

LEGISLATIVE RESEARCH COMMISSION
FRANKFORT, KENTUCKY

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

MEETING NOTICE: The next meeting of the Administrative Regulation Review Subcommittee is tentatively scheduled on June 12, 1990. See tentative agenda on pages 2641-2643 in this Administrative Register.

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

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ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
TENTATIVE AGENDA
June 12, 1990
(Rm. 104, Capitol Annex @ 10 a.m.)

PERSONNEL BOARD

Personnel Board

101 KAR 1:325. Probationary periods.

REVENUE CABINET

Department of Administrative Services

Ad Valorem Tax; Local Assessment

103 KAR 7:025. Life expectancy table.

GENERAL GOVERNMENT CABINET

Board of Pharmacy

201 KAR 2:074. Pharmacy services in hospitals. (Amended After Hearing) (Deferred from April Meeting)

Board of Physical Therapy

201 KAR 22:052. Refusal, revocation, suspension or probation of license or certificate; administrative warning to licensee or certificant.

201 KAR 22:053. Code of ethical standards and standards of practice for physical therapists and physical therapist's assistants.

201 KAR 22:101. Eligibility and method of applying for physical therapist's assistant certification.

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

TOURISM CABINET

Department of Fish and Wildlife Resources

Game

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

301 KAR 2:170. Seasons for deer hunting.

301 KAR 2:210. Antlerless deer permits.

301 KAR 2:250. Seasons and limits for upland game birds, furbearers and small game.

(Repeals 301 KAR 2:045)

Wildlife

301 KAR 4:010. Districts.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET

Department for Environmental Protection

Division of Water

Water Quality

401 KAR 5:029. General provisions. (Amended After Hearing)

401 KAR 5:040. Treatment requirements, coal remining operations. (Amended After Hearing)

CORRECTIONS CABINET

Office of the Secretary

501 KAR 6:040. Kentucky State Penitentiary.

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

EDUCATION AND HUMANITIES CABINET

Department of Education

State Board for Elementary and Secondary Education

Office of Administration and Finance

School Terms, Attendance and Operation

702 KAR 7:065. Designation of agent to manage high school interscholastic athletics.

State Board for Adult, Vocational Education and Vocational Rehabilitation

Office of Vocational Education

Instructional Programs

705 KAR 4:010. General standards.

705 KAR 4:220. Tuition and fees.

Office of Programs

Adult Education

709 KAR 1:011. Repeal of 709 KAR 1:010.

709 KAR 1:020. Testing program.

709 KAR 1:030. High school equivalency certificate.

709 KAR 1:060. Standard for academic progress for post secondary and adult students.

LABOR CABINET

Department for Workplace Standards

Labor Standards; Wages and Hours

803 KAR 1:090. Handicapped and sheltered workshop employee's wages.

Occupational Safety and Health

803 KAR 2:403. Adoption of 29 CFR Part 1926.50-1926.59.

803 KAR 2:415. Adoption of 29 CFR Part 1926.650-1926.653.

803 KAR 2:416. Adoption of 29 CFR Part 1926.700-1926.704.

PUBLIC PROTECTION AND REGULATION CABINET

State Racing Commission

Thoroughbred Racing Rules

810 KAR 1:050 & E. Steeplechase racing.

CABINET FOR HUMAN RESOURCES

Department for Health Services

Emergency Medical Technicians

902 KAR 13:080. Authorized procedures.

State Health Plan

902 KAR 17:020 & E. State health plan process.

Health Services and Facilities

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

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

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

902 KAR 20:086. Operation and services; intermediate care facilities for the mentally retarded and developmentally disabled.

