsor is considered available to the assistance group subject to the following disregards:

(a) Twenty (20) percent of the total monthly gross earned income, not to exceed \$175;

(b) An amount equal to the AFDC assistance standard for the appropriate family size of the sponsor and other persons living in the household who are or may be claimed by the sponsor as dependents in determining his federal

Type of Program	Maximums
Vocational School	24 months
College/University	50 months

Effective May 1, 1989, if a student changes enrollment from full time to part time or from part time to full time during the month, payment shall be authorized for the type of enrollment in which the student participated for the majority of the month.

Section 10. Recoupment. The following provisions are effective for all overpayments discovered on or after April 1, 1982, regardless of when the overpayment occurred.

(1) Necessary action will be taken promptly to correct and recoup any overpayments.

(2) Overpayments, including assistance paid pending hearing decisions, shall be recovered:

(a) The overpaid assistance unit;

(b) Any assistance unit of which a member of the overpaid assistance unit has subsequently become a member; or

(c) Any individual member of the overpaid assistance unit whether or not currently a recipient.

(3) Overpayments shall be recovered through:

(a) Repayment by the individual to the cabinet; or

(b) Reduction of future AFDC benefits, which shall result in the assistance group retaining, for the payment month, family income and liquid resources of not less than ninety (90) percent of the amount of assistance paid to a like size family with no income in accordance with Section 8; or

(c) Civil action in the court of appropriate jurisdiction.

(4) Overpayments may be waived for inactive nonfraud cases involving less than thirty-five (35) dollars in overpayment.

(5) In cases which have both an overpayment and an underpayment, the cabinet shall offset one against the other in correcting the payment to current recipients.

(6) Neither reduction in future benefits nor civil action shall be taken except after notice and an opportunity for a fair hearing is given and the administrative and judicial remedies have been exhausted or abandoned in accordance with Title 904, Chapter 2.

Section 11. Provisions contained in this regulation shall become effective as [October 1, 1988 unless otherwise] specified within the regulation.

MIKE ROBINSON, Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: April 12, 1989

FILED WITH LRC: April 14, 1989 at noon

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on May 22, 1989 at 9 a.m. at the Health Services Auditorium. Individuals interested in attending this hearing shall notify this agency in writing by May 17, 1989, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a

written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: James E. Randall, Director

(1) Type and number of entities affected: 10 cases will be affected by the change in disregarding loans. The 1980 census shows the total population of Japanese as 1,170 and Aleuts 39. With ratable reduction, 5,100 cases are expected the first year, with approximately another 5,100 the second year. In the PACE Program, only 13 AFDC families will be 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: Direct costs.

1. First year: \$7,342,800 is the direct cost for the five percent AFDC increases. For ratable reduction, direct costs are \$5,800,000; indirect costs \$1,000,000.

2. Continuing costs or savings: \$7,500,000 is the cost for the five percent AFDC increases. For ratable reduction, \$13,000,000 is estimated to be the continuing cost.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

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

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

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

(a) Necessity of proposed regulation if in conflict:

(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. Eligibility conditions for AFDC must be applied on a consistent and equitable basis throughout the state in accordance with federal regulations at 45 CFR 233.10(a)(1).

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 45 CFR 201.1.

2. State compliance standards. The amendment includes provisions as mandated in 88 House Bill 381.

3. Minimum or uniform standards contained in the federal mandate. None

4. Will this administrative regulation impose stricter requirements, or additional or

Section 8. Corrective Action. If after a review of the case record, but prior to scheduling a hearing, the hearing officer determines that action taken or proposed to be taken, is incorrect, he/[she] shall authorize corrective action in the form of assistance to which the applicant or recipient would have been entitled but for the incorrect decision or, for proposed action, authorize continuing assistance. The applicant/recipient shall be then given the opportunity to withdraw the hearing request, but notwithstanding the corrective action, the hearing shall be scheduled if the applicant/recipient wishes to pursue the request.

Section 9. Conduct of a Hearing. (1) The hearing shall be conducted by a hearing officer whose impartiality is assured in that he/[she] shall not have been involved in the initial determination on the issue, or, to the extent possible, in previous hearings in behalf of the applicant/recipient. In addition a hearing officer may disqualify himself/[herself] due to personal knowledge of circumstances of the applicant/recipient. The applicant/recipient may challenge the hearing officer by presentation of factual evidence that the impartiality criteria is not met. The hearing shall be conducted where the applicant/recipient may attend without undue inconvenience.

(2) The applicant/recipient, his/[her] representative and any other party to the hearing may present such evidence as shall be pertinent to the issue on which the adverse action was, or is proposed to be, taken, advance any arguments without undue interference.

(3) The hearing officer shall, if necessary to secure full information on the issue, examine each party who appears and his/[her] witnesses. The hearing officer may take any additional evidence which he/[she] deems necessary; but if additional evidence is taken, all interested parties shall be afforded the opportunity of examining or rebutting such additional evidence.

(4) The parties to the hearing, with the consent of the hearing officer, may stipulate the facts involved, in writing. The hearing may be decided on the basis of such stipulation or the hearing officer may schedule a hearing and take such additional evidence as is deemed necessary.

(5) All hearings shall be conducted informally and in such a manner as to determine the substantial rights of the parties. Telephonic hearings may be conducted including all of the parties and their witnesses who shall testify under oath or affirmation. All facts relevant to the issue appealed shall be considered and passed upon:

(a) Parties to a telephonic hearing who wish to introduce documents or written materials into the record at the hearing shall immediately mail copies of such documents to the hearing officer and to the opposing party.

(b) Failure to provide both the hearing officer and the opposing party with copies of evidence referenced in paragraph (a) of this subsection may result in its being excluded from the record.

(6) Subpoenas may be issued by the hearing officer to compel attendance of any witness or the production of records except that subpoenas requested by the applicant/recipient shall be issued only on a sworn statement of need

[thereof] by the applicant/recipient.

(7) The hearing officer may [in his/her discretion,] direct or grant a continuance of a hearing [in order] to secure necessary evidence.

Section 10. The Decision. After the hearing is concluded, the hearing officer shall set forth in writing his/[her] finding of facts and issues, specifying the reasons for the decision and identifying the supporting evidence and regulations. A copy of the decision shall be mailed to the applicant/recipient and his/[her] representative. The decision, with respect to the issues considered, shall be final unless further appeal to the appeal board is initiated under KRS 205.231(4) within twenty (20) days from the date of mailing of the decision.

Section 11. Appeal from Decision of Hearing Officer. Any applicant/recipient or his/[her] authorized representative wishing to appeal the decision of a hearing officer may do so by filing an appeal to an appeal board appointed in accordance with KRS 205.231(3). To be timely, such request shall [must] be received in a local office or the central office of the Department for Social Insurance within twenty (20) days of the date on which the hearing officer's decision was mailed, except that a request received within thirty (30) days of the hearing officer's decision will be considered timely if the criteria in Section 3 of this regulation is met. The request shall be filed in writing or orally, later reduced to writing, and shall be considered filed on the day it is received.

Section 12. Applicant's or Recipient's Rights Prior to Appeal Board Consideration. All appeals shall be acknowledged in writing to the applicant/recipient and his/[her] authorized representative. The acknowledgment shall offer the opportunity to file briefs or submit new and additional proof and shall state the tentative date on which the board will consider the appeal.

Section 13. Appeal Board Review. All appeals to the appeal board shall be considered upon the records of the department and the evidence or exhibits introduced before the hearing officer unless the applicant/recipient specifically requests permission to file additional proof. When an appeal is being considered on the record, the parties may, if they desire, present written arguments and at the board's discretion be allowed to present oral arguments. In addition, the appeal board may direct the taking of additional evidence before it, if needed, [in order] to resolve the appeal. Such evidence shall be taken by the board after seven (7) days notice to the parties giving the parties the opportunity to object to introduction of additional evidence or to rebut or refute any additional evidence.

Section 14. The Appeal Board Decision. The decision of the appeal board, duly signed by members of the board, shall set forth in writing the facts on which the decision is based and shall be irrevocable in respect to the issues in the individual case unless set aside through the judicial review process as provided in KRS 205.234.

Section 15. Payments of Assistance. Payments of assistance to carry out decisions of hearing

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: (\$50 - \$100 per case).

1. First year: Increase in savings due to telephonic hearings, more effective handling of administrative details (offset by initial cost of installation of telephone equipment).

2. Continuing costs or savings: As we progress, savings should increase as use of telephonic hearings increase.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: No change from present reporting requirements.

(3) Assessment of anticipated effect on state and local revenues: State and local revenues will not be effected by the hearing process.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives were rejected, both face-to-face hearings and telephonic hearings will take place.

(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.
 Theoretically, every case may be a telephonic hearing, but the option may not be used in all instances.

CABINET FOR HUMAN RESOURCES
 Department for Social Insurance
 Division of Management & Development
 (Proposed Amendment)

904 KAR 3:060. Administrative disqualification hearings and penalties.

RELATES TO: KRS 194.050

STATUTORY AUTHORITY: KRS 194.050, 7 CFR Part 270 through 280

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 procedures used by the cabinet to determine when an act of intentional program violation has occurred and appropriate penalties which shall be applied.

Section 1. Administrative Disqualification Hearings. An administrative disqualification hearing shall be initiated by the cabinet whenever it has documented evidence to prove that a household member has committed an act of intentional program violation. An administrative disqualification hearing may be initiated regardless of the current eligibility of the individual. For purposes of determining if an act of intentional program violation, as defined in 7 CFR 273.16(c), has been committed, the act shall consist of having intentionally:

- (1) Made a false or misleading statement, or misrepresented, concealed, or withheld facts; or
- (2) Committed any act that constitutes a violation of the Food Stamp Act, the food stamp regulations, or any state statute relating to the use, presentation, transfer, acquisition, receipt, or possession of food stamp coupons or ATP's.

Section 2. Disqualification Hearing Procedures. The cabinet shall provide state level administrative disqualification hearings in accordance with 7 CFR 273.16(e) which shall be heard by the fair hearing officials. Hearings shall be conducted by an impartial official(s) who did not have any personal stake or involvement in the case, who was not directly involved in the initial determination that the household member had committed intentional program violation, and was not the immediate supervisor of the case worker who took the action.

(1) The powers and duties of the hearing official shall be the same as those specified in 904 KAR 3:070, Section 12.

(2) The household's rights during the hearing shall be the same as those specified in 904 KAR 3:070, Section 13.

(3) The hearing decision shall comply with provisions specified in 904 KAR 3:070, Section 14(1).

(4) At the hearing, the hearing official shall advise the household member or representative that they may refuse to answer questions during the hearing.

(5) Within ninety (90) days of the date the household member is notified in writing that a hearing has been scheduled, the cabinet shall conduct the hearing, arrive at a decision and notify the household member of the decision. The household member or representative is entitled to one (1) postponement not to exceed thirty (30) days, provided that the request is made at least ten (10) days in advance of the date of the scheduled hearing. If a hearing is postponed, the above time limits shall be extended for as many days as the hearing is postponed.

Section 3. Advance Notice of Disqualification Hearing. The cabinet shall provide written notice to the household member suspected of intentional program violation at least thirty (30) days in advance of the date a hearing initiated by the cabinet has been scheduled. The notice shall be sent certified mail - addressee only - return receipt requested and shall contain:

- (1) The date, time, and place of the hearing;
- (2) The charge(s) against the household member;
- (3) A summary of the evidence, and how and where the evidence may be examined;
- (4) A warning that the decision shall be based solely on information provided by the Food Stamp Office if the household member fails to appear at the hearing;
- (5) A statement that the household member or representative shall have ten (10) days from the date of the scheduled hearing to present good cause for failure to appear;
- (6) A warning that a determination of intentional program violation shall result in a six (6) month disqualification for the first violation, a twelve (12) month disqualification for a second violation, and permanent

273.16(h).

Section 10. Intentional Program Violation Disqualification Penalties. Individuals found through an administrative disqualification hearing to have committed an intentional program violation, or individuals who have signed a waiver of right to an administrative disqualification hearing, or individuals who have signed a disqualification consent agreement, or individuals found guilty by a court of appropriate jurisdiction shall be ineligible to participate for six (6) months for the first violation, twelve (12) months for the second violation, or permanently for the third violation. The disqualification period for a nonparticipant shall be deferred until such time as he applies for and is determined eligible for program benefits. Once a disqualification period is imposed, it shall continue uninterrupted, regardless of any subsequent determinations of eligibility/ineligibility of the disqualified member's household. Court ordered disqualifications may be imposed separate and apart from any action taken by the cabinet. In cases where the determination of intentional program violation is reversed by a court, the cabinet shall reinstate the individual, if eligible, and restore any benefits that were lost as a result of the disqualification. Individuals found guilty of intentional program violation by a court of appropriate jurisdiction shall be disqualified for the period of time specified by that court. If the court fails to specify or address a disqualification period for the intentional program violation, the cabinet shall impose a disqualification period consistent with the time periods set forth in this section and in accordance with 7 CFR 273.16(g)(2). The cabinet shall disqualify only the individual convicted of intentional program violation and not the entire household. The remaining household members shall agree to make restitution within thirty (30) days of the date the cabinet's demand letter is mailed, in accordance with established procedures for cash or coupon repayment. If the household does not agree to make restitution or after having agreed to make restitution fails to do so, allotment reduction shall be imposed on the household's monthly allotment. The cabinet shall inform the household in writing of the disqualification penalties for committing intentional program violation at each time it applies for benefits.

Section 11. Appeal Rights of the Household. No further administrative appeal procedure exists after an administrative disqualification hearing finds that an intentional program violation was committed or an individual has waived his right to an administrative disqualification hearing. The determination of intentional program violation made by a disqualification hearing official shall not be reversed by a subsequent fair hearing decision. The household member, however, is entitled to seek relief in a court having appropriate jurisdiction. The period of disqualification may be subject to stay by a court of appropriate jurisdiction or other injunctive remedy.

Section 12. The provisions contained in this regulation shall become effective, in accordance with 272.1(g), July 1, 1989 [September 1, 1988].

MIKE ROBINSON, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: April 11, 1989

FILED WITH LRC: April 14, 1989 at noon
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on May 22, 1989 at 9 a.m. at the Health Services Auditorium. Individuals interested in attending this hearing shall notify this agency in writing by May 17, 1989, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: James E. Randall, Director
(1) Type and number of entities affected: 31 hearing cases relating to Food Stamps (5 percent of 622 food stamp cases in FFY 87-88 is the figure projected to be affected by telephonic hearings in the first year.)

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

1. First year: Savings for affected recipients on transportation, babysitting, and related expenses estimated \$20 - \$50 per case.

2. Continuing costs or savings: The above savings would continue for additional case situations as telephonic hearings increase.

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: (\$50 - \$100 per case.)

1. First year: Small increase in savings due to more effective handling of administrative details (this savings is offset by the initial installation cost of extensive telephone equipment).

2. Continuing costs or savings: As we progress savings should increase as use of telephonic hearings increase.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: No change from the present reporting requirement.

(3) Assessment of anticipated effect on state and local revenues: State and local revenues will not be effected by the hearing process.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternative methods were rejected. The only alternatives are face-to-face hearings and telephonic hearings, and both will be utilized.

(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

addition, at any time within a certification period a household may request a fair hearing to dispute its current level of benefits.

Section 8. The Cabinet's Responsibilities on Hearing Request. A request for a hearing is defined as a clear expression, oral or written, by the household or its representative to the effect that it wishes to appeal a decision or that an opportunity to present its case to a higher authority is desired. If it is unclear from the household's request what action it wishes to appeal, the cabinet may request the household to clarify its grievance. The freedom to make a request for a hearing shall not be limited or interfered with in any way.

(1) Upon request, the cabinet shall make available, without charge, the specific materials necessary for a household or its representative to determine whether a hearing should be requested or to prepare for a hearing. Upon request, the cabinet shall also help a household with its hearing request. If a household makes an oral request for a hearing, the cabinet shall complete the procedures necessary to start the hearing process. Households shall be advised of any legal services available that can provide representation at the hearing.

(2) The cabinet shall expedite hearing requests from households, such as migrant farmworkers, that plan to move from the jurisdiction of the hearing official before the hearing decision shall [would] normally be reached. Hearing requests from these households shall be processed faster than others if necessary to enable them to receive a decision and restoration of benefits, if the decision so indicates, before they leave the area.

Section 9. Denial or Dismissal of a Fair Hearing Request. The cabinet shall not deny or dismiss a request for a hearing unless:

(1) The request is not received within the time period specified in Section 7 of this regulation.

(2) The client or his/[her] representative withdraws in writing a request for a hearing at any time prior to the release of the hearing officer's decision.

(3) The household or its representative fails to appear to the scheduled hearing without good cause, as defined below:

(a) The household member was away from home during the entire filing period; or

(b) The household member is unable to read or to comprehend the notice; or

(c) The household member moved and a delay resulted in receiving inadequate notice; or

(d) Serious illness of a household member; or

(e) The delay was no fault of a household member; or

(f) The household member did not receive the notice.

Section 10. Continuation of Benefits. Households which request a fair hearing within the period provided on the notice of adverse action shall be allowed to continue participation in the program on the basis authorized immediately prior to notice of adverse action if [provided] its certification period has not expired unless the household specifically waives continuation of benefits. If the adverse notice period ends on a weekend or

holiday, and a request for a fair hearing and continuation of benefits is received the day after the weekend or holiday, the state agency shall consider the request timely received. If the household fails to request a hearing within the notice period for good cause, benefits shall be reinstated on the prior basis. When benefits are reduced or terminated due to a mass change, participation on the prior basis shall be reinstated only if the issue is that food stamp eligibility or benefits were improperly computed or that federal law or regulation is being misapplied or misinterpreted by the cabinet. Once continued or reinstated, benefits shall not be reduced or terminated prior to the receipt of the official hearing decision unless:

(1) The certification expires. The household may reapply and may be determined eligible for a new certification period with a benefit amount as determined by the cabinet; or

(2) The hearing officer makes a preliminary determination in writing and at the hearing, that the sole issue is one of federal law or regulation and no question of fact is involved; or

(3) A change affecting the household's eligibility or basis of issuance occurs while the hearing decision is pending and the household fails to request a hearing after the subsequent notice of adverse action; or

(4) A mass change affecting the household's eligibility or basis of issuance occurs while the hearing decision is pending; or

(5) The household or representative fails to appear at the hearing without good cause. Attendance is not required at a group hearing.

Section 11. Notification of Time and Place of Hearing. The time, date and place of the hearing shall be arranged so that the hearing is accessible to the household. At least ten (10) days prior to the hearing, advance written notice shall be provided to all parties involved to permit adequate preparation of the case. However, the household may request less advance notice to expedite the scheduling of the hearing. The notice shall:

(1) Advise the household or representative of the name, address, and phone number of the person to notify if [in the event] it is not possible for the household to attend the scheduled hearing.

(2) Specify that the cabinet shall [will] dismiss the hearing request if the household or its representative fails to appear for the hearing without good cause.

(3) Include the cabinet's procedures and any other information that [would] provides the household with an understanding of the proceedings and that [would] contributes to the effective presentation of the household's case.

(4) Explain that the household or representative may examine the case file prior to the hearing.

Section 12. Hearing Official. The cabinet shall designate a hearing official who does not have any personal stake or involvement in the case; was not directly involved in the initial determination of the action which is being contested; was not the immediate supervisor of the case worker who took the action and is an employee of the cabinet. The power and duties of the hearing official shall be as follows:

(1) Administer oaths or affirmations;

by May 17, 1989, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: James E. Randall, Director

(1) Type and number of entities affected: 31 hearing cases relating to Food Stamps (5 percent of 622 food stamp cases in FFY 87-88 is the figure projected to be affected by telephonic hearings in the first year.)

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

1. First year: Savings for affected clients on transportation, babysitting, and related expenses estimated \$20 - \$50 per case.

2. Continuing costs or savings: The above savings would continue for additional case situations as telephonic hearings increase.

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: (\$50 - \$100 per case).

1. First year: Small increase in savings due to more effective handling of administrative details (this savings is offset by the initial installation cost of extensive telephone equipment).

2. Continuing costs or savings: As we progress savings should increase as use of telephonic hearings increase.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: No change from the present reporting requirement.

(3) Assessment of anticipated effect on state and local revenues: State and local revenues will not be affected by the hearing process.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternative methods were rejected. The only alternatives are face-to-face hearings and telephonic hearings, and both will be utilized.

(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. Theoretically, every case may be a telephonic hearing, but the option may not be used in all instances.

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services
(Proposed Amendment)

907 KAR 1:019. Pharmacy services.

RELATES TO: KRS 205.520
STATUTORY AUTHORITY: KRS 194.050,
205.560(1)(a), (b), (c)

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance under Title XIX of the Social Security Act. KRS 205.520 empowers the cabinet, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to pharmacy services for which payment shall be made by the Medical Assistance Program in behalf of both the categorically needy and medically needy.