Radiology

902 KAR 100:010. Definitions.

902 KAR 100:012. Fee schedule.

902 KAR 100:017. Special requirements for teletherapy licensees.

902 KAR 100:020. Standards for protection against radiation.

902 KAR 100:021. Disposal of radioactive material.

902 KAR 100:040. General provisions for specific licenses.

902 KAR 100:050. General licenses.

902 KAR 100:073. Use of radionuclides in the healing arts. (Repeals 902 KAR 100:051;

902 KAR 100:075; 902 KAR 100:095)

902 KAR 100:100. Industrial radiography.

902 KAR 100:142. Wireline service operations.

Radiation Operators Certification

902 KAR 105:020. General requirements.

Department for Social Insurance

Public Assistance

904 KAR 2:016 & E. Standards for need and amount; AFDC.

904 KAR 2:040. Procedures for determining initial and continuing eligibility.

Department for Medicaid Services

Medicaid Services

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

907 KAR 1:011 & E. Technical eligibility requirements.

907 KAR 1:013. Payments for hospital inpatient services.

907 KAR 1:024. Intermediate care facility services.

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

907 KAR 1:054 & E. Primary care center and federally-qualified health center services.

907 KAR 1:055 & E. Payments for primary care center and federally-qualified health center services.

907 KAR 1:061. Payments for medical transportation.

907 KAR 1:170. Payments for home and community based services.

907 KAR 1:340 & E. Payments for hospice services.

907 KAR 1:374. Incorporation by reference of the skilled nursing facility services manual.

907 KAR 1:378. Incorporation by reference of the intermediate care facility services manual.

907 KAR 1:390. Incorporation by reference of the hearing services manual.

907 KAR 1:428. Incorporation by reference of the adult day health care services manual.

907 KAR 1:430. Incorporation by reference of the home health services manual.

Department for Mental Health and Mental Retardation Services

Institutional Care

908 KAR 3:100. Policies and procedures of Eastern State Hospital.

908 KAR 3:180. Policies and procedures of Oakwood ICF/MR.

ADMINISTRATIVE REGULATION REVIEW PROCEDURE

Filing and Publication

Administrative bodies shall file with the Regulations Compiler all proposed administrative regulations, public hearing information, tiering statement, regulatory impact analysis, fiscal note, and the federal mandate comparison. Those administrative regulations received by the deadline required in KRS 13A.050 shall be published in the Administrative Register.

Public Hearing

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

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

If the hearing is cancelled, the administrative body shall notify the Compiler of the cancellation. If the hearing is held, the administrative body shall submit within fifteen (15) days following the hearing a statement of consideration summarizing the comments received at the hearing and the administrative body's responses to the comments.

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

Review Procedure

If a proposed administrative regulation is amended as a result of the public hearing, the amended version shall be published in the next Administrative Register; and the administrative regulation shall be reviewed by the Administrative Regulation Review Subcommittee at its next meeting following publication. If a proposed administrative regulation is not amended as a result of the hearing or if the hearing is cancelled, the administrative regulation shall be reviewed by the Administrative Regulation Review Subcommittee at its next meeting. After review by the Subcommittee, the administrative regulation shall be referred by the Legislative Research Commission to an appropriate jurisdictional committee for a second review. The administrative regulation shall be considered as adopted and in effect as of adjournment on the day the appropriate jurisdictional committee meets or thirty (30) days after being referred by LRC, whichever occurs first.

EMERGENCY ADMINISTRATIVE REGULATIONS NOW IN EFFECT

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

STATEMENT OF EMERGENCY
103 KAR 18:110E

This regulation is filed under the provisions of KRS 13A.190 which authorizes emergency regulations when the two and a half month ordinary regulation filing procedure is too slow. House Bill 940, enacted by the 1990 General Assembly Session, repeals the federal income tax deduction for income earned after December 31, 1989. The federal income tax deduction is a basic component in the calculation necessary to determine correct Kentucky income tax withholding. KRS 141.310 requires the Revenue Cabinet to change individual income tax withholding tables and withholding computer formulas for substantial changes in the deductible federal income tax. The federal income tax deduction repeal is retroactive to January 1, 1990 but old law withholding tables and formula have been in use for almost one-third of 1990. Correct withholding for 1990 under the new tables must be compressed into the remaining eight months to avoid tax liabilities when returns are filed in 1991. The sooner corrected withholding can begin, the smaller the increase necessary to prepay the tax increase levied by House Bill 940. Since the bill did not become effective

until April 11, the Revenue Cabinet could not begin corrective withholding until May. The cabinet will prescribe revised withholding tables and computer formula effective January 1, 1991 which will provide correct annual Kentucky income tax withholding over twelve months instead of eight months. This emergency regulation shall be replaced by an ordinary administrative regulation.

WALLACE G. WILKINSON, Governor
C. EMMETT CALVERT, Secretary

REVENUE CABINET
Department of Administrative Services

103 KAR 18:110E. Withholding methods.

RELATES TO: KRS 141.310, 141.370
STATUTORY AUTHORITY: KRS Chapter 13A, 141.370
EFFECTIVE: April 20, 1990

NECESSITY AND FUNCTION: KRS 141.370 requires the cabinet to establish individual income tax withholding tables by regulation. This regulation establishes [such] withholding tables and describes procedure for supplemental and mechanical withholding. KRS 141.310 requires the cabinet to revise the tables to compensate for substantial changes in the deductible federal

income tax. These tables are revised to reflect repeal of the federal income tax deduction beginning with federal income tax paid on 1990 income [decreases in the federal tax rates made by the 1981 Economic Recovery Tax Act].

Section 1. General. The Revenue Cabinet is required by KRS 141.370 to prescribe tables for withholding Kentucky individual income tax from salaries and wages of employees. These tables withhold the tax levied by KRS 141.020 and reflect the standard deduction[s] (\$650) prescribed by KRS 141.081[, and the deductible federal income tax referred to in KRS 141.310]. The tables referred to in Section 4 of this regulation are hereby prescribed by the Revenue Cabinet.

Section 2. Supplemental Withholding. In addition to tax required to be withheld by the tables in Section 4 of this regulation, an employee may authorize his employer to withhold additional Kentucky income tax. An employee may authorize additional withholding by filing an amended Withholding Exemption Certificate (Revenue Form K-4) with his employer. The amended certificate may claim fewer personal exemptions than he is allowed, authorize the employer to withhold a specific amount of additional tax, or both.

Section 3. Mechanical Withholding. The cabinet provides a computer formula for withholding Kentucky income tax, and any employer with suitable equipment may use the formula in lieu of the tables referred to in Section 4 of this regulation. No other formula or withholding method may be used unless specific written approval is granted by the cabinet.

Section 4. Withholding Tables. Employers shall withhold Kentucky individual income tax from wages and salaries, paid between May 1, 1990 and December 31, 1990 [on and after July 1, 1982], in accordance with the tables filed herein by reference [and] which are obtainable without charge from the Revenue Cabinet, Frankfort, Kentucky, 40601. This material incorporated by reference may be inspected and copied at the Frankfort office of the Revenue Cabinet located on the fourth floor of the Capitol Annex Building. Inspections may be made at this office and the Taxpayer Service Centers listed below between the hours of 8 a.m. and 4:30 p.m. (local time).

Revenue Cabinet Taxpayer Service Centers

Ashland
1422 Winchester Avenue
P. O. Box 687
Ashland, KY 41105-0687
(606) 329-9982

Bowling Green
1502 Westen Avenue
Bowling Green, KY 42102-2040
(502) 843-5470

Corbin
1707 18th Street, Suite 5
Falls Road Plaza
P.O. Box 1298
Corbin, KY 40702-3298
(606) 528-3322

Frankfort
Capitol Annex Building
Fourth Floor, Room 405
Frankfort, KY 40620
(502) 564-4580

Hazard
233 Birch Street
P. O. Box 419
Hazard, KY 41701-4194
(606) 439-2388

Hopkinsville
Hammond Plaza
P. O. Box 695
Hopkinsville, KY 42241-0695
(502) 887-2521

Lexington
301 E. Main Street, Suite 500
Lexington, KY 40507-1556
(606) 233-3837

Louisville
620 S. Third Street, Suite 102
Louisville, KY 40202-2402
(502) 588-4512

Northern Kentucky
Kentucky Executive Building
2055 Dixie Highway, Room 210
Ft. Mitchell, KY 41011-2648
(606) 292-6603