Section 1. "Drug manufacturer or distributor" means those companies which the KMAP requests to provide directly to the KMAP pricing or cost information which will be used in establishing the estimated acquisition cost upper limit as required by federal regulations.

Section 2. [1.] Prescribed Drugs. Drugs prescribed by a physician, osteopath, or dentist in accordance with 907 KAR 1:020 shall be provided with the following limitations:

(1) The drug must be included on the Kentucky Medical Assistance Program Outpatient Drug List (as published by the Cabinet for Human Resources);

(2) Prescribing quantities may be limited by the program;

(3) Patients placed in "lock-in" status due to overutilization are to receive services only from their lock-in provider except in the case of emergency or referral;

(4) Practitioner authorization, i.e., actual signature of the prescriber, shall be required on all prescriptions not phoned in, on all Schedule II controlled substances prescriptions, and when the physician override (certification of brand name necessity) procedure is being used. For telephone prescriptions (but not including the preceding) the pharmacist shall enter on the prescription form the name of the prescriber and the initials of the pharmacist;

(5) No prescription shall be refilled more than five (5) times, or more than six (6) months after the original prescription is written;

(6) Drugs, provided to recipients in institutions in which drugs are considered a part of the reasonable allowable costs under the Kentucky Medical Assistance Program, shall not be billed as an outpatient pharmacy benefit;

(7) Effective May 1, 1975, legend drugs, of a type not included on the Kentucky Medical Assistance Program Outpatient Drug List, and which meet established criteria, shall be considered covered when preauthorized by qualified medical professionals within the Department for Medicaid Services.

Section 3. [2.] Drug Pricing Information. Drug manufacturers and distributors shall be required to provide the Medical Assistance Program with accurate and complete pricing and/or cost information with regard to the drug manufacturer

the drugs contained therein, the limits specified in subsection (1) of this section are applicable;

(b) For drugs not on the drug list, the maximum reimbursement shall be the same as set forth in subsection (1)(a) through (c) of this section. EAC's shall be determined in the same manner as for drugs included on the outpatient drug list. SNF/ICF facilities shall not impose an additional charge on medicaid eligible recipients for drugs because of the limitations set forth in Section 1(2) of this regulation;

(c) A packaging cost allowance of not more than six (6) cents per dose may be added to the drug cost (if not already included) for unit dose packaged drugs. The packaging cost (up to six (6) cents, plus the drug cost is added to the dispensing fee to determine the total reimbursement amount for a unit dose packaged prescription;

(d) There shall be no more than two (2) dispensing fees allowed per drug within a thirty (30) day period, except for Schedules II, III, and IV controlled substances and for nonsolid dosage forms, including topical medication preparations, for which no more than four (4) dispensing fees per drug will be paid within a thirty (30) day period. Though dispensing fees are limited, this shall not be construed as placing a limit on the quantity of reimbursable drugs for which the program will pay for any patient, since the reasonable cost of the drug (as defined herein) is reimbursable as a covered service in whatever quantity is considered medically necessary for the patient. Nonsolid dosage forms include all covered drug items other than oral tablets or capsule forms. Drug items or other related supplies purchased for routine use and which may be purchased without a prescription, including food supplements, are not reimbursable in SNFs or ICFs under the drug program, though the cost of such drug, supply item or food supplement, is an allowable cost for the facility with the cost computed in accordance with the state regulation covering medicaid reimbursement for the facility;

(e) Whenever possible, unused drugs paid for by the department shall be returned to the pharmacy with the credit for the cost of the drug and the unit dose packaging cost (if applicable) accruing to the department as an offset against allowable ancillary cost; and

(f) Interim payments made to participating facilities for allowable drug costs shall be settled at actual allowable costs computed in accordance with the upper limits shown herein at the end of the facilities' fiscal year.

(3) Reimbursement to hospitals for drugs provided to eligible recipients is on the basis of reasonable cost pursuant to 907 KAR 1:013.

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

Section 3. Dispensing Fees. Effective July 1, 1984, the dispensing fee shall be no more than

three (3) dollars and twenty-five (25) cents per prescription for drugs reimbursed through the outpatient drug program, as shown in Section 1(1) of this regulation, where the covered drugs are limited to those contained on the Kentucky Medical Assistance Program Outpatient Drug List. The allowable dispensing fee shall be no more than three (3) dollars and twenty-five (25) cents (except for the additional amount for unit dose packaging as shown in Section 1(2)(c) of this regulation) for drugs reimbursed as part of the covered services of skilled nursing and intermediate care facilities, as shown in Section 1(2) of this regulation.

Section 4. Reimbursement to Dispensing Physicians. Participating dispensing physicians who practice in counties where no pharmacies are located are reimbursed for the cost of the drug only, with the cost computed as the maximum allowable cost or estimated acquisition cost as shown in Section 1(1) of this regulation, or the physician's usual and customary charge to the general public for the drug if less, or in accordance with 907 KAR 1:010 for drugs purchased on the open market for specified immunizations shown in 907 KAR 1:009.

[Section 5. Implementation. The provisions of this regulation as amended shall be effective with regard to services provided on or after October 1, 1988.]

ROY BUTLER, Commissioner
HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: March 29, 1989

FILED WITH LRC: April 10, 1989 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on May 22, 1989 at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by May 17, 1989, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Roy Butler

(1) Type and number of entities affected: All pharmacies participating in the Medicaid program.

(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

PROPOSED REGULATIONS RECEIVED THROUGH APRIL 15, 1989

FINANCE AND ADMINISTRATION CABINET
Department For Facilities Management

200 KAR 6:021. Relocation assistance payments and services of the Finance and Administration Cabinet.

RELATES TO: KRS 56.610 to 56.760, 49 CFR Part 24

STATUTORY AUTHORITY: KRS 56.690, 49 CFR Part 24
 NECESSITY AND FUNCTION: The Finance and Administration Cabinet is required to adopt administrative regulations and procedures to implement the provisions of KRS 56.610 to 56.760, providing for uniform relocation assistance services and compensation to persons displaced by the land acquisition programs of the Commonwealth of Kentucky, except for acquisitions by the Transportation Cabinet. This regulation adopts the federal regulations relating to uniform relocation assistance that are set forth in 49 CFR Part 24, and repeals Finance and Administration Cabinet regulation, 200 KAR 6:020, pertaining to relocation assistance.

Section 1. The Finance and Administration Cabinet through its Division of Real Properties, shall administer the relocation assistance programs for all executive agencies of state government in accordance with the federal regulations relating to uniform relocation assistance that are set forth in 49 CFR Part 24, Subparts A, B, C, D, E, F and G, and Appendix A and B to Part 24, which were effective March 2, 1989, and are hereby adopted without change by the Finance and Administration Cabinet.

Section 2. 200 KAR 6:020 is hereby repealed.

L. ROGERS WELLS, JR., Secretary

APPROVED BY AGENCY: March 30, 1989

FILED WITH LRC: March 30, 1989 at 4 p.m.

PUBLIC HEARING: A public comment hearing on this administrative regulation will be held on May 22, 1989 at 10 a.m., local prevailing time in the Fourth Floor Hearing Room of the State Office Building. The State Office Building is located on the corner of High and Clinton Streets, Frankfort, Kentucky. Any person who intends to attend this hearing must in writing by May 17, 1989 so notify this agency. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public comment hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the administrative regulation. If the hearing is cancelled, written comments will only be accepted until May 17, 1989. Send written notification of intent to attend the public hearing or written comments on the administrative regulation to: Warren O. Nash, III, Attorney, Finance and Administration Cabinet, Room 314, Capitol Annex Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Warren O. Nash, III

(1) Type and number of entities affected: All state agencies within the Executive Branch, except the Transportation Cabinet.

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

1. First year: State agencies undertaking federally assisted projects will incur increased costs for the relocation of individuals and businesses displaced by virtue of the project. The increased costs result from an increase in amounts payable to eligible individuals and businesses for replacement housing, rental, and moving expenses under the federal relocation assistance guidelines.

2. Continuing costs or savings: Same

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

(b) Reporting and paperwork requirements: State agencies should not incur any additional reporting or paperwork requirements since under this regulation all relocation assistance programs are administered by the Division of Real Properties, Finance and Administration Cabinet.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None, except for incidental administrative costs which may be incurred by the Division of Real Properties in the administration of the relocation assistance program, however, such costs are not expected to have significant budgetary impact upon the Finance and Administration Cabinet.

1. First year: See 2(a).

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

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: No significant increase or reduction in paperwork and reporting requirements.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: No feasible alternative. The promulgation of regulations for the fair and equitable payment of benefits is mandated by KRS 56.690, and adoption of the federal regulatory scheme insures consistency with federal relocation assistance guidelines, and permits state agencies to continue to enjoy the benefits of federal assistance in their programs and projects.

(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, see above.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable, see above.

(6) Any additional information or comments: None

TIERING: Was tiering applied? Yes.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting

Section 1. Definitions. (1) "Licensed taxidermist" means any person, partnership, firm or corporation that engages in the business and accepts remuneration for the mounting of skins or other inedible wildlife parts or wildlife and who holds a license under the provisions of KRS Chapter 150.175.

(2) "Federally protected wildlife" means any federal threatened or endangered species and any native migratory bird.

(3) "Mounting" means to arrange processed wildlife for the purpose of display.

Section 2. Licenses Required. (1) Any person, partnership, firm or corporation engaged in the business and accepting remuneration for mounting skins or other inedible parts of wildlife shall possess a taxidermist license. Such licenses are available by writing: Division of Fiscal Control, Department of Fish and Wildlife Resources, #1 Game Farm Road, Frankfort, Kentucky 40601. The license shall be openly displayed at the place of business and shall be open, along with all records pertaining to the business and all wildlife specimens or wildlife parts, to inspection during normal business hours by any properly authorized agent of the department.

(2) Individuals or businesses engaged in the selling of garments or manufactured products comprised of legally taken processed wildlife are not required to possess a license from the Department of Fish and Wildlife Resources.

(3) In addition to the appropriate state license, all taxidermists who mount federally protected species must have a federal taxidermist license. Federal permit application information is available by writing: U.S. Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 4839, Atlanta, Georgia 30302.

Section 3. Labeling Requirements. All licensed taxidermists shall keep records of the name, address and phone number of the owner and the date killed of all wildlife or wildlife parts in their possession and shall tag each specimen or part to identify its owner. Inedible parts of wildlife so tagged may be possessed year round by a licensed taxidermist.

Section 4. 301 KAR 4:040, Sale of abandoned mounts, and 301 KAR 4:080, Taxidermy requirements, are hereby repealed.

DON R. McCORMICK, Commissioner
 MARY RAY OAKEN, Secretary
 DAVID GODBY, Chairman

APPROVED BY AGENCY: March 6, 1989

FILED WITH LRC: April 14, 1989 at noon

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on May 30, 1989 at 9 a.m. at the Department of Fish and Wildlife Resources Commission Room. Individuals interested in attending this hearing shall notify this agency in writing by May 25, 1989, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not

wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Lauren E. Schaaf, Director of Wildlife, 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: There are about 379 taxidermists licensed in Kentucky.

(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: Those who buy or sell wildlife parts will have to report those wildlife parts purchased on a monthly basis but will no longer have to report all specimens mounted. They will, however, have to keep records of all specimens mounted on their books for five years.

(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: There will be a decrease in paperwork to the agency from not having to file monthly reports on specimens mounted. Reports from purchased goods, however, will continue to be filed monthly.

(3) Assessment of anticipated effect on state and local revenues: Overall state and local revenues will be unaffected except for the revenue generated to the local and state economies due to the ability to buy and sell wildlife parts and mounted specimens. The level of income that will be generated cannot be estimated at this time. Department income will not increase.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Taxidermists could have been required to purchase a higher priced license. In order to maintain consistency with others who buy and sell wildlife hides, it seemed prudent to require buyers and sellers of wildlife parts for taxidermy purposes to purchase a license with an equivalent cost of \$150. This alternative, however, was rejected due to objections by some taxidermists.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There will be no overlap or conflict with other statutes or regulations. This regulation is being promulgated to clarify provisions of KRS Chapter 150.175 and 150.411.

(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

appropriately designated by fund.

(11) "1983 bonds" shall mean the Commonwealth of Kentucky State Property and Buildings Commission Economic Development Revenue Bonds, Project No. 34 (K DFA Loan Program), dated June 1, 1983 and any bonds refunding such bonds.

(12) "1989 Bonds" shall mean the \$10,000,000,000 Kentucky Development Finance Authority Japanese Yen Bonds - First Series (1989), dated March 17, 1989, approved and authorized by the authority.

Section 2. Fund A Criteria. The authority hereby determines and orders that Fund A shall continue to be applied as in the past, for the making of Fund A program loans for economic development and other purposes authorized by the Act. The following lending criteria shall be applicable to program loans made from assets in Fund A:

(1) A significant number of jobs must be created or preserved by the proposed project, as determined by official act of the authority.

(2) The project proposed to be financed must be economically feasible, as determined by official action of the authority.

(3) Fixed asset lending may be made to qualified businesses (any manufacturing or service oriented business and serving the purposes described in KRS 154.010(6) with the exception of retail).

(4) A first, co-first, or second secured position on fixed asset collateral in favor of the authority is required of all Fund A program loans.

(5) Interest rates charged on Fund A program loans shall be determined by the authority on a case-by-case basis.

Section 3. Fund B Criteria. The following rules, criteria and procedures shall be applicable to all Fund B program loans made from moneys in Fund B.

(1) Definitions. As used in this section, the following words and phrases shall have the following meanings:

(a) "Act" means collectively:

1. Chapter 398 of the Acts of the General Assembly of the Commonwealth of Kentucky, 1982 Regular Session;

2. Chapter 56 of the Kentucky Revised Statutes; and

3. Chapter 154 of the Kentucky Revised Statutes, construed together.

(b) "Allowable costs" means all or a portion of the costs of an eligible project, including the costs of acquiring, constructing, reconstructing, rehabilitating, renovating, enlarging, improving, equipping, maintaining or furnishing project facilities, including site clearance and preparation, necessary public utility relocations, designs, plans, specifications, studies and estimates in respect of the eligible project, expenses necessary or incident to the acquisition of the eligible project, necessary architectural, engineering and legal fees and expenses and provision for costs of operating and maintaining such eligible project.

(c) "Eligible project" means the acquisition, construction, equipping, establishment, expansion, reconstruction, rehabilitation or retention of project facilities within the Commonwealth of Kentucky for any of the purposes described in KRS 154.010(6).

(d) "Executive director" means the executive director of the authority, pursuant to KRS 154.025(3), or the statutory or other successor to such executive director.

(e) "Facilities establishment fund" means the special fund hereinafter created, into which the net proceeds of the 1983 bonds were initially deposited and into which all moneys received by the authority as representing repayments of Fund B program loans must be deposited as received.

(f) "KRS" means the Kentucky Revised Statutes.

(g) "Person" means any individual, firm, partnership, governmental entity, association or corporation or any combination thereof.

(h) "Program" means the Kentucky Development Finance Authority Loan Program, authorized by the Act.

(i) "Fund B program loans" means loans made by the authority from the proceeds of the 1983 bonds and from moneys from time to time in the Facilities Establishment Fund to individuals, firms, partnerships, associations, corporations, governmental entities or any combination thereof for the acquisition of such persons of eligible projects.

(j) "Project facilities" includes, but not by way of limitation, land, buildings, structures, operating and manufacturing equipment and machinery, inventory, supplies or any combination of the foregoing.

(k) "Qualified obligations" means bonds, notes or other obligations of the authority:

1. The interest on which is includable in gross income of the recipients thereof for federal income tax purposes;

2. The proceeds of which are to be applied pursuant to the Act for the making of Fund B program loans for the acquisition of project facilities in the Commonwealth which will contribute to the industrial and commercial expansion and growth of the Commonwealth, and are described in KRS 154.010(6); and

3. Which are not repayable in whole or in part, directly or indirectly, from any general funds of the Commonwealth and which are payable as to principal, interest and redemption premium, if any, solely from the general funds of the authority (excluding any moneys or property from or in respect of Fund A), including the repayments and other proceeds of Fund B program loans made by the authority from the proceeds of qualified obligations and from other property not consisting of general funds of the Commonwealth.

(2) Kentucky Development Finance Authority Loan Program.

(a) The program shall be administered from time to time by the authority pursuant to the Act and the regulations. It is declared by the authority as a finding of fact that economic development of the Commonwealth enhanced by eligible projects will be in the best interests of the Commonwealth and its citizens, in that many areas of the Commonwealth have experienced and are experiencing significant economic impact and decline as a result of national and regional economic conditions, and the transformation of the Commonwealth from a predominantly agricultural economy. It is hereby found that the program will materially contribute to the economic stability and revitalization of the Commonwealth and result in improving the economic welfare of the Commonwealth generally.

(b) In furtherance of the public policy of the Commonwealth and for the implementation of the

making Fund B program loans and to provide for the security of qualified bonds. Moneys in the facilities establishment fund may never be transferred to any other unit of government of the Commonwealth and may never be used or applied, directly or indirectly, for any purpose except the making of Fund B program loans and to provide for the security and payment of qualified bonds.

(4) Criteria for selecting eligible projects.

(a) The authority shall formulate appropriate application and credit forms for use by persons applying to the authority for Fund B program loans. In selecting and determining the eligible projects to be assisted and the nature, amount and terms of Fund B program loans to be provided for any eligible project under the Kentucky Development Finance Authority loan program, the authority shall consider and take into consideration, inter alia, the following:

1. The number of jobs to be created or preserved, directly or indirectly within the development period of the eligible projects;
2. Payrolls, and the taxes generated, at both state and local levels, by the eligible project and taxes generated by the employment created or preserved by the eligible project;
3. The size, nature and cost of the eligible project, including the prospect of the eligible project for providing long-term jobs in enterprises consistent with the changing economies of the Commonwealth and the nation;
4. The needs, and degree of needs, of the area in which the eligible project is to be located;
5. The needs of any private sector enterprise to be assisted;
6. The amount and kind of assistance, if any, to be provided to any applicant by other government agencies through tax exemption or abatement, financing assistance with industrial development bonds, and otherwise, with respect to the eligible project;
7. The amount of capital made available to the eligible project by other lenders and by the owners of the eligible project; and
8. The economic feasibility of the eligible project.

(b) Prior to final approval of any Fund B program loan to be provided, and as a condition precedent thereto, the authority shall determine that the benefits to be derived by the Commonwealth and the local economic area from the establishment and operation of the eligible project will exceed the cost of providing such assistance.

(5) Fund B program loans to be made from the facilities establishment fund.

(a) The authority, subject to the other applicable provisions of this regulation, will make Fund B program loans only from moneys in the facilities establishment fund. Fund B program loans will be made if the authority determines that:

1. The project is an eligible project and is economically sound;
2. The amount to be loaned from the facilities establishment fund will not exceed fifty (50) percent of the total allowable costs of the eligible project; and
3. The amount of the Fund B program loan from the facilities establishment fund to be repaid will, if deemed necessary by the authority, be adequately secured by a mortgage, lien, assignment or pledge, at such level of priority as the authority may require.

(b) The determinations of the authority under subsection (1) of this section shall be conclusive for purposes of the validity of a Fund B program loan commitment evidenced by an agreement of the authority.

(c) Fees, charges, rates of interest, times of payment of interest and principal, and other terms, conditions and provisions of and security for Fund B program loans made from the facilities establishment fund pursuant to this section shall be such as the authority determines to be appropriate and in furtherance of the purpose for which the Fund B program loans are made. Provided, that repayments of Fund B program loans shall conform to the requirements of this section.

(d) The authority is authorized to take such action as may be necessary or appropriate to collect or otherwise deal with any Fund B program loan.

(6) Authority to administer program.

(a) The authority, pursuant to the Act, will at all times administer the program and the Fund B program loans and will provide adequate staff and resources of the proper carrying out of such duties and functions. All costs incident to the administration of the program shall be deferred and paid by the authority from funds other than funds in the facilities establishment fund and no moneys in the facilities establishment fund will ever be used or applied to any purpose except the purposes stipulated in this regulation.

(b) The authority will monitor each Fund B program loan to assure that all Fund B program loans meet the requirements of financing agreements in respect thereto between the authority and the obligors in respect to such Fund B program loans. In that regard, the authority shall require financial reports to be made by the Fund B program loan obligors at such intervals as shall be deemed necessary by the authority. The authority shall monitor the average annual employment generated by eligible projects financed by Fund B program loans and generally will do and perform all actions as shall be required to assure that Fund B program loans continuously meet the program standards established by this regulation.

(c) A separate and discrete accounting shall be maintained continuously in respect of Fund B.