Owensboro
311 W. Second Street
P. O. Box 628
Owensboro, KY 42302-0628
(502) 686-3301

Paducah
555 Jefferson Street
P. O. Box 2336
Paducah, KY 42002-2336
(502) 444-8148

Pikeville
1279 N. Mayo Trail
Pikeville, KY 41501-8230
(606) 437-4075

C. EMMETT CALVERT, Secretary
APPROVED BY AGENCY: April 18, 1990
FILED WITH LRC: April 20, 1990 at 4:30 p.m.

STATEMENT OF EMERGENCY 301 KAR 4:010E

An emergency exists because the selection process (as authorized by KRS 150.022 and regulated by 301 KAR 4:001) for the commission member representing the Eighth Wildlife District will occur in May. Without emergency action, this regulation, which moves Elliott County from the Seventh Wildlife District to the Eighth Wildlife District, will not become official before the meeting to select candidates, thereby effectively disfranchising the sportsmen of Elliott county who wish to participate in this selection process. This matter was first brought before the Fish and Wildlife Resources Commission at its December, 1989 meeting. However, a decision was deferred until the March, 1990 meeting to allow time for public

input and public comment on the proposal to move Elliott County to the Eighth Wildlife District. Since commission appointments in each district are only made every four years, Elliott county sportsmen will not have another opportunity to participate until 1994. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on April 14, 1990.

WALLACE G. WILKINSON, Governor
DON R. McCORMICK, Commissioner

TOURISM CABINET

Department of Fish and Wildlife Resources

301 KAR 4:010E. Districts.

RELATES TO: KRS 150.010, 150.022(1), 150.025

STATUTORY AUTHORITY: KRS 13A.350, 150.025

EFFECTIVE: April 23, 1990

NECESSITY AND FUNCTION: This regulation designates the counties within each wildlife district. It is necessary to place each county in one (1) of the nine (9) wildlife districts specified in KRS 150.022. This amendment is necessary to move Elliott County from the seventh to the eighth wildlife district. [in order to simplify travel and provide coordinated services within an area as set forth in KRS 150.022(1).]

Section 1. For the purposes of representation on the Fish and Wildlife Resources Commission, each county in Kentucky is assigned to a wildlife district as indicated below. [The Commissioner of the Department of Fish and Wildlife Resources with the concurrence of the Department of Fish and Wildlife Resources Commission after giving due regard to the division of the state into wildlife districts so as to simplify travel and economy, does hereby set aside and divide the state into nine (9) wildlife districts, with the counties of each district designated as follows:]

DISTRICT I - Fulton, Hickman, Carlisle, Ballard, McCracken, Graves, Calloway, Marshall, Livingston, Lyon, Trigg, Caldwell, Crittenden, Christian.

DISTRICT II - Union, Webster, Hopkins, Muhlenberg, Todd, Henderson, McLean, Logan, Simpson, Allen, Warren, Butler, Ohio, Daviess, Hancock.

DISTRICT III - Meade, Bullitt, Jefferson, Spencer, Oldham, Breckinridge, Shelby.

DISTRICT IV - Hardin, Grayson, Nelson, Washington, Marion, Larue, Taylor, Adair, Cumberland, Monroe, Barren, Green, Hart, Edmonson, Metcalfe.

DISTRICT V - Carroll, Owen, Grant, Harrison, Robertson, Bracken, Pendleton, Gallatin, Boone, Kenton, Campbell, Trimble, Henry.

DISTRICT VI - Franklin, Scott, Anderson, Woodford, Fayette, Mercer, Jessamine, Boyle, Casey, Lincoln, Garrard, Rockcastle, Lee, Estill, Powell, Clark, Madison.

DISTRICT VII - Lawrence, Magoffin, Johnson, Martin, Pike, Floyd, Breathitt, Knott, Perry, Letcher, Leslie, Elliott.

DISTRICT VIII - Mason, Lewis, Greenup, Carter, Boyd, Morgan, Wolfe, Menifee, Montgomery, Bath, Rowan, Fleming, Nicholas, Bourbon, Elliott.

DISTRICT IX - Clinton, Russell, Wayne,

Pulaski, McCreary, Whitley, Laurel, Clay, Owsley, Knox, Bell, Harlan, Jackson.

DON R. McCORMICK, Commissioner

MARY RAY OAKEN, Secretary

DAVID GODBY, Chairman

APPROVED BY AGENCY: March 5, 1990

FILED WITH LRC: April 23, 1990 at 9 a.m.

STATEMENT OF EMERGENCY

902 KAR 13:030E

This emergency administrative regulation is necessary to assure that the increase of nineteen (19) percent for the certification fee for the Emergency Medical Technician (EMT) and the EMT-First Responder, as approved in HB 799 Part II of the 1990 General Assembly, will become effective on July 1, 1990 of the next fiscal year. This represents a change from sixteen (16) to nineteen (19) dollars for the EMT and a change from eleven (11) to thirteen (13) dollars for the EMT-First Responder. This emergency regulation shall be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

WALLACE G. WILKINSON, Governor
HARRY J. COWHERD, M.D., Secretary

CABINET FOR HUMAN RESOURCES

Department for Health Services

902 KAR 13:030E. Fees.

RELATES TO: KRS 211.960 to 211.968, 211.990(5)

STATUTORY AUTHORITY: KRS 211.964, 211.966, HB 799 Part II [516 Part IIA #42] of the 1990 [1988] GA

EFFECTIVE: May 11, 1990

NECESSITY AND FUNCTION: KRS 211.964 directs the Cabinet for Human Resources to adopt rules and regulations relating to emergency medical technicians and KRS 211.966 permits the Cabinet for Human Resources to prescribe a schedule of fees and charges for services to Emergency medical technicians. The function of this regulation is to establish a fee schedule.

Section 1. Fees. The following schedule of fees is established pursuant to KRS 211.966:

(1) EMT certification, examination fee: nineteen (19) [sixteen (16)] dollars;

(2) EMT recertification fee: nineteen (19) [sixteen (16)] dollars;

(3) EMT-first responder certification, examination fee: thirteen (13) [eleven (11)] dollars;

[(4) Fee for antishock trouser certification: eleven (11) dollars.]

(4) [(5)] EMT-first responder recertification fee: thirteen (13) [eleven (11)] dollars.

C. HERNANDEZ, M.D., Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: April 30, 1990

FILED WITH LRC: May 11, 1990 at 4 p.m.

STATEMENT OF EMERGENCY
902 KAR 17:020E

Senate Bill 265 requires that various changes be made to the State Health Plan by July 15, 1990. The state health plan process, found at 902 KAR 17:020, however, sets forth a planning process that, contradictory to KRS Chapter 13A, requires the State Health Plan to be filed with LRC for incorporation by references prior to having been approved by the governor. In order to meet the July 15, 1990 date imposed by Senate Bill 265, 902 KAR 17:020 needs to be amended on an emergency basis to comply with KRS Chapter 13A and provide a valid state health plan process. The emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

WALLACE G. WILKINSON, Governor
HARRY J. COWHERD, M.D., Secretary

CABINET FOR HUMAN RESOURCES
Department for Health Services

902 KAR 17:020E. State health plan process.

RELATES TO: KRS 194.050(1), 216B.015(23)[, Executive Order 86-366]

STATUTORY AUTHORITY: KRS 194.050(1)

EFFECTIVE: April 17, 1990

NECESSITY AND FUNCTION: KRS 194.050 requires the Secretary of the Cabinet for Human Resources to adopt, administer and enforce all rules and regulations necessary to operate the programs and fulfill the responsibilities vested in the cabinet. [for Human Resources. The cabinet and the Statewide Health Coordinating Council are responsible for development of the state health plan. The Commission for Health Economics Control in Kentucky utilizes the state health plan in the review of applications for certificates of need to establish and modify health services and health facilities in the Commonwealth.]

Section 1. Purpose. The purpose of this regulation is to establish the process by which the state health plan is prepared, amended, and revised. [The state health plan shall serve as a major health policy document which provides a coordinated approach for identifying statewide health needs and addressing major health issues.]