Section 4. Fund C Criteria. The rules and regulations adopted by Section 3 of this regulation in respect of Fund B shall also be applicable to Fund C. A separate and discrete accounting shall be maintained continuously in respect of Fund C.

Section 5. Fund D Criteria. The following rules, criteria and procedures are hereby made applicable to all Fund D program loans made from Fund D:

(1) A significant number of new jobs must be created and/or preserved by the project financed by any Fund D program loan, as determined by the authority.

(2) The entity assisted by a Fund D program loan shall have an "A" credit rating from a recognized rating agency (i.e., Standard & Poor's, Moody's, etc.), or the equivalent (i.e., a letter of credit from an "A" or better rated bank), or alternatively meet the following financial criteria:

(a) All Fund D program loans must be secured

or such earlier date as the 1989 bonds may become due and payable by acceleration or optional redemption and shall never be used or applied for any other purposes. The 1989 sinking fund shall be held separately by a fiduciary to be determined by the authority and shall never be commingled with any other funds or moneys of the authority. No further deposits shall be required to be made into the the 1989 bond sinking fund from and after the date upon which the 1989 bond sinking fund contains an amount of money equal to the principal amount of the outstanding 1989 bonds.

Section 7. Authority Reporting Requirements.

(1) The authority shall submit to the committee a written report on persons that receive assistance from the authority in the calendar year 1988 and in the five (5) years previous thereto. The report shall include the following information regarding each of these persons:

(a) A description of the type and amounts of the assistance provided by the authority;

(b) The closing date on the assistance provided by the authority;

(c) The growth or decline in the number of individuals employed by the person receiving assistance. This includes only those individuals employed at the funded project site or whose employment is a result of the funded project. The authority shall request employment data from the Kentucky Department of Employment Services.

(2) The authority shall submit biennially a report which shall include the information referred to in subsection (1) of this section, and shall also include a summary of the rationale used for funding any project during the biennium being reported which cumulatively received more than \$1,000,000 of authority and economic development bond program assistance or received more than \$5,000 per full-time job estimated to be created or retained two (2) years following completion of the project. The estimation of jobs shall reflect a realistic projection of the effects of the project based upon the authority's own analysis of the proposed projects.

(3) For those persons receiving assistance approval on or after July 15, 1988, and receiving assistance in excess of \$250,000, or combined authority and economic development bond program assistance in excess of \$250,000, the biennial report shall also include the following:

(a) An estimate of the effect of the assisted project on other businesses within the state;

(b) An estimate of the increased cost of public services resulting from each funded project including, but limited to, roads, sewer, water, utilities, pollution control and education;

(c) An estimate of state and local taxes paid by each business.

(4) The authority shall file an construction activity report to the Kentucky Department of Employment Services and to the committee no later than fifteen (15) days following the end of each month in which a program loan commitment is issued. This report is to describe in summary fashion any construction, reconstruction, or alterations financed by the authority in whole or in part.

(5) On a quarterly basis the authority shall file a written projects status report with the committee with regard to authority program loans approved. The committee may request

representatives of the authority to appear before the committee to testify and answer questions as it deems proper. The status report on program loans approved is to include:

(a) A summary of the status of the project and its cost;

(b) A description of the financial obligation of the authority;

(c) Any change that has occurred in the obligation of the authority or any changes in the principles to a program loan agreement.

(6) The authority shall maintain a written record of all program loan inquiries, written or oral, made by potential borrowers or on behalf of potential borrowers. This record shall include, if available, the name and address of the potential borrower, a summary of the inquiry made by the potential borrower, the name of the representative or representatives of the authority handling the inquiry and the disposition of the inquiry.

GENE E. ROYALTY, Chairman

APPROVED BY AGENCY: April 7, 1989

FILED WITH LRC: April 7, 1989 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on May 22, 1989 at 10 a.m., 2400 Capital Plaza Tower, Frankfort, Kentucky 40601. Individuals interested in attending this hearing shall notify this agency in writing by May 17, 1989, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Denis B. Fleming, Jr., General Counsel, Economic Development Cabinet, 2400 Capital Plaza Tower, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Denis B. Fleming, Jr.

(1) Type and number of entities affected: This regulation delineates guidelines and reporting requirements for project loans and funds administered by the Kentucky Development Finance Authority and effects no other public entity.

(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: KDFA will be required to process project loans and administer its funds in accordance with the criteria delineated in this regulation. KDFA staff will be required to assemble and prepare data for the reports set out in this regulation and maintain a written record of loan inquiries.

(a) Direct and indirect costs or savings: Direct costs to KDFA may include the cost of

in writing by May 17, 1989, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Ed Rademaker, Director of Client Services, Kentucky Department for the Blind, 427 Versailles Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Ed Rademaker

(1) Type and number of entities affected: Since the purpose of this regulation is only to establish definitions which provide consistent language and avoid the repetition of certain phrases used in subsequent regulations, the only effect is the simplification of regulations for those 1,000 individuals who may apply for, and those 950 individuals who may be determined eligible for vocational rehabilitation services administered by the Department for the Blind under a state plan authorized under Title I of the Rehabilitation Act of 1973, as amended.

(a) Direct and indirect costs or savings to those affected: This regulation imposes no direct or indirect cost to the affected entities because it provides only information about a program for which they do not have to pay.

1. First year: No costs or savings during first year because individuals are not required to pay for any information about services.

2. Continuing costs or savings: No continuing costs or savings because individuals are not required to pay for information about services.

3. Additional factors increasing or decreasing costs (note any effects upon competition): This regulation does not impose any requirements on affected entities. It may enable them to better understand the laws and regulations which govern the conduct of the vocational rehabilitation program.

(b) Reporting and paperwork requirements: This regulation imposes no paperwork or reporting requirements on those entities affected since it only provides clarification and understanding of subsequent regulations.

(2) Effects on the promulgating administrative body: The Department for the Blind shall have to provide each applicant and eligible individual for services with information about this regulation as appropriate, in standard print, large print, braille or cassette tape. No additional employees are needed in the promulgation of this regulation.

(a) Direct and indirect costs or savings: The direct cost per unit, 20 cents per standard print unit, 40 cents per large print unit, 40 cents per braille unit, and 40 cents per recorded taped unit. The indirect costs shall be 14 percent of any direct cost.

1. First year: Direct costs are for a standard print unit to 1950 persons (\$390) and a braille/tape version unit to 975 persons (\$390).

Indirect costs are 14 percent of totals (\$109). Total of all costs is \$880.

2. Continuing costs or savings: Direct costs will be for 1000 applicants per year, 1000 standard print units (\$200) and 500 print version units (\$200). Indirect costs are 14 percent of totals (\$56). Total continuing costs is \$456.

3. Additional factors increasing or decreasing costs: Since this regulation promotes the understanding of other regulations, it should decrease staff time in explaining regulations.

(b) Reporting and paperwork requirements: This regulation will require no reporting requirements, and only the paper requirement is that information about their regulation be provided to each applicant and eligible individual for services.

(3) Assessment of anticipated effect on state and local revenues: The promulgation of this regulation requires no additional revenues. The costs are within the administrative body's budget.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The Department for the Blind is required by KRS Chapter 13A and under the authority of its state plan for vocational rehabilitation to establish policies and procedures for the conduct of its programs.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: This regulation is not in conflict, nor does it overlap or duplicate any state law, regulation or policy.

(a) Necessity of proposed regulation if in conflict: This regulation is no conflict, nor does not overlap or duplicate any statute.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: This regulation is not in conflict, nor does not overlap or duplicate any statute.

(6) Any additional information or comments: No additional information or comment.

TIERING: Was tiering applied? No. KRS 163.470 designates to the Department for the Blind the mission to provide rehabilitation programs to blind and visually impaired citizens of the Commonwealth and the responsibility to promulgate uniform policies and procedures on the conduct of its programs. The tiering of this regulation would not be appropriate since it applies only to one class or entity. The Rehabilitation Act of 1973, as amended, requires the Department for the Blind as part of its state plan to establish uniform policies and procedures for all applicants and eligible persons so they may have equal rights to the opportunities of the state program. Program eligibility, provision of services, and rights of appeals are provided only to one class (blind and visually impaired) according to the requirements of the Federal Act. Tiering would negate the very purposes of the statute.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 34 CFR 361.42(b): "The state plan must also assure that the state unit establishes and maintains written policies covering the scope and nature of each of the vocational rehabilitation services...provided." 34 CFR 361.48(c)(1): "...the state plan must

(1) The client may be sponsored for on-the-job training not to exceed three (3) months for nonskilled positions or six (6) months for skilled or professional positions;

(2) The client shall receive at least minimum wage;

(3) The employer shall be responsible for the provision of benefits and privileges that accrue to other employees;

(4) Prior to the training, a written agreement shall be completed by the counselor between the department and the employer giving a description of goals and objectives of the training, including, the length of training, the skills taught, wages earned and an understanding that the client shall be hired as a permanent employee after successful completion of the training program;

(5) The client shall make satisfactory progress as documented by training reports provided by the employer; and

(6) The agreement for on-the-job training may be terminated by the department, the employer, or the client if the conditions of this section are not met.

Section 5. Work Experience/Work Adjustment. Programs of work experience in private or public employment other than within the department shall be provided according to the following conditions:

(1) The individual may be sponsored for a period not to exceed 520 total hours of work experience;

(2) A written agreement shall be completed by the counselor between the department and the employer or provider of services to designate the length of the work experience, the number of hours to be worked each week, and payment that the individual will receive, and any payment to the provider by the department;

(3) The employer or provider must monitor the performance of the individual in work experience and make periodic reports to the counselor; and

(4) The work experience contract may be terminated by the department at anytime if it is determined that the work experience is not beneficial to the individual.

Section 6. Physical and Mental Restoration.

(1) An applicant or client shall have freedom of choice of any specialist qualified and skilled in an appropriate field of restoration practice providing the specialist is licensed in accordance with state laws and regulations and agrees to provide services according to established state laws and regulations.

(2) Restoration services shall not be provided outside the Commonwealth of Kentucky, unless:

(a) The services is provided in a nearby out-of-state area routinely used for the convenience of the department;

(b) The out-of-state service may be cost saving;

(c) The service is not provided in state; or

(d) The provision of an in-state service would delay service to a client at extreme medical risk.

Section 7. Maintenance. (1) Maintenance may be provided only when necessary to support and derive the full benefit of other services being provided.

(2) Maintenance may begin at any time after other services have begun, but shall cease

thirty (30) days after the client has achieved suitable employment.

(3) The amount the department may pay for room and board for a client enrolled in an institution of higher education shall not exceed the highest rate for campus residence room and board charged by an in-state public institution.

(4) Room and board shall not be provided for a client who attends an institution of higher education in the home community of the client, unless:

(a) Transportation is not available; or

(b) The cost of transportation exceeds the rate of on-campus residence and board at the institution.

(5) Lodging and meals provided in support of services other than at an institution of higher education shall be limited in cost to:

(a) For a period less than thirty (30) days may not exceed the per diem rates established for state employees by the Kentucky Finance and Administration Cabinet; and

(b) For a period more than thirty (30) days may not exceed eight (8) dollars per day for food and twelve (12) dollars per day for lodging.

(6) The department shall not provided for maintenance identified only as personal expenses or miscellaneous expenses.

Section 8. Transportation. (1) Public transportation by common carrier shall be at a cost that is economically most prudent and feasible to the department.

(2) Private transportation by private vehicle shall be at the mileage rate established for state employees by the Kentucky Finance and Administration Cabinet.

(3) Lodging and meals necessary during travel shall not exceed the per diem rates established for state employees by the Kentucky Finance and Administration Cabinet.

(4) The total cost of transportation allowed for commuting between home and campus for a client who attends an institution of higher education shall not exceed the rate of on-campus residence and board at the institution.

(5) Transportation for a client who resides on campus at an institution of higher education shall be limited annually to six (6) round trips between the client's home and the campus.

(6) Transportation may include relocation and moving expenses when necessary for a client to achieve placement in employment.

Section 9. Interpreter Services. Interpreter services may be provided only in conjunction with other services and only if sign language is a necessary means of communication for the individual.

Section 10. Services to Family Members. Services to members of a client's family may be provided only when necessary for the vocational rehabilitation of the client.

Section 11. Reader Services. Reader services may be provided for individuals who are blind only in conjunction with other services and only when recordings of printed materials are not readily available through the volunteer recording services of the department.

Section 12. Assistive Technology. (1) Assistive technology that has the capacity to improve low vision shall be provided by

clients who are enrolled in institutions of higher education, shall be considered comparable benefits.

(8) Guaranteed student loans, national direct or student loans, work-study payments and other aid termed self-help provided as financial assistance for client who are enrolled in institutions of higher education shall not be considered as comparable benefits.

(9) The department shall not be bound by any determination of a client's need of service or the cost of service as identified by the financial aid office of an institution of higher education, but rather shall determine such need and the allowable cost of services according to the Rehabilitation Act and state laws and regulations.

(10) Comparable benefits awarded for purposes of higher education shall be applied for the services designated by the granting authority. Where there is no clear designation, such as in the case of a Pell grant, the award shall be pro-rated by percentage to pay in part for each expense of tuition and fees, books and supplies, room and board, personal expenses, and transportation that was used as the basis of the award. The percentage used for distribution shall be the amount of the award divided by the total of all expenses for tuition and fees, books and supplies, room and board, personal expenses, and transportation that was used as the basis of the award.

Section 18. Participation of Individual in the Costs of Services. (1) There is no requirement by the department that the financial need of an individual with a handicap be considered in the provision of services other than post-employment services. However, each individual who is determined to be eligible for services other than post-employment purposes shall be asked to voluntarily participate to help pay the costs associated with the individualized written rehabilitation program. No services other than post-employment services shall be denied to an individual who does not have the available resources or who refuses to participate.

(2) The financial need of an individual shall be considered in the provision of all post-employment services except the following:

- (a) Evaluation to determine needed services;
- (b) Counseling, guidance and referrals;
- (c) Rehabilitation engineering, but not including the cost of assistive technology;
- (d) Services provided by the Kentucky Rehabilitation Center for the Blind; and
- (e) Job placement.

(3) Each individual requesting post-employment services shall complete at the time of the initiation of an individualized written rehabilitation program for post-employment services a statement of financial need which lists from verification, such as a payroll receipt, the total monthly income of the individual from the following sources:

- (a) Wages and salaries after federal, state, and local taxes;
- (b) Receipts from self-employment after business deductions and federal, state, and local taxes;
- (c) Social Security cash benefits; and
- (d) Pensions.

(4) The total monthly income of an individual in excess of \$1,000 shall be used before any payment of the department to pay in whole or

part for the cost of services identified in the individualized written rehabilitation program for post-employment services. Contribution from an employer or another private source may be used to meet the individual's financial obligation in the payment of services.

(5) The Director of the Division of Client Services of the department may exempt an individual from participation in the cost of post-employment services under the following conditions:

(a) The individual shall have written documentation that there is financial hardship such as emergency expenses due to reasons of medical expenses, higher education expenses of household members, or expenses resulting from marital separation or divorce; or

(b) Payment for post-employment services by the individual would adversely affect an individual whose goal is a plan to maintain consecutive employment at monthly wages defined by the Social Security Administration as substantial gainful activity.

Section 19. Purchase of Services. (1) The department shall establish and maintain written rates of payment for all purchased services.

(2) The cost of any services may not exceed the written rates of payment established by the department. An individual who wishes a service in excess of the established rates of payment shall pay any excess cost.

(3) Services purchased by the department shall be made by written authorization of a counselor or other designated staff either before or at the same time as the purchase of services.

(4) In an emergency situation, a counselor or other designated staff may make an oral authorization to purchase services but there must be prompt documentation and the authorization shall be confirmed in writing and forwarded to the provider of the services.

(5) Any vendor providing services authorized by the department shall agree not to make any charge to or accept any payment from an applicant or client unless the amount of the charge or payment is previously known and approved by the department.

Section 20. Emergency Denial of Services. The department may immediately suspend or terminate any services provided to an individual if during the course of those services the conduct of the individual poses a threat to personal safety or the safety of others.

CHARLES W. McDOWELL, Executive Director

APPROVED BY AGENCY: April 13, 1989

FILED WITH LRC: April 14, 1989 at 9 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on May 22, 1989 at 10 a.m. at the Kentucky Department for the Blind, 427 Versailles Road, Frankfort, Kentucky 40601. Individuals interested in attending this hearing shall notify this agency in writing by May 17, 1989, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not

education, shall be used as a primary resource to pay the educational expenses for which they were provided. (h) An individual who receives services to attend an institution of higher education must maintain a full-time status and a "C" grade average.

3. Minimum or uniform standards contained in the federal mandate. The federal mandate states only that the state agency must make available any service that can reasonably be expected to benefit an individual with handicaps in terms of employability. It leaves to the state agency to adopt the conditions, criteria and procedures under which each service is provided.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation adopts the standards listed in #2, as above, which are stricter than the federal mandate. The federal mandate does not place any restrictions on services provided by an agency. It is entirely up to the state agency to adopt its own standards.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Stricter state regulations than the federal mandate are needed because the state agency has the responsibility: (a) To provide services to only those who have an employability need; (b) To establish limitations on what it will pay for services in order to serve within its budget all individuals who are eligible for services; (c) To be uniform in the services which it provides; and (d) To impose minimum responsibilities of achievement on those provided services.

EDUCATION AND HUMANITIES CABINET
Department for the Blind

720 KAR 1:040. Appeal procedures for applicants and clients.

RELATES TO: KRS 163.450 to 163.470, 29 U.S.C. 701 et seq., 34 CFR Part 361

STATUTORY AUTHORITY: KRS 163.470, 29 U.S.C. 701 et seq., 34 CFR Part 361.48

NECESSITY AND FUNCTION: KRS 163.470(6) requires the Department for the Blind to implement policies and procedures for carrying out programs of services for persons of the Commonwealth who are blind or visually impaired. Under its State Plan for Vocational Rehabilitation authorized under Title I of the Rehabilitation Act of 1973, as amended, the department is required to establish procedures so that any applicant for or client of vocational rehabilitation services who is dissatisfied with determinations made by staff of the department concerning the furnishing or denial of services may request a timely review of those determinations.

Section 1. Right of Appeal and Information.
(1) An applicant or client who may be dissatisfied with any action by the department concerning the furnishing or denial of services shall have the right to appeal that action, and all applicants or clients shall be informed of entitlements available under this section, including the names and addresses of such individuals with whom an appeal may be filed.

(2) The department shall advise all applicants

and clients of the existence of the Client Assistance Program of the Education and Humanities Cabinet, the services provided by the program, and how to contact the program.

(3) Each applicant shall be provided with written notification of any decision by the department concerning that person's eligibility or ineligibility for services, the basis for and the effective date of that decision, and the specific means of appealing that decision through an administrative review or impartial hearing.

(4) Each client shall be provided with an individualized written rehabilitation program, including the specific means for appealing any decisions through an administrative review or impartial hearing.

(5) An applicant or client who may be dissatisfied with any determination made by a counselor or other staff of the department concerning the furnishing or denial of services may request a review of that determination before an impartial hearing officer by contacting the executive director of the department. Since the impartial hearing is a formal process, requiring adherence to exacting procedures and somewhat lengthy time frames, applicants and clients are encouraged to first consider the informal and more timely administrative review as a means to resolve issues of dissatisfaction. The decision to first use the administrative review or the impartial hearing is a choice solely with the applicant or client, but with one (1) condition: the administrative review may not delay the impartial hearing and its time frames unless both the department and the applicant or client agree to the delay. Since the choice may depend on a number of factors and may be confusing, the applicant or client shall be encouraged to consult with the Client Assistant Program to fully consider the appeal options available and their consequences.

(6) The department shall not provide legal counsel or reimburse the costs of legal counsel for an applicant or client who appeals an action concerning the furnishing or denial of services.

Section 2. Administrative Review. (1) If an applicant or client is dissatisfied with an action regarding the furnishing or denial of services, the individual may request an administrative review by contacting the Director of Client Services of the department.

(2) The following procedures shall be followed in an administrative review:

(a) The Director of Client Services or designee of the Director of Client Services shall conduct the administrative review;

(b) The administrative review shall be held within fifteen (15) working days of receipt of the request;

(c) The review shall be held at a time and place convenient to the individual requesting the review, and the individual shall be notified in writing as to the time and place of the review and the right to be represented at the review by counsel or designated advocate; and

(d) A report of the findings of the review shall be sent to the individual within fifteen (15) working days from the completion date of the review and shall indicate an administrative review decision to be binding for all staff of the department.

responsibility to make any such final decision to any other officer or employee of the Kentucky Department for the Blind; and

(15) The decision of the executive director shall be the final action of the department, and there shall be no further recourse that the individual can pursue administratively other than seeking judicial review of that decision in the courts.

CHARLES W. McDOWELL, Executive Director

APPROVED BY AGENCY: April 13, 1989

FILED WITH LRC: April 14, 1989 at 9 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on May 22, 1989 at 10 a.m. at the Kentucky Department for the Blind, 427 Versailles Road, Frankfort, Kentucky 40601. Individuals interested in attending this hearing shall notify this agency in writing by May 17, 1989, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Ed Rademaker, Director of Client Services, Kentucky Department for the Blind, 427 Versailles Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Ed Rademaker

(1) Type and number of entities affected: This regulation affects the 1,000 individuals who apply for, and the 960 individuals who annually receive vocational rehabilitation services by providing them with procedures whereby they may appeal decisions of the agency regarding the provisional services.

(a) Direct and indirect costs or savings to those affected: This regulation will not affect any direct or indirect costs for the entities since the right of appeals is an entitlement not subject to any cost to the individual.

1. First year: No costs to the entity since individuals are entitled to this service at no cost.

2. Continuing costs or savings: No continuing costs to the entity since individuals are entitled to this service at no costs.

3. Additional factors increasing or decreasing costs (note any effects upon competition): No additional factors increasing or decreasing costs since this regulation provides procedures for an entitlement.

(b) Reporting and paperwork requirements: Beyond writing a letter requesting an appropriate hearing. This may be accomplished by contacting an agency representative.

(2) Effects on the promulgating administrative body: This regulation provides only procedures in how the agency will conduct appeal rights granted to individuals by the Rehabilitation Act of 1973, as amended. The intent of the regulation is to specify time frames as to when

the appeal rights shall be granted. The regulation imposes no additional direct or indirect costs or savings.

(a) Direct and indirect costs or savings: There are no direct or indirect costs or savings imposed by this regulation.

1. First year: No costs or savings during the first year.

2. Continuing costs or savings: No continuing costs or savings.

3. Additional factors increasing or decreasing costs: No additional factors increasing or decreasing costs.

(b) Reporting and paperwork requirements: The reporting or paperwork requirements in this regulation are mandated by federal law and regulation: transcripts of administrative and impartial hearings and an annual report to the Rehabilitation Services Administration. However, the agency is responsible to make this regulation available to those who request a review of agency decision. During the past year, the agency had only one action that would be applicable to this regulation.

(3) Assessment of anticipated effect on state and local revenues: This regulation has no affect on state and local revenues since it pertains only to the entity and entitlements which are the sole responsibility of the agency.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Since this regulation is required as a condition of the agency state plan, there is no alternative method that is permissible.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: This regulation does not conflict, nor does it overlap or duplicate any statute or administrative regulation. It pertains only to the entity, is required by federal regulations, and pertains only to action of the Department for the Blind.

(a) Necessity of proposed regulation if in conflict: This regulation does not conflict with any statute or another regulation.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: No regulation was made since there is no conflict.

(6) Any additional information or comments: No additional information or comments are necessary.

TIERING: Was tiering applied? No. KRS 163.470 designates to the Department for the Blind the mission to provide rehabilitation programs to blind and visually impaired citizens of the Commonwealth and the responsibility to promulgate uniform policies and procedures on the conduct of its programs. The tiering of this regulation would not be appropriate since it applies only to one class or entity. The Rehabilitation Act of 1973, as amended, requires the Department for the Blind as part of its state plan to establish uniform policies and procedures for all applicants and eligible persons so they may have equal rights to the opportunities of the state program. Program eligibility, provision of services, and rights of appeals are provided only to one class (blind and visually impaired) according to the requirements of the Federal Act. Tiering would negate the very purposes of the statute.

(c) The information shall not be released to the involved individual;

(d) The information shall be managed in a manner to safeguard confidentiality; and

(e) The final product shall not reveal any personal identifying information without the informed written consent of the involved individual, or his representative.

(4) Charges for release of information. The department may reasonably charge individuals, other agencies and authorities for costs associated with the search and reproduction of records and for the forwarding of materials.

(5) Written consent for release of personal information. Informed written consent of the individual for the release of personal information shall be required when requested by an individual, a parent, a guardian or another program authority who may use such information not directly related to the administration of the vocational rehabilitation program. Informed written consent is not required for the release of personal information when the purpose is directly related to the administration of the vocational rehabilitation program, is required by federal or state law, or to protect the safety of the individual or others.

CHARLES W. McDOWELL, Executive Director

APPROVED BY AGENCY: April 13, 1989

FILED WITH LRC: April 14, 1989 at 9 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on May 22, 1989 at 10 a.m. at the Kentucky Department for the Blind, 427 Versailles Road, Frankfort, Kentucky 40601. Individuals interested in attending this hearing shall notify this agency in writing by May 17, 1989, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Ed Rademaker, Director of Client Services, Kentucky Department for the Blind, 427 Versailles Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Ed Rademaker

(1) Type and number of entities affected: This regulation affects any individual who has ever applied for or who has ever received services from the Department for the Blind by providing them assurance that personal information in possession of the agency shall be held confidential and under what conditions such information will be released. The agency now has in its possession personal information on 9,341 persons.

(a) Direct and indirect costs or savings to those affected: This regulation will not affect any direct or indirect costs since the entity is entitled to these assurances which are of no cost to them.

1. First year: No costs to the entity during the first year.

2. Continuing costs or savings: No continuing costs to the entity.

3. Additional factors increasing or decreasing costs (note any effects upon competition): No additional factors increasing or decreasing costs since this regulation is an entitlement at no cost to the individual.

(b) Reporting and paperwork requirements: The entity is not responsible for any paperwork or reporting under this regulation.

(2) Effects on the promulgating administrative body: This regulation provides assurances and procedures in how the agency will handle confidential information. The basic requirements are mandated by the Rehabilitation Act of 1973, as amended, and are a condition of the agency state plan.

(a) Direct and indirect costs or savings: There are no direct or indirect costs or savings imposed by this regulation, since the agency has always had these procedures in place to preserve confidentiality. This regulation formalizes agency procedures.

1. First year: There shall be no direct or indirect costs or savings during the first year.

2. Continuing costs or savings: There shall be no continuing costs or savings.

3. Additional factors increasing or decreasing costs: The agency shall be responsible to provide interested individuals with copies of this regulation on request. During the last year, the agency received no requests for this information. No new staff are needed. All staff receive training in this matter as part of orientation training to the agency.

(b) Reporting and paperwork requirements: This regulation imposes no additional reporting or paperwork requirements, since the regulation governs how information in its possession will be handled.

(3) Assessment of anticipated effect on state and local revenues: This regulation shall have no effect on state and local governments since it pertains only to the Department for the Blind and the entity.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Since this information pertains only to the Department for the Blind and the entity and is a condition solely to the agency under its state plan, alternative methods are not acceptable. Only the agency may give the assurances required in this regulation.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: This regulation does not conflict with any statute or regulation but it does overlap other state statutes and regulations on confidentiality of information.

(a) Necessity of proposed regulation if in conflict: It is necessary since it is required by federal law and regulation as a condition to operation under the Rehabilitation Act. 34 CFR 361.49(a)(6) states: "These policies and procedures must prevail over less stringent state laws and regulations."

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Effort was not made to resolve any duplication, since this regulation only pertains to the affected entity and its relationship to the agency.

Street, Lexington, Kentucky 40507.

(d) Paducah, Kentucky - Ms. Sylvia Curd, 400 Park Avenue, Suite B, Room 2, Paducah, Kentucky 42001.

(e) Pikeville, Kentucky - Ms. Dawn Rowe, 111 Caroline Avenue, Pikeville, Kentucky 41501.

(2) Office hours of each office are 9 a.m. to 4 p.m., Monday through Friday, inclusive, for this purpose and the cost of the medical fee schedule, per copy, is ten (10) dollars.

ARMAND ANGELUCCI, Chairman

APPROVED BY AGENCY: April 13, 1989

FILED WITH LRC: April 14, 1989 at 10 a.m.

PUBLIC HEARING: Public hearing will be held at the Farnham Dudgeon Civic Center, Capital Plaza Complex, Conference Room ABC, 405 Mero Street, Frankfort, Kentucky 40601, 10:30 a.m., May 23, 1989.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Glenn L. Schilling

Summary of proposed regulation: Regulation No. 803 KAR 25:090 complies with KRS 342.035 promulgating administrative regulations adopting a schedule of fees for the purpose of ensuring that all fees, charges and reimbursements under KRS 342.020 shall be fair, current and reasonable. This regulation does not replace a previous regulation.

(1) Type and number of entities affected: The regulation will affect employees, employers, self-insured employers, special fund, uninsured employers' fund and attorneys representing these entities. The procedures will especially affect hospitals, physicians, as defined in the regulation, chiropractors, rehabilitation professionals and facilities and insurance carriers.

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

1. First year: As the procedure set forth in this new regulation are tested, costs should stabilize because medical service providers are required to charge their usual and customary fee or the designated fee schedule amount whichever is lower.

2. Continuing costs or savings: Long term, it is anticipated that the new procedures will lower the costs of workers' compensation claims in that disputes should be minimized and the basis for fee determination in the enumerated procedures will be clearly established. The effect will be certainty and reduction of contention.

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

(b) Reporting and paperwork requirements: The new system will not result in more paperwork. There should be a reduction in medical fee disputes between payors and providers which, in turn, will result in a reduction of time that the administrative law judges would otherwise devote to the resolution and adjudication of these contested matters. Reporting will not be affected. The department's paperwork will not increase.

(2) Effects on the promulgating administrative body:

(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: Since the new procedure is required by statute, no alternatives were possible.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: No such statute, administrative regulation or governmental policy is 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. Tiering is not appropriate since there are no multiple classes involved. Each medical service provider and payor is equally entitled to due process protections and so deserves all of the protections and freedoms included in the regulation.

WORKERS' COMPENSATION BOARD
Department of Workers' Claims

803 KAR 25:100. Procedures for workers' compensation rehabilitation.

RELATES TO: KRS Chapter 342

STATUTORY AUTHORITY: KRS Chapter 13A, 342.260, 342.710

NECESSITY AND FUNCTION: KRS 342.260 requires the Workers' Compensation Board to promulgate such administrative regulations as it considers necessary to carry out its work and the work of the administrative law judges in accordance with the provisions of KRS Chapter 342s and 13A. KRS 342.710 requires the board to promulgate administrative regulations to effectuate the rehabilitation provisions contained therein and which will ensure early intervention; prompt and cost-efficient delivery of rehabilitation services and vigorous monitoring of qualified rehabilitation providers, facilities and agencies. The function of this proposed administrative regulation is to regulate the provision of rehabilitation services pursuant to KRS 342.260 and 710.

Section 1. Definitions. (1) ALJ is the administrative law judge assigned to a workers' compensation case.

(2) Association of Rehabilitation Nurses is a national organization which certifies nurses as certified rehabilitation registered nurses.

(3) Board is the Workers' Compensation Board.

(4) Board for Rehabilitation Certification (BRC) is a national organization which certifies rehabilitation counselors and nurses as certified insurance rehabilitation specialists and certified rehabilitation counselors.

(5) Catastrophic injury is:

(a) A severe or traumatic spinal cord injury;

(b) An amputation of a hand, leg, foot or arm;

(c) A severe brain or closed-head injury;

(d) Blindness; or

(e) Second or third degree burns over twenty-five (25) percent or more of total body

Provided, however, that such individual shall satisfy the certification requirements contained in subsection (2) of this section within twelve (12) months from the effective date of this administrative regulation.

Section 5. Registry of In-house Qualified Rehabilitation Providers. (1) Nothing in this regulation shall prevent self-insured employers, self-insured groups or workers' compensation insurance carriers from referring injured employees to a QRC on their staff, provided that rehabilitation services are provided in the manner prescribed in this regulation.

(2) In-house qualified rehabilitation coordinators shall be subject to the same qualification and reporting requirements as rehabilitation nurses and counselors listed in the registry of qualified rehabilitation coordinators.

Section 6. Continuing Education Requirements.

(1) The board may require a QRC to attend training sessions at such times and places as the board deems necessary.

(2) A QRC who, without good cause, fails to attend training sessions required by the board may be removed from the registry of qualified rehabilitation coordinators or registry of in-house qualified rehabilitation coordinators.

Section 7. Request for Registration Renewal.

(1) By July 15th of each year, a QRC shall submit a letter to the board requesting registration renewal. The letter shall also list all pertinent continuing education attained by title, location, dates, and provider which was completed the previous twelve (12) month period ending June 30. The letter shall also list by name, address, telephone number, social security number, and board file number all workers' compensation claimants who were served during that same time period.

(2) A QRC who, without good cause, fails to submit a request for registration renewal with all required information shall be removed from the registry of qualified rehabilitation coordinators or registry of in-house qualified rehabilitation coordinators.

(3) A QRC who does not list any workers' compensation claimants served in two (2) consecutive requests for registration renewal shall be removed from the registry of qualified rehabilitation coordinators or registry of in-house qualified rehabilitation coordinators.

(4) The types of services provided by a QRC include but are not limited to:

(a) Assistance with assessment of current level of medical care and needs.

(b) Assistance with discharge planning, follow-up services, and assessment of future rehabilitation needs.

(c) Assistance with assessment of need for referral for medical rehabilitation services.

(d) Serving as liaison between physicians, patient, family, employer/carrier, attorney.

(e) Assessment of home modification and vehicle modification requirements.

(f) Assistance with arrangements for transfers, attendant care, medical supplies and equipment.

(g) Patient and family education regarding the employee's injury.

(h) Assistance with medical clarification and general coordination of medical rehabilitation

services.

(i) Vocational evaluation.

(j) Vocational counseling.

(k) Job analysis.

(l) Job modification.

(m) Job placement.

(n) Referral for diagnostic vocational and psychological testing.

(o) Determining vocational goals and writing rehabilitation plans outlining services and costs needed to attain such goals.

(p) General coordination of vocational services.

Section 8. Provision of Rehabilitation Services. (1) It shall be the responsibility of the employer/carrier to identify injured employees who may benefit from rehabilitation services and to provide appropriate rehabilitation services pursuant to KRS 342.710 and relevant administrative regulations.

(2) Referral of injured employees for coordination of rehabilitation services shall be made by the employer/carrier only to QRCs.

(3) The QRC shall assist with the arrangement for medical rehabilitation services by referral to qualified rehabilitation facilities listed in the directory of qualified rehabilitation facilities.

(4) In the event the employer/carrier fails to refer an injured employee for rehabilitation services pursuant to KRS 342.710, the injured employee, or anyone acting in his behalf, may file a written request for rehabilitation services.

(5) If the dispute cannot be resolved voluntarily, interlocutory relief may be sought in the manner prescribed by the board.

Section 9. Referral of Injury Cases. (1)(a) Catastrophic injury case. A catastrophic injury case shall be referred to a QRC by the employer/carrier immediately following the occurrence of such injury or within a period not to exceed fifteen (15) days following the occurrence of such injury.

(b) Referral of a catastrophic injury case shall be made on a form provided by the board. At the time of referral, the employer/carrier shall send the original and one (1) copy of the referral form to the board and one (1) copy to the QRC to whom the case is assigned.

(c) Within seven (7) days of receipt of a catastrophic injury case referral, the QRC shall submit an initial report which shall contain a summary of the current level of medical care and needs and a summary of long-term rehabilitation needs. The QRC shall send the original report and one (1) copy to the board and a copy to the employer/carrier.

(2) Other injury cases. If an injured employee has forty-five (45) days of temporary total disability and has not previously been referred to a QRC, then within seven (7) days thereafter the employer/carrier shall submit a report to the board which contains:

(a) The name, address and telephone number of the QRC to whom the case has been assigned; or

(b) A statement from the injured employee's treating physician that, following maximum medical improvement, the injured employee will be able to resume his usual customary employment or other suitable employment and a projected date of return to such employment; or

(c) A statement from the injured employee's

Louisville Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Glenn L. Schilling

Summary of proposed regulation: Regulation No. 803 KAR 25:100 will determine procedures to be used in Workers' Compensation Rehabilitation matters by the Workers' Compensation Board of the Department of Workers' Claims. This regulation does not replace a previous regulation.

(1) Type and number of entities affected: The regulation will affect employees, employers, self-insured employers, special fund, and uninsured employers' fund and attorneys representing these entities. The procedures will especially affect seriously injured workers, for example, spinal cord severance cases.

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

1. First year: As the procedure set forth in this new regulation are tested, attorney costs may increase. This should be of brief duration. The amount of the increase cannot be estimated.

2. Continuing costs or savings: Long term, it is anticipated that the new procedures will lower the costs of adjudicating workers' compensation claims and will effectively return injured employees to work who would otherwise not have been capable of returning to gainful employment. The effect will be to offset some of the costs.

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

(b) Reporting and paperwork requirements: The new system may result in more paperwork for attorneys. Efforts to combat this have resulted in essential rehabilitation forms which will be furnished free of charge by the Department of Workers' Claims: 1 form to be filed by qualified rehabilitation facility; 4 forms to be filed by employer/carrier; 5 forms to be filed by qualified rehabilitation coordinators; 1 certificate to be issued by Workers' Compensation Board; 1 directory to be maintained by Workers' Compensation Board; 2 registries to be maintained by Workers' Compensation Board.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: As mandated by statute, the new system is more costly than the old; however, the administrative regulation does not result in greater costs over and above those mandated by statute.

2. Continuing costs or savings: The new administrative regulation is not responsible for the continued higher cost of the program.

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Reporting will not be affected. The department's paperwork will increase but it is impossible to estimate by how much.

(3) Assessment of anticipated effect on state and local revenues: There should be no effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Since the new procedures were required by statute, no alternatives were possible.

(5) Identify any statute, administrative regulation or government policy which may be in

conflict, overlapping, or duplication: No such statute, administrative regulation or governmental policy is 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. Tiering is not appropriate since there are no multiple classes involved. Each employee and employer is equally entitled to due process protections and so deserves all of the protections and freedoms included in the regulation.

PUBLIC PROTECTION & REGULATION CABINET
Kentucky State Racing Commission

810 KAR 1:050. Steeplechase racing.

RELATES TO: KRS 230.361

STATUTORY AUTHORITY: KRS 230.215

NECESSITY AND FUNCTION: To regulate conditions on which steeplechase races shall be conducted when there is pari-mutuel wagering.

Section 1. Definitions. (1) "Steeplechase race" means a running contest between thoroughbred horses, ridden by jockeys, over a prescribed course which may include obstacles or jumps and which is conducted at a racing association licensed by the Kentucky State Racing.

(2) For steeplechase races, "recognized meeting" means any meeting with regularly scheduled races for thoroughbreds, licensed by and conducted under rules promulgated by a governmental regulatory body, to include foreign countries which are regulated by a racing authority which has reciprocal relations with the Jockey Club and whose race records can be provided an association by the Jockey Club.

Section 2. All steeplechase races on which pari-mutuel wagering is conducted shall be in accord with this regulation and the "Rules of Racing L" and all other provisions of KAR Title 810 and the "Rules of Racing" except as noted in the sections of this regulation.

Section 3. For steeplechase races, "maiden" means a horse which, at the time of starting, has never won a race at a recognized meeting, except as follows:

(1) In the races on the flat, a horse is still a maiden although the winner of a steeplechase.

(2) In a steeplechase, a horse is still a maiden although the winner of a flat race.

Section 4. For steeplechase races, a horse shall be considered a "starter" immediately upon the assistant starter dropping the flag.

Section 5. For steeplechase races, the "weight for ages" schedule in 810 KAR 1:014, Section 1(12) and the "Rules of Racing XIV" Section 1(12) shall not apply. Each association desiring to conduct steeplechase races shall submit to the commission for its approval a "weight for ages schedule for steeplechase races" as a part of its application for race dates.

harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

TIERING: Was tiering applied? Yes. Allowances are made to differentiate between thoroughbred and steeplechase scales of weight and jockey fees due to the differences in length of course and the amateur standing of some jockeys.

PUBLIC PROTECTION & REGULATION CABINET
 Department of Housing, Buildings & Construction
 Division of Fire Prevention

815 KAR 4:025. Permits and inspection fees for elevators and escalators.

RELATES TO: KRS 198B.050, 198B.400-540

STATUTORY AUTHORITY: KRS 198B.490

NECESSITY AND FUNCTION: KRS 198B.490 authorizes the Commissioner of the Department of Housing, Buildings and Construction to make inspections and prescribe the fees to be charged for each inspection of an elevator as defined by KRS 198B.400(1). This regulation establishes the fees to be charged in order to raise enough revenue to properly administer the inspection program and clarifies that new installations and alterations are required to be permitted and inspected. This regulation includes the substance of 815 KAR 4:021, therefore no longer necessitating the old regulation.

Section 1. Definition. Alteration: any change to equipment other than maintenance, repair or replacement.