Section 2. Definitions. (1) "Council" means the State Health Planning [Coordinating] Council [which for administrative purposes is attached to the Department for Health Services, Cabinet for Human Resources].

(2) "Cabinet" means the Cabinet for Human Resources.

(3) "State health plan" means the document duly adopted by the Statewide Health Planning [Coordinating] Council and approved by the Governor.

Section 3. State Health Plan Development. [(1) The cabinet shall determine the statewide health needs of the Commonwealth after consultation with the council and after providing reasonable opportunity for the submission of written recommendations respecting such needs from appropriate state agencies and other agencies designated by the Governor for the purpose of making such recommendations.]

[(2) The cabinet shall prepare, review at least triennially and, revise as necessary, a preliminary state health plan.]

(1) [(3)] Proposed revisions to the state health plan shall be submitted by the cabinet [The cabinet shall submit the preliminary state health plan] to the council for adoption [approval or disapproval and for use in developing the state health plan].

(2) Upon adoption of the state health plan by the council, the cabinet shall submit the plan to the Governor for approval.

[(4) The council shall review the preliminary state health plan and direct the cabinet to make revisions and amendments as necessary.]

[(5) The preliminary state health plan shall become the proposed state health plan upon the approval of its contents by the council.]

(3) [(6)] Upon approval of the [preliminary] state health plan by the Governor [council], the cabinet shall file a proposed administrative regulation with the Legislative Research Commission which incorporates such plan by reference. [those policies, planning criteria, and review standards which are utilized by the Commission on Health Economics Control in Kentucky pursuant to KRS Chapter 216B.040, in the commission's consideration of proposal's consistency with the state health plan.]

[(7) Prior to submission of the proposed state health plan to the Governor, the council and the cabinet shall conduct a joint public hearing on the proposed plan to receive comments orally or in writing from interested parties. This hearing shall serve as the public hearing required by KRS Chapter 13A for those portions of the plan incorporated by reference into the proposed regulation filed by the cabinet pursuant to subsection (6) of this section.]

[(8) Not less than thirty (30) days prior to such hearing, the cabinet shall publish in at least two (2) newspapers of general circulation in the state, a notice of the council's consideration of the proposed plan, the time and place of the hearing, the place at which interested persons may consult the plan prior to the hearing and the place and period within which written comments on the proposed plan may be submitted.]

[(9) The council shall give written consideration to all comments received at the public hearing. The statement of consideration shall summarize the comments received at the hearing, specify what changes are being made in the plan in response to comments, and, if changes are not being made, specify the reasons for not changing the plan. A copy of the statement of consideration shall be available for public review and shall be provided to all persons who submitted comments on the plan.]

[(10) The cabinet shall prepare a statement of consideration and file it with the Legislative Research Commission pursuant to KRS Chapter 13A for those portions of the plan incorporated by reference into the proposed regulation filed by the cabinet pursuant to subsection (6) of this section. The cabinet's statement of consideration shall be based on the response of the council to the comments received.]

[(11) After approval of the proposed state health plan and any revisions or amendments made subsequent to the public hearing, the council shall submit the proposed plan to the Governor for approval or disapproval.]

[(12) If the Governor determines the proposed

plan does not effectively meet statewide health needs as determined by the cabinet and disapproves the proposed plan, the Governor shall make public a detailed statement of the basis for the determination and shall specify the changes in the plan which the Governor determines are needed to meet such needs. The council shall review the changes in the plan which the Governor specifies and shall implement any such revisions within thirty (30) days. Such revisions shall not be subject to the provisions of subsections (7), (8), and (9) of this

section.]

[(13) All revisions and amendments to the state health plan except those specified by the Governor under subsection (10) of this section shall follow the procedures set forth in this regulation for development of the plan.]

C. HERNANDEZ, M.D., Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: April 12, 1990

FILED WITH LRC: April 17, 1990 at 9 a.m.