Section 2. Permits and Fees for Inspection of Elevator Construction and Alteration. (1) Construction permits shall be obtained for the installation or alteration, except for those alterations made pursuant to the report of an inspector, of any elevator or other lifting device covered by KRS 198B.400 and 815 KAR 4:010 and inspection fees are required.

(2) Fees for the inspections made pursuant to this section are as follows:

(a) Zero to five (5) horsepower, per unit - \$40 (forty);

(b) Six (6) to ten (10) horsepower, per unit - \$60 (sixty);

(c) Eleven (11) horsepower and over, per unit - \$60 (sixty), plus \$5 (five) for each horsepower over ten (10).

(3) An alteration, as defined in Section 1 of this regulation, shall be anything as defined in Part XII of the American Standard Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, as adopted by reference in 815 KAR 4:010.

Section 3. Annual Inspection Fee. (1) The fee for the general inspection of elevators and escalators conducted annually from which certificates of operation are issued shall be fifty-five (55) dollars per inspection.

(2) Any inspection, other than the inspection made pursuant to a permit or annual inspection, conducted at the request of the owner or user of any unit shall be fifty-five (55) dollars.

Section 4. Regulation 815 KAR 4:021, Elevator and escalator inspection fees, is hereby repealed.

CHARLES A. COTTON, Commissioner

THEODORE T. COLLEY, Secretary

APPROVED BY AGENCY: April 13, 1989

FILED WITH LRC: April 14, 1989 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation shall be held on May 23, 1989 at 10 a.m. in the office of the Department of Housing, Buildings and Construction, U.S. 127 South, Frankfort, Kentucky. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is received. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: 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 18, 1989, the hearing may be cancelled.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith G. Walden

(1) Type and number of entities affected: Elevator installation contractors and owners of buildings in which an elevator is located.

(a) Direct and indirect costs or savings to those affected: No additional costs beyond the fees charged for plan review and inspections which have not changed for several years.

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 new reporting or paperwork requirements.

(2) Effects on the promulgating administrative body: Department receives fees for initial installation inspection of all elevators, passenger or otherwise.

(a) Direct and indirect costs or savings: Fees generate approximately \$280,000 per year which is sufficient to support the number of employees making the required amount of inspections.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Reporting requirements have remained the same as have the fees for many years.

(3) Assessment of anticipated effect on state and local revenues: No effect on state or local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Fee for service viewed as best mechanism with appropriate persons paying.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: No known conflicting statute.

(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:

DENNIS D. BOYD, Commissioner
 HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: April 6, 1989
 FILED WITH LRC: April 10, 1989 at 11 a.m.
 PUBLIC HEARING: A public hearing on this regulation has been scheduled for May 22, 1989 at 9 a.m. in the Health Services Auditorium, 1st Floor, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 17, 1989, 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: Dennis D. Boyd

(1) Type and number of entities affected: The group of persons who could be affected are approximately 220 with mental retardation and their families.

(a) Direct and indirect costs or savings to those affected: None. This regulation deals with the treatment of residents.

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body: There will be very little change in procedures.

(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: This has no effect on revenue.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No viable alternatives were identified.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no statute or regulation in conflict.

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: This is an administratory to incorporate manuals by reference.

TIERING: Was tiering applied? Yes

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. This regulation incorporates by reference manual material used by agency staff and is federally mandated.

2. State compliance standards. This regulation incorporates by reference manual material used by agency staff and is federally mandated.

3. Minimum or uniform standards contained in the federal mandate. There are standards cited in 42 CFR 440 through 489. These federal regulations mandate requirements implemented by this regulation. The requirements contained in this regulation are neither stricter, in

addition to, or different from those in the federal requirement.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This regulation incorporates by reference manual material used by agency staff. Stricter requirements or responsibilities are not imposed.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. No additional standards, requirements, or responsibilities are imposed.

CABINET FOR HUMAN RESOURCES
 Department for Mental Health and
 Mental Retardation Services

908 KAR 3:090. Policies and procedures of Central State Hospital ICF-MR (intermediate care facility-mental retardation).

RELATES TO: KRS Chapters 202A, 202B, 210
 STATUTORY AUTHORITY: KRS 202A.196, 202B.060, 210.010, 210.040, 210.045, 210.055, 210.285, 42 CFR 440 through 489

NECESSITY AND FUNCTION: KRS 210.010 directs that the Secretary for the Cabinet for Human Resources shall adopt rules and regulations which insure proper administration and enforcement of these chapters. The function of this regulation is to describe the medical care and treatment and residential care of persons at Central State Hospital ICF-MR.

Section 1. The polices and procedures set forth in the April 15, 1989, edition of the Central State Hospital ICF-MR policy and procedures manual are adopted by reference.

Section 2. These regulations are contained in one (1) volume relating to the operation of Central State Hospital, ICF-MR. This volume is available for inspection or copy in the office of the Commissioner at 275 East Main Street, Frankfort, Kentucky 40621, and at the office of the Director, Central State Hospital ICF-MR, LaGrange Road, Louisville, Kentucky 40223.

DENNIS D. BOYD, Commissioner
 HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: April 6, 1989
 FILED WITH LRC: April 10, 1989 at 11 a.m.
 PUBLIC HEARING: A public hearing on this regulation has been scheduled for May 22, 1989 at 9 a.m. in the Health Services Auditorium, 1st Floor, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 17, 1989, 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: Dennis D. Boyd

(1) Type and number of entities affected: The group of persons who could be affected are sixty (60) mentally retarded individuals and their families.

(a) Direct and indirect costs or savings to

1. First year:
 2. Continuing costs or savings:
 3. Additional factors increasing or decreasing costs:
 - (b) Reporting and paperwork requirements:
 - (3) Assessment of anticipated effect on state and local revenues:
 - (4) Assessment of alternative methods; reasons why alternatives were rejected: These were not alternative methods.
 - (5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no statute in conflict.
 - (a) Necessity of proposed regulation if in conflict:
 - (b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
 - (6) Any additional information or comments: This is an administory to incorporate manuals by reference.
- TIERING: Was tiering applied? Yes

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. This regulation incorporates by reference manual material used by agency staff and is federally mandated.
2. State compliance standards. This regulation incorporates by reference manual material used by agency staff and contains state compliance standards.
3. Minimum or uniform standards contained in the federal mandate. There are standards cited in 42 CFR 440 through 489. These federal regulations mandate requirements implemented by this regulation. The requirements contained in this regulation are neither stricter, in addition to, or different from those in the federal requirement.
4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This regulation incorporates by reference manual material used by agency staff. Stricter requirements or responsibilities are not imposed.
5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. No additional standards, requirements, or responsibilities are imposed.

CABINET FOR HUMAN RESOURCES
Department for Mental Health and
Mental Retardation Services

908 KAR 3:110. Policies and procedures of Central State Hospital.

RELATES TO: KRS Chapters 202A, 202B, 210
 STATUTORY AUTHORITY: KRS 194.050, 202A.196, 202B.060, 210.010, 210.040, 210.055, 210.285, 42 CFR 440 through 489

NECESSITY AND FUNCTION: KRS 210.010, relating to the hospitalization of mentally ill and mentally retarded person, directs that the Secretary for the Cabinet for Human Resources shall adopt rules and regulations which insure proper administration and enforcement of these chapters.

Section 1. Policies and procedures of Central State Hospital as set forth in the April 15, 1989, edition of the Central State Hospital Policy and procedure manual consisting of two (2) volumes relating to the operation of Central State Hospital are incorporated by reference.

Section 2. These policies in two (2) volumes have 159 pages. They are available for inspection or copy at the office of the Commissioner for the Department of Mental Health/Mental Retardation Services, 275 East Main Street, Frankfort, Kentucky 40621, and in the office of the Director at Central State Hospital, LaGrange Road, Louisville, Kentucky 40223.

DENNIS D. BOYD, Commissioner
 HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: April 6, 1989
 FILED WITH LRC: April 10, 1989 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for May 22, 1989 at 9 a.m. in the Health Services Auditorium, 1st Floor, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 17, 1989, 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: Dennis D. Boyd

(1) Type and number of entities affected: The group of persons affected are those 1800 admissions to Central State Hospital each year, and their families.

(a) Direct and indirect costs or savings to those affected: These regulations concern treatment and do not directly involve cost savings.

1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors.

(b) Reporting and paperwork requirements:
 (2) Effects on the promulgating administrative body:

- (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:

(4) Assessment of alternative methods; reasons why alternatives were rejected: There are no alternative methods.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no statute in conflict.

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: There is no additional information.

TIERING: Was tiering applied? Yes

Kentucky 40621, and in the office of the Director of the VOLTA Program, Western State Hospital, P.O. Box 2200, Hopkinsville, Kentucky 42240.

DENNIS D. BOYD, Commissioner
 HARRY J. COWHERD, M.D., Secretary
 APPROVED BY AGENCY: April 6, 1989

FILED WITH LRC: April 10, 1989 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for May 22, 1989 at 9 a.m. in the Health Services Auditorium, 1st Floor, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 17, 1989, 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: Dennis D. Boyd

(1) Type and number of entities affected: The 470 persons admitted each year from 42 counties along with their families.

(a) Direct and indirect costs or savings to those affected: These policies and procedures deal with the residential care and treatment of residents and not directly with costs and savings.

- 1. First year:
- 2. Continuing costs or savings:
- 3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors.

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body: There is no financial effect on the department by incorporating these policies.

(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: These policies do not effect revenue.

(4) Assessment of alternative methods; reasons why alternatives were rejected: There are no alternative methods.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no statute in conflict.

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: There is no additional information.

TIERING: Was tiering applied? Yes

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. This regulation incorporates by reference manual material used by agency staff and is federally mandated.

2. State compliance standards. This regulation incorporates by reference manual material used by agency staff and contains state compliance

standards.

3. Minimum or uniform standards contained in the federal mandate. There are standards cited in 42 CFR 440 through 489. These federal regulations mandate requirements implemented by this regulation. The requirements contained in this regulation are neither stricter, in addition to, or different from those in the federal requirement.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This regulation incorporates by reference manual material used by agency staff. Stricter requirements or responsibilities are not imposed.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. No additional standards, requirements, or responsibilities are imposed.

**CABINET FOR HUMAN RESOURCES
 Department for Mental Health and
 Mental Retardation Services**

908 KAR 3:160. Policies and procedures of Kentucky Correctional Psychiatric Center.

RELATES TO: KRS Chapters 202A, 202B, 210
 STATUTORY AUTHORITY: KRS 194.050, 202A.196, 202B.060, 210.010, 210.040 210.055, 210.285, 42 CFR 440 through 489

NECESSITY AND FUNCTION: KRS 210.010, relating to the hospitalization of mentally ill and mentally retarded persons, directs that the Secretary for the Cabinet for Human Resources shall adopt rules and regulations which insure proper administration and enforcement of this chapter.

Section 1. Policies and procedures of Kentucky Correctional Psychiatric Center as set forth in the April 15, 1989, edition of the Kentucky Correctional Psychiatric Center policy manual consisting of four (4) volumes relating to the operation of Kentucky Correctional Psychiatric Center are incorporated by reference.

Section 2. These policies and procedures are contained in four (4) volumes with 171 pages. They are available for inspection and copy at the office of the Commissioner for the Department for Mental Health/Mental Retardation Services, 275 East Main Street, Frankfort, Kentucky 40621, and in the office of the Director at Kentucky Correctional Psychiatric Center, 1612 Dawkins Road, P. O. Box 67, LaGrange, Kentucky 40031.

DENNIS D. BOYD, Commissioner
 HARRY J. COWHERD, M.D., Secretary
 APPROVED BY AGENCY: April 6, 1989
 FILED WITH LRC: April 10, 1989 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for May 22, 1989 at 9 a.m. in the Health Services Auditorium, 1st Floor, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by May 17, 1989, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4

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: This has no effect on revenue.
 - (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: There is no statute in conflict.
 - (a) Necessity of proposed regulation if in conflict:
 - (b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
 - (6) Any additional information or comments: This is a regulation to incorporate manuals by reference.
- TIERING: Was tiering applied? Yes

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. This regulation incorporates by reference manual material used by agency staff and is federally mandated.
2. State compliance standards. This regulation incorporates by reference manual material used by agency staff and contains state compliance standards.
3. Minimum or uniform standards contained in the federal mandate. There are standards cited in 42 CFR 440 through 489. These federal regulations mandate requirements implemented by this regulation. The requirements contained in this regulation are neither stricter, in addition to, or different from those in the federal requirement.
4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This regulation incorporates by reference manual material used by agency staff. Stricter requirements or responsibilities are not imposed.
5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. No additional standards, requirements, or responsibilities are imposed.

administrative regulation was amended to restrict its application to nursing pools and to delete terminology that did not comply with KRS Chapter 13A and that expanded the scope of the administrative regulation. A representative of the Kentucky Association of Health Care Facilities objected to the deletion of ", but is not limited to" and stated that this phrase was contained in the statute. It was pointed out that the regulation could not repeat statutory language and that the phrase was intended to refer to categories related to nursing. This representative proposed to include "certified medical technicians". Upon assurance by agency personnel that their services were related to nursing, this term was included in the amendment.

906 KAR 1:060 (Supplemental medical staffing agency hearings.) This administrative regulation was amended to restrict its application to nursing pools and to delete terminology that did not comply with KRS Chapter 13A and that expanded the scope of the administrative regulation.)

The Subcommittee determined that the following regulations complied with KRS Chapter 13A:

Finance and Administration Cabinet: Kentucky Private Activity Bond Allocation Committee
200 KAR 15:010 (Formula for allocation of private activity bonds.)

General Government Cabinet: Board of Hairdressers & Cosmetologists
201 KAR 12:030 (License required.)

Tourism Cabinet: Department of Parks: Parks and Campgrounds
304 KAR 1:040 (Campgrounds.)

Economic Development Cabinet: Development Finance Authority: Kentucky Development
307 KAR 1:011 (Repeal of 307 KAR 1:010.)

Natural Resources and Environmental Protection Cabinet: Department for Surface Mining Reclamation and Enforcement: Permits
405 KAR 8:010 (General provisions for permits.)
405 KAR 8:020 (Coal exploration.)
405 KAR 8:030 (Surface coal mining permits.)
405 KAR 8:040 (Underground coal mining permits.)

Areas Unsuitable for Mining
405 KAR 24:040 (Areas unsuitable for mining.)

Corrections Cabinet: Office of the Secretary
501 KAR 6:030 (Kentucky State Reformatory.) In response to questions raised, cabinet personnel stated that a delay in discharge would not extend the maximum expiration date of a sentence.
501 KAR 6:040 (Kentucky State Penitentiary.)
501 KAR 6:070 (Kentucky Correctional Institute for Women.)
501 KAR 6:130 (Western Kentucky Farm Center.)

Transportation Cabinet: Department of Vehicle Regulation: Division of Motor Carriers
601 KAR 1:025 (Transporting hazardous materials; permit.)
Department of Highways: Traffic
603 KAR 5:070 (Truck dimension limits.)

Cabinet for Human Resources: Department for Social Services: Child Welfare

905 KAR 1:230 (Emergency custody orders.)
Department for Medicaid Services: Medicaid Services

907 KAR 1:022 (Skilled nursing facility services.)

907 KAR 1:460 (Coverage and payments for preadmission screening and annual resident review.) Representatives of the Kentucky Hospital Association spoke with the Subcommittee on the problems hospitals face because of long waits for the completion of screening and review before patients are placed in nursing homes, and stated that they felt a time limit for such should be included. Department personnel stated that they are reviewing this matter and would be able to report, July 1989. It was pointed out to agency personnel that if it intended to require a time limit for review by a regulated entity, that time limit would have to be accomplished by an amendment to this administrative regulation.

The promulgating agency withdrew the following administrative regulations:

Department of Personnel: Classified
101 KAR 2:010 (Definitions.) The Department of Personnel concurred with initial and Subcommittee staff reviews that this regulation restated statutory language in violation of KRS 13A.120.

Unclassified
101 KAR 3:010 (Leave regulations for unclassified service.) Chairman O'Brien pointed out that KRS 18A.155 requires that the Department submit regulations relating to the unclassified service to the Governor for his approval. The administrative regulations relating to the unclassified service were not approved by the Governor until after they were filed with the Regulations Compiler. Department personnel stated that the error was corrected since the Governor had given subsequent approval. It was pointed out to the Department that the Governor had the authority to approve the regulation; the Department simply filed such a regulation. An analogous situation would be the lack of authority of the Executive Director of the Board to file an administrative regulation prior to Board approval. The Subcommittee approved a motion stating that it lacked jurisdiction to consider this administrative regulation because it had been filed prior to the Governor's approval. The Department withdrew the regulation and agreed to refile it properly.

During a discussion of the following administrative regulations, the Executive Director of the Personnel Board stated that the Department of Personnel had violated KRS 13A.280(1) in that the Statement of Consideration relating to these regulations did not contain an acknowledgment and statement of the specific objections raised by the Personnel Board. Department personnel stated that the substance of the objections were addressed in the Statement of Consideration, although reference was not made to the Board with each of their objections. Representative Kerr stated that the Subcommittee did not have jurisdiction to consider these regulations. It was pointed out that, had the Regulations Compiler been aware of this, she would not have had the authority to accept the Statement of Consideration for filing. Representatives Kerr

OTHER COMMITTEE REPORTS

COMPILER'S NOTE: In accordance with KRS 13A.290(9), the following report(s) were forwarded to the Legislative Research Commission by the appropriate jurisdictional committee(s) and are hereby printed in the Administrative Register. The administrative regulations listed in each report became effective upon adjournment of the committee meeting at which they were considered.

**INTERIM JOINT COMMITTEE ON
BANKING & INSURANCE
Meeting of March 16, 1989**

The Interim Joint Committee on Banking and Insurance met on March 16, 1989, and submits this report:

(1) The Committee determined that the following administrative regulation does not comply with KRS Chapter 13A or other applicable statutes and attach objections as set forth below:

806 KAR 12:130: The Interim Joint Committee on Banking and Insurance reviewed 806 KAR 12:130 at its meeting on March 16, 1989. The Committee decided the regulation does not conform to statutory authority for the reasons stated in the Staff Review Form. The Committee agreed that the substance of the regulation is good and that rules on disclosure are necessary for annuities used to fund preneed burial contracts. Despite the merits of the regulation, the Committee questioned whether there is sufficient language in the statutes to authorize the Department of Insurance to promulgate a regulation on the subject matter.

(2) The Committee deferred the following regulations at the agencies' request:

806 KAR 17:065E

**INTERIM JOINT COMMITTEE ON
AGRICULTURE & NATURAL RESOURCES
Meeting of March 22, 1989**

The Interim Joint Committee on Agriculture and Natural Resources met Wednesday, March 22, 1989, and submits this report:

The committee determined that the following administrative regulations comply with KRS Chapter 13A: 301 KAR 1:171 and 301 KAR 1:200.

The committee adjourned at 2:35 p.m., March 22, 1989.

**INTERIM JOINT COMMITTEE ON JUDICIARY
Meeting of March 21, 1989**

The Interim Joint Committee on Judiciary met on Tuesday, March 21, 1989, and submits this report.

No action was taken by the Interim Joint Committee on Judiciary on the following regulations:

501 KAR 6:020 & E (Corrections policies and procedures.)

501 KAR 6:030 (Kentucky State Reformatory.)

501 KAR 6:040 (Kentucky State Penitentiary.)

501 KAR 6:120 (Blackburn Correctional Complex.)

501 KAR 6:130 (Western Kentucky Farm Center.)

501 KAR 6:030 (Kentucky State Reformatory.)

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 6:110 (Roederer Farm Center.)

501 KAR 6:120 (Blackburn Correctional Complex.)

501 KAR 6:130 (Western Kentucky Farm Center.)

A motion was made by Senator Berger to amend policy number KSP 090000-01 of 501 KAR 6:040 (Kentucky State Penitentiary) presented by the Corrections Cabinet. The motion was approved by voice vote.

The meeting was adjourned at 12:25 p.m.

**INTERIM JOINT COMMITTEE ON
BUSINESS ORGANIZATIONS AND PROFESSIONS
Meeting of April 14, 1989**

The Interim Joint Committee on Business Organizations and Professions met on Friday, April 14, 1989, and submits this report:

The Committee determined that the following regulations complied with KRS Chapter 13A:

201 KAR 12:030. Bd. of Hairdressers & Cosmetologists

The Committee adjourned at 11:40 a.m.

CUMULATIVE SUPPLEMENT

Locator Index - Effective Dates.....K2
KRS Index.....K14
Subject Index to Volume 14.....K23

ADMINISTRATIVE REGISTER - K3

Emergency Regulation	15 Ky.R. Page No.	Effective Date	Emergency Regulation	15 Ky.R. Page No.	Effective Date
600 KAR 2:020E	161	7-1-88	Replaced	1296	12-13-88
Replaced	532	10-4-88	902 KAR 20:016E	926	9-15-88
600 KAR 3:010E	2213	3-27-89	Expired		11-4-88
601 KAR 1:005E	9	6-1-88	Resubmitted	1440	11-15-88
Withdrawn		8-15-88	Replaced	1583	1-18-89
Resubmitted	785	8-15-88	902 KAR 45:120E		4-15-88
Replaced	816	10-4-88	Replaced	258	8-3-88
Resubmitted	1758	12-20-88	902 KAR 50:120E	214	7-15-88
Replaced	2072	3-7-89	Replaced	987	9-21-88
601 KAR 13:020E	162	7-15-88	903 KAR 5:260E	11	5-20-88
Replaced	541	10-4-88	Replaced		8-5-88
603 KAR 5:072E	11	6-14-88	903 KAR 5:270E	218	6-20-88
Replaced	806	9-2-88	Replaced	93	8-5-88
Resubmitted	1761	1-10-89	903 KAR 5:290E	2214	4-10-89
Replaced	1915	3-7-89	904 KAR 2:015E	1639	12-13-88
603 KAR 5:230E	1394	10-26-88	Replaced	2069	3-15-89
Replaced	2020	3-7-89	904 KAR 2:016E	219	7-1-88
702 KAR 7:065E	1220	9-23-88	Withdrawn		8-9-88
Replaced	1153	1-7-89	Resubmitted	795	8-11-88
704 KAR 5:060E	1220	9-23-88	Replaced	869	11-4-88
Replaced	1194	12-2-88	904 KAR 2:022E	800	7-25-88
705 KAR 5:140E	164	7-15-88	Replaced	875	11-4-88
Replaced	744	10-7-88	Resubmitted	2214	3-15-89
707 KAR 1:110E	165	7-15-88	904 KAR 2:110E	1221	10-6-88
Withdrawn		7-25-88	Replaced	1300	12-13-88
Resubmitted	787	7-25-88	904 KAR 2:116E	224	7-13-88
Replaced	1104	11-4-88	Replaced	658	9-21-88
803 KAR 25:011E		4-19-88	Resubmitted	1223	10-10-88
Replaced	250	8-5-88	Replaced	1303	1-7-89
803 KAR 25:025E	791	7-25-88	904 KAR 3:020E	1451	10-31-88
Replaced	1471	12-2-88	Expired		12-15-88
803 KAR 25:080E	169	7-13-88	Resubmitted	1762	12-22-88
Expired		11-3-88	Replaced	1705	3-15-89
806 KAR 4:010E	174	7-15-88	904 KAR 3:060E	937	9-14-88
Replaced	1113	11-4-88	Replaced	1475	11-16-88
806 KAR 13:110E	175	7-15-88	905 KAR 1:230E	1765	12-28-88
Replaced	755	10-7-88	906 KAR 1:040E	804	7-15-88
806 KAR 17:065E	1629	11-23-88	Replaced	767	11-4-88
901 KAR 5:110E	176	7-13-88	907 KAR 1:004E	227	7-1-88
Replaced	757	9-21-88	Replaced	664	9-21-88
902 KAR 2:110E	794	7-15-88	Resubmitted	1226	10-7-88
Replaced	1115	11-4-88	Replaced	1308	12-13-88
902 KAR 2:120E	794	7-15-88	Resubmitted	1766	1-4-89
Replaced	1115	11-4-88	Replaced	1953	3-15-89
902 KAR 3:060E	177	6-20-88	907 KAR 1:006E	1773	1-4-89
Replaced	54	8-31-88	Replaced	2156	3-15-89
902 KAR 3:075E	178	6-20-88	907 KAR 1:008E	233	7-1-88
Replaced	57	8-31-88	Replaced	670	9-21-88
902 KAR 3:115E	179	6-20-88	907 KAR 1:009E	1233	10-7-88
Replaced	60	8-31-88	Replaced	1315	12-13-88
902 KAR 3:205E	181	6-20-88	907 KAR 1:010E	1234	10-7-88
Replaced	62	8-31-88	Expired		12-6-88
902 KAR 3:210E	182	7-1-88	Resubmitted	1642	12-6-88
Replaced	63	8-31-88	Replaced	1710	3-15-89
902 KAR 3:225E	184	6-20-88	907 KAR 1:011E	1235	10-7-88
Replaced	66	8-31-88	Replaced	1318	12-13-88
902 KAR 3:250E	185	6-20-88	Resubmitted	1774	1-4-89
Replaced	69	8-31-88	Replaced	1961	3-15-89
902 KAR 4:050E	926	9-15-88	907 KAR 1:013E	233	7-1-88
Replaced	1156	11-16-88	Expired		8-30-88
902 KAR 10:021E		4-15-88	Resubmitted	939	8-30-88
Replaced	17	6-22-88	Replaced	1171	11-16-88
902 KAR 10:081E	186	7-13-88	Resubmitted	2003	1-19-89
Replaced	619	9-21-88	Replaced	1966	3-15-89
902 KAR 10:085E	194	7-13-88	907 KAR 1:015E	235	7-1-88
Replaced	628	9-21-88	Replaced	674	9-21-88
902 KAR 10:130E		4-15-88	907 KAR 1:020E	236	7-1-88
Replaced	17	6-22-88	Replaced	975	9-21-88
902 KAR 17:010E	214	7-6-88	Resubmitted	1239	10-7-88
Expired		9-7-88	Replaced	1322	12-13-88
Resubmitted	1220	9-21-88	907 KAR 1:022E	1778	1-6-89

ADMINISTRATIVE REGISTER - K5

Regulation	15 Ky.R. Page No.	Effective Date	Regulation	15 Ky.R. Page No.	Effective Date
101 KAR 2:090			103 KAR 43:150		
Amended	822		Repealed	1332	12-22-88
As Amended	1250	10-12-88	103 KAR 43:160		
101 KAR 2:100			Repealed	1332	12-22-88
Amended	824		103 KAR 43:170		
As Amended	1457	11-9-88	Repealed	1332	12-22-88
Amended	2090		103 KAR 43:230		
As Amended	2220		Amended	1675	3-23-89
101 KAR 2:110			103 KAR 43:250	96	8-25-88
Amended	829	11-9-88	103 KAR 43:260	96	*(No eff. date)
101 KAR 2:115	2124		*Since statement of consideration was not received by 15th day following hearing, regulation must be refiled (KRS 13A.280)		
Withdrawn		4-10-89	103 KAR 43:270	890	10-27-88
101 KAR 2:120			103 KAR 43:280	1332	12-22-88
Amended	830	10-12-88	103 KAR 43:290	1333	12-22-88
101 KAR 2:140	886	10-12-88	103 KAR 43:300	1334	
101 KAR 2:150	888	10-12-88	As Amended	1645	12-22-88
101 KAR 2:160	889	10-12-88	103 KAR 44:030	1613	
101 KAR 3:010			Withdrawn		12-12-88
Amended	833		105 KAR 1:010		
As Amended	1461	11-9-88	Amended	31	8-10-88
Amended	2095		106 KAR 1:020		
Withdrawn		4-10-89	Repealed	1986	3-8-89
101 KAR 3:030			106 KAR 1:021	1986	3-8-89
Amended	2100		106 KAR 1:030		
Withdrawn		4-10-89	Repealed	1465	11-9-88
101 KAR 3:040	2240		106 KAR 1:060	1182	
101 KAR 3:050			As Amended	1465	11-9-88
Amended	2101		106 KAR 1:070	1615	1-11-89
Withdrawn		4-10-89	107 KAR 1:050	97	8-17-88
103 KAR 5:140	1331		200 KAR 3:045		
As Amended	1644	12-22-88	Amended	1126	
103 KAR 8:100	1612		As Amended	1467	12-2-88
Withdrawn		12-12-88	200 KAR 6:021	2327	
103 KAR 16:100			200 KAR 6:035		
Amended	271	9-22-88	Repealed	2149	3-8-89
103 KAR 16:110			200 KAR 12:010		
Amended	272	9-22-88	Repealed	2149	3-8-89
103 KAR 16:130			200 KAR 12:030	1986	
Amended	273	9-22-88	As Amended	2149	3-8-89
103 KAR 16:145	691	9-22-88	200 KAR 15:010	2125	
103 KAR 35:030	1724	3-23-89	200 KAR 16:010	2195	
103 KAR 43:010			201 KAR 2:130		
Amended	1661	3-23-89	Amended	837	
103 KAR 43:020			201 KAR 8:400	99	10-14-88
Amended	1662		201 KAR 8:410	99	10-14-88
As Amended	2010	3-23-89	201 KAR 9:016		
103 KAR 43:030			Amended	1286	
Amended	1663	3-23-89	As Amended	1645	12-13-88
103 KAR 43:050			201 KAR 9:041		
Amended	1665	3-23-89	Amended	1287	1-7-89
103 KAR 43:060			201 KAR 9:083		
Amended	1666		Repealed	777	7-27-88
Withdrawn		2-14-89	201 KAR 9:175	891	10-14-88
103 KAR 43:070			201 KAR 10:050		
Amended	1667		Amended	33	
Withdrawn		2-14-89	As Amended	950	9-9-88
103 KAR 43:080			201 KAR 12:030		
Amended	1667	3-23-89	Amended	2103	4-14-89
103 KAR 43:090			201 KAR 12:065		
Amended	1668	3-23-89	Amended	1676	3-10-89
103 KAR 43:100			201 KAR 12:170		
Amended	1669	3-23-89	Repealed	1726	3-10-89
103 KAR 43:110			201 KAR 12:190	1726	3-10-89
Amended	1670	3-23-89	201 KAR 15:010		
103 KAR 43:120			Amended	2241	
Amended	1671		201 KAR 17:030		
Withdrawn		2-14-89	Amended	2162	
103 KAR 43:121	2194		201 KAR 17:090		
103 KAR 43:130			Amended	2163	
Amended	1672	3-23-89			
103 KAR 43:140					
Amended	1674	3-23-89			

ADMINISTRATIVE REGISTER - K7

Regulation	15 Ky.R. Page No.	Effective Date	Regulation	15 Ky.R. Page No.	Effective Date
401 KAR 35:070			405 KAR 10:010		
Amended	351	10-26-88	Amended	438	12-13-88
401 KAR 35:090			405 KAR 10:020		
Amended	358	10-26-88	Amended	441	12-13-88
401 KAR 39:010			405 KAR 10:030		
Amended	365	10-26-88	Amended	443	
401 KAR 39:020			Amended	1070	12-13-88
Amended	367		405 KAR 10:040		
Amended	1033		Amended	447	
As Amended	1261	10-26-88	As Amended	2016	1-25-89
401 KAR 39:030			405 KAR 10:050		
Amended	369		Amended	451	
Amended	1033		Amended	1073	12-13-88
As Amended	1262	10-26-88	405 KAR 16:010		
401 KAR 39:060			Amended	453	12-13-88
Amended	371		405 KAR 16:070		
Amended	1034		Amended	455	12-13-88
As Amended	1263	10-26-88	405 KAR 16:080		
401 KAR 39:070			Amended	457	
Amended	372		Amended	1074	12-13-88
Amended	1034		405 KAR 16:100		
As Amended	1263	10-26-88	Amended	460	
401 KAR 39:080			Amended	1076	12-13-88
Amended	374	10-26-88	405 KAR 16:110		
401 KAR 39:090			Amended	464	
Amended	375		Amended	1078	12-13-88
Amended	1035		405 KAR 16:120		
As Amended	1264	10-26-88	Amended	466	12-13-88
401 KAR 39:110			405 KAR 16:150		
As Amended	713		Amended	471	12-13-88
401 KAR 39:120			405 KAR 16:190		
Amended	715	10-26-88	Amended	473	
As Amended	1036		Amended	1080	12-13-88
401 KAR 47:060			405 KAR 18:010		
Amended	377		Amended	478	12-13-88
Amended	1037		405 KAR 18:070		
As Amended	1266	10-26-88	Amended	480	12-13-88
401 KAR 50:015			405 KAR 18:080		
Amended	379	10-26-88	Amended	482	
401 KAR 50:036			Amended	1083	12-13-88
Amended	384		405 KAR 18:100		
Amended	1038		Amended	485	
As Amended	1267	10-26-88	Amended	1085	12-13-88
401 KAR 63:045			405 KAR 18:110		
Amended	1335		Amended	489	
401 KAR 63:050			Amended	1088	12-13-88
Amended	1651	1-25-89	405 KAR 18:120		
As Amended	1341		Amended	491	12-13-88
405 KAR 7:015			405 KAR 18:150		
Amended	1654		Amended	496	12-13-88
405 KAR 7:020			405 KAR 18:190		
Amended	2011	1-25-89	Amended	498	
405 KAR 7:030			Amended	1089	12-13-88
Amended	390	12-13-88	405 KAR 20:010		
405 KAR 7:090			Amended	502	12-13-88
Amended	392		405 KAR 20:060		
Amended	1041	12-13-88	Amended	505	12-13-88
405 KAR 8:010			405 KAR 24:020		
Amended	402	12-13-88	Amended	508	12-13-88
405 KAR 8:020			405 KAR 24:030		
Amended	414		Amended	511	12-13-88
Amended	1057	12-13-88	405 KAR 24:040		
Amended	1855		Amended	515	12-13-88
405 KAR 8:030			Amended	1897	
Amended	428	12-13-88	500 KAR 7:020	1348	1-7-89
405 KAR 8:040			501 KAR 1:011		
Amended	1867		Repealed	915	9-14-88
405 KAR 8:050			501 KAR 1:015		
Amended	1870		Repealed	921	9-14-88
405 KAR 8:050			501 KAR 1:020		
Amended	1883		Repealed	918	9-14-88
	432	12-13-88	501 KAR 1:030	1186	
			As Amended	1467	12-2-88

ADMINISTRATIVE REGISTER - K9

Regulation	15 Ky.R. Page No.	Effective Date	Regulation	15 Ky.R. Page No.	Effective Date
601 KAR 14:010 Amended	543	10-4-88	704 KAR 20:015 Amended	555	10-7-88
603 KAR 3:051 Amended	544	10-4-88	704 KAR 20:020 Amended	556	10-7-88
603 KAR 5:070 Amended	549		704 KAR 20:025 Amended	558	10-7-88
As Amended	963	10-4-88	704 KAR 20:120 Amended	560	10-7-88
Amended	2119		704 KAR 20:145 Amended	561	10-7-88
603 KAR 5:072 As Amended	101	9-2-88	704 KAR 20:146 Amended	562	10-7-88
Amended	806	3-7-89	704 KAR 20:150 Amended	563	10-7-88
603 KAR 5:075 Amended	1505		704 KAR 20:175 Amended	1566	2-3-89
Withdrawn		12-13-88	704 KAR 20:198 Amended	1567	
Amended	2122		Withdrawn		1-6-89
Amended	2238		704 KAR 20:240 Amended	564	
603 KAR 5:110 Amended	2272		Amended	1092	11-4-88
603 KAR 5:115 Amended	551	11-1-88	704 KAR 20:310 Amended	1923	4-1-89
Amended	1092		704 KAR 20:340 Amended	1569	2-3-89
603 KAR 5:200 Repealed	161	7-1-88	704 KAR 20:460 Amended	565	
603 KAR 5:210 Repealed	1394	10-26-88	Amended	1093	11-4-88
603 KAR 5:230 Amended	1507		704 KAR 20:490	741	10-7-88
Amended	1802	3-7-89	704 KAR 20:500	742	10-7-88
As Amended	2020		704 KAR 20:510	743	10-7-88
603 KAR 7:020 Amended	1553	1-27-89	704 KAR 20:520	1617	2-3-89
603 KAR 7:030 Repealed	1553	1-27-89	705 KAR 2:130	2198	
603 KAR 8:010 Amended	848		705 KAR 4:010 Amended	567	10-7-88
Withdrawn		10-31-88	705 KAR 5:140	744	10-7-88
605 KAR 1:020	1350	1-7-89	706 KAR 1:050	1194	12-2-88
701 KAR 5:060 Amended	1554		707 KAR 1:051 Amended	569	
Amended	1847	3-23-89	Amended	1094	11-4-88
As Amended	2067		707 KAR 1:060 Amended	580	10-7-88
702 KAR 3:020 Amended	1916	4-1-89	707 KAR 1:080 Amended	581	10-7-88
702 KAR 5:030 Amended	1557	2-3-89	707 KAR 1:110 Amended	582	
702 KAR 5:080 Amended	1558	2-3-89	Amended	1104	11-4-88
702 KAR 6:045	1989	4-1-89	709 KAR 1:080 Amended	1570	2-3-89
702 KAR 7:065 Amended	1153	1-7-89	720 KAR 1:010 Amended	2275	
702 KAR 7:090 As Amended	1270	11-4-88	720 KAR 1:020	2336	
Amended	1917	4-1-89	720 KAR 1:030	2338	
704 KAR 3:345 Amended	1561		720 KAR 1:040	2343	
Amended	1849	3-23-89	720 KAR 1:050	2346	
704 KAR 3:355 Amended	1919	4-1-89	730 KAR 1:010	2132	
704 KAR 3:360	2196		803 KAR 2:020 Amended	47	
704 KAR 5:060	1194	12-2-88	As Amended	806	8-5-88
704 KAR 7:080	1616		Amended	1926	3-14-89
As Amended	1799	2-3-89	803 KAR 2:030 Amended	1933	3-14-89
704 KAR 10:022 Amended	1564	2-3-89	803 KAR 25:010 Repealed	250	8-5-88
Amended	2170		803 KAR 25:011 Amended	19	
704 KAR 15:010 Amended	553	10-7-88	As Amended	250	8-5-88
704 KAR 15:080 As Amended	1271	11-4-88	803 KAR 25:025 Amended	850	
704 KAR 20:005 Amended	554	10-7-88	Amended	1280	
Amended	1565		As Amended	1471	12-2-88
Amended	1852	3-23-89			

ADMINISTRATIVE REGISTER - K11

Regulation	15 Ky.R. Page No.	Effective Date	Regulation	15 Ky.R. Page No.	Effective Date
902 KAR 3:250			902 KAR 20:132		
Amended	69	8-31-88	Amended	92	8-31-88
Recodified to 908		3-7-89	Amended	2176	
902 KAR 3:255			902 KAR 20:135		
Recodified to 908		3-7-89	Amended	93	8-31-88
902 KAR 3:260			902 KAR 45:120		
Recodified to 908		3-7-89	Amended	258	8-3-88
902 KAR 4:050			902 KAR 50:120	763	
Amended	1156	11-16-88	As Amended	987	9-21-88
902 KAR 6:010			902 KAR 55:015		
Recodified to 908		3-7-89	Amended	863	11-4-88
902 KAR 6:020			902 KAR 55:025		
Recodified to 908		3-7-89	Amended	865	11-4-88
902 KAR 6:030			902 KAR 55:030		
Recodified to 908		3-7-89	Amended	866	11-4-88
902 KAR 6:040			902 KAR 55:035		
Recodified to 908		3-7-89	Amended	868	11-4-88
902 KAR 6:050			902 KAR 55:065	1618	
Recodified to 908		3-7-89	Amended	1853	3-15-89
902 KAR 6:060			902 KAR 55:070	1352	12-13-88
Recodified to 908		3-7-89	902 KAR 100:175	2200	
902 KAR 8:020			903 KAR 5:100		
Amended	71	8-31-88	Amended	648	
902 KAR 8:030			Withdrawn		9-6-88
Amended	73	8-31-88	Amended	1297	12-22-88
902 KAR 10:021			903 KAR 5:270		
As Amended	17	6-22-88	Amended	93	8-5-88
902 KAR 10:081			903 KAR 5:290		
Amended	619	9-21-88	Amended	2303	
902 KAR 10:085			904 KAR 2:006		
Amended	628	9-21-88	Amended	2304	
902 KAR 10:130			904 KAR 2:015		
As Amended	17	6-22-88	Amended	1702	
902 KAR 12:020			As Amended	2069	3-15-89
Amended	860		904 KAR 2:016		
Amended	1283	12-13-88	Amended	650	
As Amended	1647	3-7-89	Withdrawn		8-9-88
Recodified to 908		3-7-89	Amended	869	11-4-88
902 KAR 12:030			Amended	2308	
Recodified to 908		3-7-89	904 KAR 2:020		
902 KAR 12:040			Amended	656	9-21-88
Recodified to 908		3-7-89	904 KAR 2:022		
902 KAR 12:050			Amended	875	11-4-88
Recodified to 908		3-7-89	Amended	2177	
902 KAR 12:060			904 KAR 2:055		
Recodified to 908		3-7-89	Amended	2314	
902 KAR 12:070			904 KAR 2:110		
Recodified to 908		3-7-89	Amended	1300	12-13-88
902 KAR 12:080			904 KAR 2:116		
Amended	74	8-31-88	Amended	658	9-21-88
902 KAR 13:050			Amended	1303	1-7-89
Amended	1699	3-15-89	904 KAR 2:140		
902 KAR 13:080			Amended	94	8-31-88
Amended	1294	12-13-88	904 KAR 2:150		
902 KAR 17:010			Repealed	102	8-31-88
Amended	80		904 KAR 2:170		
Amended	818		Amended	663	9-21-88
Withdrawn		9-7-88	904 KAR 2:180		
Amended	1296	12-13-88	Repealed	102	8-31-88
Amended	2302		904 KAR 2:190		
902 KAR 20:006			Repealed	102	8-31-88
Amended	82	8-31-88	904 KAR 2:202	102	8-31-88
902 KAR 20:016			904 KAR 3:020		
Amended	1157	*(No eff. date)	Amended	1594	
*Since statement of consideration was not received by 15th day following hearing, regulation must be refiled (KRS 13A.280)			Withdrawn		12-15-88
Amended	1583	1-18-89	Amended	1705	3-15-89
902 KAR 20:126			904 KAR 3:060		
Amended	88	8-31-88	Amended	1169	
902 KAR 20:127			As Amended	1475	11-16-88
Amended	89	8-31-88	Amended	2317	
			904 KAR 3:070		
			Amended	2320	

ADMINISTRATIVE REGISTER - K13

Regulation	15 Ky.R. Page No.	Effective Date
908 KAR 1:110		
Recodified from 902		3-7-89
908 KAR 1:120		
Recodified from 902		3-7-89
908 KAR 1:130		
Recodified from 902		3-7-89
908 KAR 1:140		
Recodified from 902		3-7-89
908 KAR 1:150		
Recodified from 902		3-7-89
908 KAR 1:160		
Recodified from 902		3-7-89
908 KAR 1:170		
Recodified from 902		3-7-89
908 KAR 1:180		
Recodified from 902		3-7-89
908 KAR 1:190		
Recodified from 902		3-7-89
908 KAR 1:200		
Recodified from 902		3-7-89
908 KAR 1:210		
Recodified from 902		3-7-89
908 KAR 1:220		
Recodified from 902		3-7-89
908 KAR 1:230		
Recodified from 902		3-7-89
908 KAR 1:240		
Recodified from 902		3-7-89
908 KAR 1:250		
Recodified from 902		3-7-89
908 KAR 1:260		
Recodified from 902		3-7-89
908 KAR 2:010		
Recodified from 902		3-7-89
908 KAR 2:020		
Recodified from 902		3-7-89
908 KAR 2:030		
Recodified from 902		3-7-89
908 KAR 2:040		
Recodified from 902		3-7-89
908 KAR 2:050		
Recodified from 902		3-7-89
908 KAR 2:060		
Recodified from 902		3-7-89
908 KAR 3:010		
Recodified from 902		3-7-89
908 KAR 3:020		
Recodified from 902		3-7-89
908 KAR 3:030		
Recodified from 902		3-7-89
908 KAR 3:040		
Recodified from 902		3-7-89
908 KAR 3:050		
Recodified from 902		3-7-89
908 KAR 3:060		
Recodified from 902		3-7-89
908 KAR 3:070	2356	
908 KAR 3:080	2356	
908 KAR 3:090	2357	
908 KAR 3:100	2358	
908 KAR 3:110	2359	
908 KAR 3:120	2360	
908 KAR 3:130	2361	
908 KAR 3:140	2361	
908 KAR 3:150	2362	
908 KAR 3:160	2363	
908 KAR 3:180	2364	

ADMINISTRATIVE REGISTER - K15

KRS Section	Regulation	KRS Section	Regulation
146.270	401 KAR 4:110	150.175 (cont'd)	301 KAR 2:170
	401 KAR 4:120		301 KAR 2:220
	401 KAR 4:130		301 KAR 3:021
	401 KAR 4:140		301 KAR 4:080
146.280	401 KAR 4:140		301 KAR 4:090
146.290	401 KAR 4:110	150.176	301 KAR 2:140
	401 KAR 4:120	150.180	301 KAR 1:085
	401 KAR 4:130		301 KAR 1:171
	401 KAR 4:140		301 KAR 2:045
146.310	401 KAR 4:110		301 KAR 2:047
	401 KAR 4:120		301 KAR 2:170
146.350	401 KAR 4:110		301 KAR 2:240
	401 KAR 4:120		301 KAR 4:031
	401 KAR 4:140		301 KAR 4:070
146.360	401 KAR 4:110		301 KAR 4:080
146.990	401 KAR 4:140		301 KAR 4:090
Chapter 148	304 KAR 1:040	150.183	301 KAR 2:240
150.010	301 KAR 1:085		301 KAR 4:031
	301 KAR 1:146		301 KAR 4:070
	301 KAR 1:150		301 KAR 4:080
	301 KAR 1:171		301 KAR 4:090
	301 KAR 1:200	150.190	301 KAR 1:085
	301 KAR 2:044	150.225	301 KAR 3:021
	301 KAR 2:045	150.235	301 KAR 2:220
	301 KAR 2:047	150.237	301 KAR 3:021
	301 KAR 2:140	150.240	301 KAR 2:220
	301 KAR 2:170		301 KAR 3:021
	301 KAR 2:220	150.275	301 KAR 4:031
	301 KAR 2:240		301 KAR 4:070
	301 KAR 3:030	150.280	301 KAR 3:021
	301 KAR 4:070	150.290	301 KAR 3:021
	301 KAR 4:080	150.300	301 KAR 2:044
	301 KAR 4:090		301 KAR 2:045
150.015	301 KAR 2:044		301 KAR 2:047
	301 KAR 2:220		301 KAR 2:240
150.025	301 KAR 1:085	150.304	301 KAR 4:031
	301 KAR 1:146		301 KAR 4:090
	301 KAR 1:150	150.305	301 KAR 2:044
	301 KAR 1:171		301 KAR 2:045
	301 KAR 1:200		301 KAR 2:140
	301 KAR 2:044		301 KAR 2:170
	301 KAR 2:045		301 KAR 2:220
	301 KAR 2:047		301 KAR 2:240
	301 KAR 2:140		301 KAR 4:070
	301 KAR 2:170		301 KAR 4:080
	301 KAR 2:220	150.320	301 KAR 2:044
	301 KAR 2:240		301 KAR 2:140
	301 KAR 3:021	150.330	301 KAR 2:044
	301 KAR 3:030		301 KAR 2:140
	301 KAR 4:031		301 KAR 2:170
	301 KAR 4:070		301 KAR 2:220
	301 KAR 4:080		301 KAR 2:240
	301 KAR 4:090		301 KAR 3:030
150.110	301 KAR 1:085		301 KAR 4:080
150.120	301 KAR 1:146		301 KAR 4:090
	301 KAR 1:150	150.340	301 KAR 2:044
150.170	301 KAR 1:085		301 KAR 2:045
	301 KAR 1:146		301 KAR 2:047
	301 KAR 1:150		301 KAR 2:170
	301 KAR 2:044		301 KAR 2:220
	301 KAR 2:045		301 KAR 2:240
	301 KAR 2:047	150.360	301 KAR 2:044
	301 KAR 2:140		301 KAR 2:045
	301 KAR 2:170		301 KAR 2:047
	301 KAR 2:220		301 KAR 2:140
	301 KAR 2:240		301 KAR 2:170
	301 KAR 3:030		301 KAR 2:220
150.175	301 KAR 1:085		301 KAR 2:240
	301 KAR 1:146		301 KAR 3:030
	301 KAR 1:150	150.365	301 KAR 2:045
	301 KAR 2:045		301 KAR 2:140
	301 KAR 2:047		301 KAR 2:240
	301 KAR 2:140		301 KAR 4:031
			301 KAR 4:070

ADMINISTRATIVE REGISTER - K17

KRS Section	Regulation	KRS Section	Regulation
161.100	704 KAR 20:120	Chapter 186A	601 KAR 9:130
161.180	702 KAR 7:090		601 KAR 9:140
162.080-162.100	702 KAR 3:020		605 KAR 1:020
162.120-162.290	702 KAR 3:020	186A.115	601 KAR 9:090
162.300	702 KAR 3:020	189.222	603 KAR 5:070
163.020	705 KAR 2:130		603 KAR 5:075
	705 KAR 4:010	189.230	603 KAR 5:230
163.030	705 KAR 4:010	189.231	603 KAR 5:072
163.087	705 KAR 4:010	189.270	601 KAR 1:015
163.089	705 KAR 5:140		601 KAR 1:016
163.140	706 KAR 1:050		603 KAR 5:075
163.160	706 KAR 1:050		603 KAR 5:110
163.450-163.470	720 KAR 1:010	189.273	601 KAR 1:016
	720 KAR 1:020	189.274	601 KAR 1:015
	720 KAR 1:030	189.285	601 KAR 14:010
	720 KAR 1:040	189.540	702 KAR 5:030
	720 KAR 1:050		702 KAR 5:080
164.740-164.764	11 KAR 5:010	189.990	601 KAR 13:020
	11 KAR 5:030	189A.070	601 KAR 13:050
	11 KAR 5:130	Chapter 190	605 KAR 1:020
	11 KAR 5:140	194.030	904 KAR 2:140
	11 KAR 5:150		904 KAR 2:202
	11 KAR 5:160	194.050	902 KAR 100:175
	11 KAR 5:180		904 KAR 2:110
	11 KAR 5:190		904 KAR 2:116
164.740-164.766	11 KAR 3:060		904 KAR 3:020
	11 KAR 5:110		904 KAR 3:060
164.748	11 KAR 5:120	Chapter 196	904 KAR 3:070
	11 KAR 5:170		501 KAR 6:020
164.753	11 KAR 5:120		501 KAR 6:030
	11 KAR 5:170		501 KAR 6:040
164.780	11 KAR 5:010		501 KAR 6:050
	11 KAR 5:030		501 KAR 6:060
	11 KAR 5:120		501 KAR 6:070
	11 KAR 5:130		501 KAR 6:080
	11 KAR 5:140		501 KAR 6:090
	11 KAR 5:150		501 KAR 6:110
	11 KAR 5:160		501 KAR 6:120
	11 KAR 5:170		501 KAR 6:130
	11 KAR 5:180	Chapter 197	501 KAR 6:140
	11 KAR 5:190		501 KAR 6:020
164.785	11 KAR 5:010		501 KAR 6:030
	11 KAR 5:030		501 KAR 6:040
	11 KAR 5:120		501 KAR 6:050
	11 KAR 5:130		501 KAR 6:060
	11 KAR 5:140		501 KAR 6:070
	11 KAR 5:150		501 KAR 6:080
	11 KAR 5:160		501 KAR 6:090
	11 KAR 5:170		501 KAR 6:110
	11 KAR 5:180		501 KAR 6:120
	11 KAR 5:190		501 KAR 6:130
164A.300-164A.380	200 KAR 16:010		501 KAR 6:140
167.150	707 KAR 1:110	Chapter 198B	815 KAR 7:020
171.313	730 KAR 1:010	198B.040	815 KAR 20:100
Chapter 174	600 KAR 4:010	198B.050	815 KAR 4:025
174.400-174.435	601 KAR 1:025		815 KAR 20:100
175.450	600 KAR 2:020	198B.400-198B.540	815 KAR 4:010
175.470	600 KAR 2:020		815 KAR 4:025
175.520	600 KAR 2:020	Chapter 202A	902 KAR 12:020
Chapter 176	600 KAR 4:010		908 KAR 3:070
	603 KAR 8:010		908 KAR 3:080
Chapter 177	600 KAR 4:010		908 KAR 3:090
177.905-177.950	603 KAR 3:051		908 KAR 3:100
177.977	603 KAR 5:115		908 KAR 3:110
177.9771	603 KAR 5:115		908 KAR 3:120
	603 KAR 5:230		908 KAR 3:130
Chapter 183	600 KAR 4:010		908 KAR 3:140
Chapter 186	601 KAR 9:130		908 KAR 3:150
	601 KAR 9:140		908 KAR 3:160
186.560	601 KAR 13:050		908 KAR 3:180
186.570	601 KAR 13:020		
186.572	601 KAR 13:020		

ADMINISTRATIVE REGISTER - K19

KRS Section	Regulation	KRS Section	Regulation
216B.990	902 KAR 20:006	224.830-224.877	401 KAR 39:010
	902 KAR 20:016	(cont'd)	401 KAR 39:080
	902 KAR 20:126		401 KAR 39:090
	902 KAR 20:127		401 KAR 39:110
	902 KAR 20:132	224.830-224.889	401 KAR 30:010
	902 KAR 20:135	224.855	401 KAR 47:060
Chapter 217	201 KAR 2:130	224.864	401 KAR 31:020
217.005-217.215	902 KAR 55:065		401 KAR 39:020
217.992	902 KAR 55:065		401 KAR 39:030
Chapter 217C	902 KAR 50:120		401 KAR 39:060
Chapter 218A	902 KAR 55:015		401 KAR 39:070
	902 KAR 55:025		401 KAR 39:120
	902 KAR 55:030		401 KAR 47:060
	902 KAR 55:035	224.866	401 KAR 39:020
	902 KAR 55:070		401 KAR 39:030
222.210-222.310	902 KAR 3:060		401 KAR 39:060
	902 KAR 3:075		401 KAR 39:070
	902 KAR 3:080		401 KAR 39:120
	902 KAR 3:115	224.868	401 KAR 31:020
Chapter 223	401 KAR 6:040	224.871	401 KAR 39:020
223.400-223.460	401 KAR 6:300		401 KAR 39:030
223.991	401 KAR 6:300		401 KAR 39:060
Chapter 224	401 KAR 5:005		401 KAR 39:070
	401 KAR 6:015		401 KAR 39:120
	401 KAR 6:040	224.876	401 KAR 31:020
224.020	401 KAR 5:085	224.994	401 KAR 30:010
224.033	401 KAR 5:085		401 KAR 31:010
	401 KAR 30:010		401 KAR 32:010
	401 KAR 34:090		401 KAR 32:040
	401 KAR 35:070		401 KAR 34:090
	401 KAR 35:090		401 KAR 35:070
	401 KAR 39:010		401 KAR 35:090
	401 KAR 39:020		401 KAR 39:010
	401 KAR 39:030		401 KAR 39:020
	401 KAR 39:060		401 KAR 39:080
	401 KAR 39:070		401 KAR 39:090
	401 KAR 39:080		401 KAR 39:110
	401 KAR 39:090		401 KAR 39:120
	401 KAR 39:110	Chapter 227	815 KAR 10:020
	401 KAR 39:120	227.570	815 KAR 25:020
	401 KAR 63:050	230.210-230.360	810 KAR 1:001
	405 KAR 7:090		810 KAR 1:013
224.034	401 KAR 5:085		810 KAR 1:012
224.045	401 KAR 4:120	230.210-230.385	810 KAR 1:011
224.060	401 KAR 5:085	230.361	810 KAR 1:050
224.135	401 KAR 5:010	230.374	810 KAR 1:099
224.071	401 KAR 32:010	230.410-230.447	811 KAR 2:065
	401 KAR 32:040	230.630	811 KAR 1:035
	401 KAR 34:090		811 KAR 1:055
	401 KAR 35:090		811 KAR 1:085
224.073	401 KAR 5:085		811 KAR 1:180
224.081	405 KAR 7:090	230.640	811 KAR 1:035
224.083	405 KAR 7:090		811 KAR 1:055
224.320	401 KAR 50:015		811 KAR 1:085
	401 KAR 50:036		811 KAR 1:180
	401 KAR 63:045	230.700	811 KAR 1:180
	401 KAR 63:050	230.710	811 KAR 1:180
224.330	401 KAR 50:015	230.770	811 KAR 1:215
	401 KAR 50:036	234.120	815 KAR 30:010
	401 KAR 63:045	241.060	804 KAR 9:020
	401 KAR 63:050	243.040	804 KAR 9:020
224.340	401 KAR 50:015	246.250	302 KAR 15:030
	401 KAR 50:036	247.232	302 KAR 16:010
	401 KAR 63:045	247.234	302 KAR 16:010
	401 KAR 63:050	250.483	815 KAR 30:040
224.550	401 KAR 63:045	250.484	815 KAR 30:040
	401 KAR 63:050	257.020	302 KAR 20:056
224.830-224.877	401 KAR 31:010	257.030	302 KAR 20:056
	401 KAR 32:010	257.110	302 KAR 20:056
	401 KAR 32:040	257.120	302 KAR 20:056
	401 KAR 34:090	257.140	302 KAR 20:056
	401 KAR 35:070	260.010	302 KAR 37:010
	401 KAR 35:090		

ADMINISTRATIVE REGISTER - K21

KRS Section	Regulation	KRS Section	Regulation
350.060 (cont'd)	405 KAR 8:040	350.405	405 KAR 16:070
	405 KAR 10:010		405 KAR 16:080
	405 KAR 10:020		405 KAR 16:110
	405 KAR 10:030		405 KAR 16:190
	405 KAR 10:040		405 KAR 18:070
	405 KAR 10:050		405 KAR 18:080
350.062	405 KAR 10:010		405 KAR 18:110
350.064	405 KAR 10:010		405 KAR 18:190
	405 KAR 10:020		405 KAR 20:060
	405 KAR 10:030	350.410	405 KAR 16:010
	405 KAR 10:040		405 KAR 16:190
	405 KAR 10:050		405 KAR 18:010
350.070	405 KAR 7:090		405 KAR 18:190
	405 KAR 8:010	350.420	405 KAR 16:070
350.085	405 KAR 8:010		405 KAR 16:080
	405 KAR 16:080		405 KAR 16:100
	405 KAR 18:080		405 KAR 16:110
350.090	405 KAR 7:090		405 KAR 18:070
	405 KAR 8:010		405 KAR 18:080
	405 KAR 16:010		405 KAR 18:100
	405 KAR 16:070		405 KAR 18:110
	405 KAR 16:150	350.430	405 KAR 16:120
	405 KAR 18:010		405 KAR 18:120
	405 KAR 18:070	350.440	405 KAR 16:010
	405 KAR 18:150		405 KAR 18:010
	405 KAR 20:060	350.445	405 KAR 8:050
350.093	405 KAR 7:090		405 KAR 16:010
	405 KAR 8:050		405 KAR 20:060
	405 KAR 10:020	350.450	405 KAR 8:010
	405 KAR 10:040		405 KAR 8:050
	405 KAR 10:050		405 KAR 16:010
	405 KAR 16:010		405 KAR 16:190
	405 KAR 16:190		405 KAR 18:190
	405 KAR 18:010	350.455	405 KAR 16:100
	405 KAR 18:190		405 KAR 18:100
	405 KAR 20:060	350.465	405 KAR 7:030
350.095	405 KAR 10:020		405 KAR 7:090
	405 KAR 10:050		405 KAR 8:010
350.100	405 KAR 10:030		405 KAR 8:030
	405 KAR 16:070		405 KAR 8:050
	405 KAR 16:080		405 KAR 10:010
	405 KAR 16:100		405 KAR 10:020
	405 KAR 16:110		405 KAR 10:030
	405 KAR 16:190		405 KAR 10:040
	405 KAR 18:070		405 KAR 10:050
	405 KAR 18:080		405 KAR 16:010
	405 KAR 18:100		405 KAR 16:070
	405 KAR 18:110		405 KAR 16:080
	405 KAR 18:190		405 KAR 16:100
	405 KAR 20:060		405 KAR 16:110
350.110	405 KAR 10:020		405 KAR 16:120
	405 KAR 10:030		405 KAR 16:150
	405 KAR 10:040		405 KAR 16:190
	405 KAR 10:050		405 KAR 18:010
350.113	405 KAR 10:040		405 KAR 18:070
350.130	405 KAR 7:090		405 KAR 18:080
	405 KAR 8:010		405 KAR 18:100
	405 KAR 10:050		405 KAR 18:110
350.135	405 KAR 8:010		405 KAR 18:150
350.151	405 KAR 7:030		405 KAR 18:190
	405 KAR 8:040		405 KAR 20:010
	405 KAR 10:010		405 KAR 20:060
	405 KAR 10:040		405 KAR 24:020
	405 KAR 10:050		405 KAR 24:030
	405 KAR 16:010		405 KAR 24:040
	405 KAR 18:010	350.610	405 KAR 8:020
	405 KAR 18:070		405 KAR 24:020
	405 KAR 18:100		405 KAR 24:040
	405 KAR 18:110	350.990	405 KAR 7:090
	405 KAR 18:120	Chapter 405	904 KAR 2:020
	405 KAR 18:150		904 KAR 2:022
	405 KAR 18:190		904 KAR 2:170
350.255	405 KAR 7:090		

SUBJECT INDEX

ADMINISTRATION, FINANCE (EDUCATION)

Food Service Programs
 Food service employees; 702 KAR 6:045
 Pupil Transportation
 Bus driver qualifications; 702 KAR 5:080
 Superintendent responsibilities; 702 KAR 5:030
 School District Finance
 Bond issue approval; 702 KAR 3:020
 School Terms, Attendance and Operation
 Agent, high school interscholastic athletics;
 702 KAR 7:065 & E
 Interscholastic athletic program personnel; 702
 KAR 7:090

ADMINISTRATIVE REGULATIONS

Repealer; 1 KAR 1:011

ADULT EDUCATION

Community education; 709 KAR 1:080

AGRICULTURE

Amusement rides; 302 KAR Chapter 16
 Fairs and shows; 302 KAR Chapter 15
 Hay grading; 302 KAR Chapter 37
 Livestock sanitation; 302 KAR Chapter 20

AGRICULTURE EXPERIMENT STATION

Milk and Cream
 Farm bulk tanks; 12 KAR 5:060
 Inspections; 12 KAR 5:050
 Licenses; 12 KAR 5:010
 Payment, uniform standards; 12 KAR 5:070
 Sampling, weighing; 12 KAR 5:040
 Test samples; 12 KAR 5:030
 Testing; 12 KAR 5:020

AIR QUALITY

Administrative Procedures
 Permit, exemption fees; 401 KAR 50:036
 Reference material; 401 KAR 50:015
 General Standards of Performance
 Local education agencies; 401 KAR 63:050 & E
 School asbestos abatement; 401 KAR 63:045 & E

ALCOHOLIC BEVERAGE CONTROL

Quotas
 Wholesale liquor license limit; 804 KAR 9:020

AMUSEMENT RIDES

Permit procedure; 302 KAR 16:010

ARCHITECTS

(See Landscape Architects)

ASBESTOS

(See Air Quality, General Standards of
 Performance)

BLIND, DEPARTMENT FOR

Appeal procedures; 720 KAR 1:040
 Definitions; 720 KAR 1:020
 Federal vocational rehab program; 720 KAR 1:010
 Personal information; 720 KAR 1:050
 Services; 720 KAR 1:030

BUILDINGS, GROUNDS, STATE-OWNED

(See Finance, Administration)

BUSES

Annual inspection; 603 KAR 5:072 & E

CERTIFICATE OF NEED

(See Health Services, Health Economics Control)

CHILD, MATERNAL HEALTH

(See Health Services; Maternal, Child Health)

CHILDREN'S RESIDENTIAL SERVICES

(See Social Services)

COMMUNICABLE DISEASES

(See Health Services)

CONTROLLED SUBSTANCES

(See Health Services or Pharmacy)

CORPORATIONS

(See Secretary of State)

CORRECTIONS

Juvenile Holding Facilities
 Administration, management; 501 KAR 9:020 & E
 Admission, release; 501 KAR 9:120 & E
 Classification; 501 KAR 9:110 & E
 Definitions; 501 KAR 9:010 & E
 Fiscal management; 501 KAR 9:030 & E
 Food services; 501 KAR 9:100 & E
 Hearings, procedures, disposition; 501 KAR
 9:150 & E
 Juvenile rights; 501 KAR 9:140 & E
 Medical services; 501 KAR 9:090 & E
 Personnel; 501 KAR 9:040 & E
 Physical plant; 501 KAR 9:050 & E
 Programs, services; 501 KAR 9:130 & E
 Safety, emergency procedures; 501 KAR 9:070 & E
 Sanitation, hygiene; 501 KAR 9:080 & E
 Security, control; 501 KAR 9:060 & E
 Policies and Procedures
 Bell County Forestry Camp; 501 KAR 6:140 & E
 Blackburn Correctional Complex; 501 KAR 6:120 &
 E
 Cabinet; 501 KAR 6:020 & E
 Cabinet manuals; 501 KAR 6:080 & E
 Correctional Institute for Women; 501 KAR 6:070
 & E
 Frankfort Career Development Center; 501 KAR
 6:090
 Kentucky State Penitentiary; 501 KAR 6:040
 Kentucky State Reformatory; 501 KAR 6:030 & E
 Luther Lockett Correctional Complex; 501 KAR
 6:050
 Northpoint Training Center; 501 KAR 6:060
 Roederer Farm Center; 501 KAR 6:110 & E
 Western Kentucky Farm Center; 501 KAR 6:130 & E

COSMETOLOGISTS

(See Hairdressers, Cosmetologists)

CREAM

(See Agriculture Experiment Station)

CRIME VICTIMS COMPENSATION

Claims, Awards
 Prorating awards; 107 KAR 1:050 & E

DENTISTRY

Complaint procedure; 201 KAR 8:400 & E
 Disciplinary hearings; 201 KAR 8:410 and E

DEVELOPMENT FINANCE AUTHORITY

(See Economic Development)

DISASTER, EMERGENCY SERVICES

(See Military Affairs)

ADMINISTRATIVE REGISTER - K25

HEALTH SERVICES (cont'd)

Storage, emergency medication; 902 KAR 55:070
Schedule I; 902 KAR 55:015
Schedule III; 902 KAR 55:025
Schedule IV; 902 KAR 55:030
Schedule V; 902 KAR 55:035
Emergency Medical Technicians
Authorized procedures; 902 KAR 13:080
Training, examination, certification; 902 KAR 13:050
Food and Sanitation
On-site sewage disposal; 902 KAR 10:081 & E;
902 KAR 10:085 & E
Health Economics Control
Certificate of need application fee schedule;
902 KAR 20:135
Certificate of need expenditure minimums; 902
KAR 20:132
Certificate of need hearings; 902 KAR 20:127
Certificate of need process; 902 KAR 20:006
Hospitals operation, services; 902 KAR 20:016
& E
Licensure hearings; 902 KAR 20:126
Local Boards of Health
Merit system; 902 KAR 8:030
Policies, procedures; 902 KAR 8:020
Maternal, Child Health
Family planning program; 902 KAR 4:050 & E
Milk, Milk Products
Unpasteurized goat milk; 902 KAR 50:120 & E
Radiology
Tanning facilities; 902 KAR 100:175
State Health Plan
Plan; 902 KAR 17:010 & E
Substance Abuse
Client's rights; 902 KAR 3:080; 902 KAR 3:230
Day/night outpatient treatment; 902 KAR 3:115
Definitions; 902 KAR 3:205
Licensing procedures; 902 KAR 3:060; 902 KAR
3:210
Nonresidential day care; 902 KAR 3:250
Quality assurance; 902 KAR 3:075; 902 KAR 3:225
Vital Statistics
Blood, body fluid precautions; 901 KAR 5:110 &
E

HIGHER EDUCATION ASSISTANCE AUTHORITY

Loan Program
Loan insurance program; 11 KAR 3:060
KHEAA Grant Programs
AFDC recipients application; 11 KAR 5:120
Authority, purpose, name; 11 KAR 5:010
Award determination; 11 KAR 5:140
Award notification; 11 KAR 5:150
Disbursement procedure; 11 KAR 5:160
Dual enrollment, consortium agreement; 11 KAR
5:110
Records, reports; 11 KAR 5:180
Refund, repayment; 11 KAR 5:170
Repealer; 11 KAR 5:190
Student application; 11 KAR 5:130
Student eligibility; 11 KAR 5:030

HIGHWAYS

Traffic
Bridge weight limits, coal roads; 603 KAR 5:230
and E
Bus inspection; 603 KAR 5:027 & E
Coal-haul highways; 603 KAR 5:115
Mobile home permits; 603 KAR 5:110
Overweight, overdimensional permits; 603 KAR
5:075
Truck dimension limits; 603 KAR 5:070
Maintenance
Recyclers; 603 KAR 3:051

HIGHWAYS (cont'd)

Mass Transportation
Nonurbanized public transportation, elderly,
handicap programs; 603 KAR 7:020
Scholarship program; 603 KAR 8:010

HISTORICAL SOCIETY

Repealer, 730 KAR 1:010

HOSPITALS

(See Health Services)

HOUSING, BUILDINGS AND CONSTRUCTION

Building Code
Code; 815 KAR 7:020
Elevator Safety
Permits, inspection fees; 815 KAR 4:025
Standards; 815 KAR 4:010
Hazardous Materials
Anhydrous ammonia; 815 KAR 30:040
LP gas license; 815 KAR 30:010
Local Fire Departments
Industrial fire brigades; 815 KAR 45:070
Mobile Homes, Recreational Vehicles
Recreational vehicles; 815 KAR 25:020
Plumbing
Joints, connections; 815 KAR 20:100
Minimum fixture requirements; 815 KAR 20:191
Parts, materials list; 815 KAR 20:020
Quality, weight of materials; 815 KAR 20:060
Water supply, distribution; 815 KAR 20:120
Standards of Safety
Fire safety standards; 815 KAR 10:020

HUMAN RESOURCES

Employment Services
Unemployment insurance; 903 KAR Chapter 5
Health Services
Communicable diseases; 902 KAR Chapter 2
Emergency medical technicians; 902 KAR Chapter
13
Food, sanitation; 902 KAR Chapter 10
Health economics control; 902 KAR Chapter 20
Local boards of health; 902 KAR Chapter 8
Maternal, child health; 902 KAR Chapter 4
Mentally ill, retarded, hospitalization; 902
KAR Chapter 12
Milk, milk products; 902 KAR Chapter 50
Radiology; 902 KAR Chapter 100
State health plan; 902 KAR Chapter 17
Substance abuse; 902 KAR Chapter 3
Vital statistics; 901 KAR Chapter 5
Inspector General; 906 KAR Chapter 1
Medicaid services; 907 KAR Chapter 1
Social Insurance
Public assistance; 904 KAR Chapter 2
Social Services
Aging services; 905 KAR Chapter 8
Child welfare; 905 KAR Chapter 1
Children's residential services; 905 KAR
Chapter 7
Spouse abuse shelters; 905 KAR Chapter 5

INSPECTOR GENERAL (HUMAN RESOURCES)

Blood establishment licensure; 906 KAR 1:040 & E
Supplemental medical staffing agencies; 906 KAR
1:050; 906 KAR 1:060

INSTRUCTION (Education)

Elementary, Secondary
School standards; 704 KAR 10:022
Instructional Services
Basic skills remediation; 704 KAR 3:355
Evaluation guidelines; 704 KAR 3:345
Parenting, family life skills; 704 KAR 3:360

ADMINISTRATIVE REGISTER - K27

MILITARY AFFAIRS

Disaster, Emergency Services
Rescue squad regulations; 106 KAR 1:060 and E
Local services standards; 106 KAR 1:070
Repealer; 106 KAR 1:021

MILK, MILK PRODUCTS

(See Health Services)
(Also see Agriculture Experiment Station)

MOBILE HOMES

(See Housing, Buildings & Construction)

MOTOR CARRIERS

(See Vehicle Regulation)

MOTOR VEHICLE COMMISSION

Auction dealer title transfer; 605 KAR 1:020

NATURAL RESOURCES, ENVIRONMENTAL PROTECTION

Air quality; 401 KAR Chapter 50
Reclamation (also Surface mining); 405 KAR
Chapters 7 through 24
Waste management; 401 KAR Chapters 30 through 47
Water; 401 KAR Chapters 4 through 6

NURSING

Complaints; 201 KAR 20:161
Prelicensure program curriculum; 201 KAR 20:330

OCCUPATIONAL SAFETY, HEALTH

29 CFR Part 1910; 803 KAR 2:020
29 CFR Part 1926; 803 KAR 2:030

OCCUPATIONAL THERAPY

License denial, etc.; 201 KAR 28:140

OCCUPATIONS, PROFESSIONS

Dentistry; 201 KAR Chapter 8
Embalmers, funeral directors; 201 KAR Chapter 15
Hairdressers, cosmetologists; 201 KAR Chapter 12
Landscape architects; 201 KAR Chapter 10
Medical licensure; 201 KAR Chapter 9
Nursing; 201 KAR Chapter 20
Occupational therapy; 201 KAR Chapter 28
Pharmacy; 201 KAR Chapter 2
Physical therapy; 201 KAR Chapter 22
Psychologists; 201 KAR Chapter 26
Speech-language pathology, audiology; 201 KAR
Chapter 27

PARKS

Parks and Campgrounds
Campgrounds; 304 KAR 1:040

PAROLE BOARD

Parole eligibility; 501 KAR 1:030 & E
Parole final discharge; 501 KAR 1:050 & E
Parole revocation hearings; 501 KAR 1:040 & E

PERSONNEL

(See also Employees, State)
Adjudicated penalization, compensation; 200 KAR
12:030
Board
Appeal, hearing procedures; 101 KAR 1:360; 101
KAR 1:365
Disciplinary actions; 101 KAR 1:345
Employee actions; 101 KAR 1:335
Grievances, complaints; 101 KAR 1:375
Meetings; 101 KAR 1:315
Military duty restoration; 101 KAR 1:395
Probationary period; 101 KAR 1:320; 101 KAR
1:325 & E
Repealer; 101 KAR 1:305

PERSONNEL (cont'd)

Classified

Appointments, types; 101 KAR 2:070
Applications; 101 KAR 2:040
Classification plan; 101 KAR 2:020
Compensation plan; 101 KAR 2:030 & E
Definitions; 101 KAR 2:010
Eligibles; certification, selection; 101 KAR
2:060
Employee assistance program; 101 KAR 2:160
Employee evaluation plan; 101 KAR 2:110
Employee evaluations; 101 KAR 2:115
Examinations; 101 KAR 2:040
Incentive program; 101 KAR 2:120
Leave; 101 KAR 2:100
Registers; 101 KAR 2:050
Service; 101 KAR 2:090
Special duty detail; 101 KAR 2:070
State safety program; 101 KAR 2:150
Workers compensation fund, program; 101 KAR
2:140

Unclassified

Appeals; 101 KAR 3:030
Classification, compensation; 101 KAR 3:040 & E
Disciplinary actions; 101 KAR 3:050
Leave; 101 KAR 3:010
Promotion, transfer; 101 KAR 3:050

PHARMACY

Schedule I, II controlled substances; 201 KAR
2:130

PHYSICAL THERAPY

Assistant's certification renewal; 201 KAR 22:110
License renewal; 201 KAR 22:040

PRIVATE ACTIVITY BOND ALLOCATION COMMITTEE

(See Finance and Administration)

PROPERTY ACQUISITION, RELOCATION: TRANSPORTATION

Relocation assistance payments; 600 KAR 3:010

PSYCHOLOGISTS

Educational requirements; 201 KAR 26:200; 201 KAR
26:210
Examinations; 201 KAR 26:230
Licensure fee schedule; 201 KAR 26:160
Scope of practice; 201 KAR 26:121
Supervision requirements; 201 KAR 26:171; 201 KAR
26:190

PUBLIC PROTECTION, REGULATION

Alcoholic Beverage Control
Quotas; 804 KAR Chapter 9
Housing, Buildings and Construction
Building code; 815 KAR Chapter 7
Elevator safety; 815 KAR Chapter 4
Hazardous materials; 815 KAR Chapter 30
Local fire departments; 815 KAR Chapter 45
Mobile homes, RVs; 815 KAR Chapter 25
Plumbing; 815 KAR Chapter 20
Standards of safety; 815 KAR Chapter 10
Insurance
Authorization of insurers; 806 KAR Chapter 3
Fees and taxes; 806 KAR Chapter 4
Health insurance contracts; 806 KAR Chapter 17
Rates, rating organizations; 806 KAR Chapter 13
Trade practices, frauds; 806 KAR Chapter 12
Public Service Commission; 807 KAR Chapter 5
Racing
Harness; 811 KAR Chapter 1
Thoroughbred; 810 KAR Chapter 1

PUBLIC SERVICE COMMISSION

Water district, association construction cases;
807 KAR 5:069

ADMINISTRATIVE REGISTER - K29

TAXATION (cont'd)

Transporter's report; 103 KAR 43:020
Use; 103 KAR 43:110
Watercraft tax refund; 103 KAR 43:230
Excise, Selective; Motor Vehicle Usage
Motor vehicle dealer usage, exemption; 103 KAR 44:030
Income Tax; Corporations
Barge lines; 103 KAR 16:145
Pipeline; 103 KAR 16:110
Railroads; 103 KAR 16:130
Telephone, telegraph; 103 KAR 16:100
Severance Tax
Taxable gross value; 103 KAR 35:030

THOROUGHBRED RACING

Definitions; 810 KAR 1:001
Entries, subscriptions, declarations; 810 KAR 1:013
Horses; 810 KAR 1:012
Pari-mutuel wagering; 810 KAR 1:011
Repealer; 810 KAR 1:099
Steeplechase racing; 810 KAR 1:050

TOURISM

Fish and Wildlife Resources
Fish; 301 KAR Chapter 1
Game; 301 KAR Chapter 2
Hunting, fishing; 301 KAR Chapter 3
Wildlife; 301 KAR Chapter 4
Parks
Parks and campgrounds; 304 KAR Chapter 1

TRANSPORTATION

Administration
Repealer; 600 KAR 1:080
Highways
Maintenance; 603 KAR Chapter 3
Mass transportation; 603 KAR Chapter 7
Traffic; 603 KAR Chapter 5
Scholarship program; 603 KAR Chapter 8
Minority Affairs
Certification of minority enterprises; 600 KAR 4:010 & E
Motor Vehicle Commission; 605 KAR Chapter 1
Property Acquisition, Uniform Relocation
Relocation assistance payments; 600 KAR 3:010 & E
Toll Facilities
Emergency, processions; 600 KAR 2:020 & E
Vehicle Regulation
Driver improvement; 601 KAR Chapter 13
Motor carriers; 601 KAR Chapter 1
Motor vehicle tax; 601 KAR Chapter 9
Motorcycle safety; 601 KAR Chapter 14

UNEMPLOYMENT INSURANCE

(See Employment Services)

UNIVERSITY OF KENTUCKY

Agriculture Experiment Station
Milk and cream; 12 KAR Chapter 5

VEHICLE REGULATION

Driver Improvement
Alcohol driver education; 601 KAR 13:050
Point system; 601 KAR 13:020 & E
Motor Carriers
Hazardous material; 601 KAR 1:025
Identification; 601 KAR 1:150
Overweight/overdimensional permits; 601 KAR 1:015
Safety regulations; 601 KAR 1:005 & E
Specialized equipment; 601 KAR 1:016

VEHICLE REGULATION (cont'd)

Motor Vehicle Tax
Highway use license, records, taxes; 601 KAR 9:074
Registration; 601 KAR 9:130
Temporary tags; 601 KAR 9:140
Vehicle inspection; 601 KAR 9:090
Motorcycle Safety
Headgear, eye devices; 601 KAR 14:010

VITAL STATISTICS

(See Health Services)

VOCATIONAL EDUCATION

Fiscal management; 705 KAR 2:130
Instructional Programs
General standards; 705 KAR 4:010
State-Operated Schools
Student insurance; 705 KAR 5:140 & E

VOCATIONAL REHABILITATION

Appeals procedures; 706 KAR 1:050

WASTE MANAGEMENT

Facilities; Interim Status Standards
Closure financial requirements; 401 KAR 35:090 & E
Closure, postclosure; 401 KAR 35:070 & E
Facilities; Owners, Operators
Closure financial requirements; 401 KAR 34:090 & E
Hazardous Waste Fees
Delisting, exemption; 401 KAR 39:020
Generator registration; 401 KAR 39:010
Marketer, burner registration; 401 KAR 39:110
Modification; 401 KAR 39:070
Part A; 401 KAR 39:120
Part B; 401 KAR 39:030
Postclosure; 401 KAR 39:090
Recycling; 401 KAR 39:080
Short term; 401 KAR 39:060
General Administrative Procedures
Definitions; 401 KAR 30:010 & E
Generators of Hazardous Waste
General provisions; 401 KAR 32:010
Recordkeeping, reporting; 401 KAR 32:040 & E
Identification, Listing of Hazardous Waste
General provisions; 401 KAR 31:010
Identifying criteria; 401 KAR 31:020 & E
Solid Waste Facilities;
Permit fees; 401 KAR 47:060

WATER

Quality
KPDES discharge permit, fees; 401 KAR 5:085
Operator certification; 401 KAR 5:010
Permits to discharge; 401 KAR 5:005
Resources
Definitions; 401 KAR 4:110
Wild rivers administration & management; 401 KAR 4:120
Wild rivers boundaries; 401 KAR 4:100
Wild rivers change of use permit procedures; 401 KAR 4:130
Wild rivers change of use permit standards; 401 KAR 4:140
Sanitary Engineering
Distribution, treatment; 401 KAR 6:040
Public, semipublic; 401 KAR 6:015
Water well drillers; 401 KAR 6:300

WORKERS' COMPENSATION

Joint self-insurers; 803 KAR 25:025 & E
Medical fee schedule; 803 KAR 25:090
Procedures; 803 KAR 25:011 & E
Rehabilitation procedures; 803 KAR 25:100