ADMINISTRATIVE REGULATIONS AMENDED BY PROMULGATING AGENCY AND REVIEWING COMMITTEE

COMPILER'S NOTE: The following regulations were amended by the promulgating agency and the Administrative Regulation Review Subcommittee on May 11, 1990, and has not yet gone into effect.

PERSONNEL BOARD
(As Amended)

101 KAR 1:367. Standards of conduct and technology governing electronic media and still photography coverage of board proceedings.

RELATES TO: KRS 18A.075, 18A.0751, 18A.095

STATUTORY AUTHORITY: KRS Chapter 13A, 18A.0751

NECESSITY AND FUNCTION: KRS 18A.075 requires the Personnel Board to promulgate comprehensive administrative regulations consistent with the provisions of KRS 18A.005 to 18A.200. KRS 18A.0751 specifies that the Personnel Board promulgate comprehensive administrative regulations provisions for the procedures to be utilized by the board in the conduct of hearings. This regulation will govern the use of electronic media and still photography coverage of board proceedings.

Section 1. Equipment and Personnel. (1) Not more than one (1) portable television camera (film camera - sixteen (16) mm sound on film (self-blipped) or video tape electronic camera), operated by not more than one (1) camera person, shall be permitted in any board proceeding. Not more than two (2) television cameras, operated by not more than one (1) camera person each, shall be permitted in any meeting of the board.

(2) Not more than one (1) still photographer, utilizing not more than two (2) still cameras with not more than two (2) lenses for each camera and related equipment for print purposes shall be permitted in any board proceeding.

(3) Not more than one (1) audio system for radio broadcast purposes shall be permitted in any board proceeding. Audio pickup for all media purposes shall be accomplished from existing audio systems present in the hearing room. If no technically suitable audio system exists in the hearing room, microphones and related wiring essential for media purposes shall be unobtrusive and shall be located in places designated in advance of any proceeding by the presiding hearing officer.

(4) Requests for coverage, which need not be in any particular form, shall be made to the presiding hearing officer. Subject to the provisions of subsection (5) of this section, approval of such requests shall be regarded as approval of coverage for the print (photographs) [and/or] broadcast (radio and television) media generally.

(5) Any "pooling" arrangements among the media required by these limitations on equipment and personnel shall be the sole responsibility of the media without calling upon the hearing officer to mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. In the absence of advance media agreement on disputed equipment or personnel issues, the hearing officer shall exclude all contesting media personnel from a proceeding.

Section 2. Sound and Light Criteria. (1) Only television photographic and audio equipment which does not produce distracting sound or light shall be employed to cover board proceedings. Specifically, such photographic and audio equipment shall produce no greater sound or light, when such equipment is in good working order than the following equipment:

- | | |
|------------------|---|
| (a) Ikegami | HL-74A, HL-53, HL-77, HL-33, HL-34, HL-35, HL-51, HL-79, HL-78A, HL-79A, HL-79D, ITC-350, ITC-240 |
| (b) RCA | TK76, TK78 |
| (c) Sony | DXC-1600 Tricon, BVP-200, BVP-3000, DXC-1640 |
| (d) ASACA | ACC-2006 |
| (e) Hitachi | SK80, SK90 |
| (f) Hitachi | FP-3030, FP3060A, FP-205, FP-405, GP7 |
| (g) Philips | LDK-25 |
| (h) Sony BVP-200 | ENG Camera |
| (i) Fernseh | Video Camera |
| (j) JVC-8800u | ENG Camera |
| (k) AKAI | CVC-150, VTS-150 |
| (l) Panasonic | WV-3085, NV-3085, AK-750, WV-3800 |
| (m) JVC | GC-4800u, KY-2000 |

No artificial lighting device of any kind shall be employed in connection with the television camera.

(2) Only still camera equipment which does not produce distracting sound or light shall be employed to cover judicial proceedings. Specifically, such still camera equipment shall produce no greater sound or light than a thirty-five (35) mm Leica "M" Series Rangefinder camera, including blipped still reflect cameras, e.g., Nikon F2 or F3, which meet this sound and light criteria. No artificial lighting device of any kind shall be employed in connection with a still camera.

(3) It shall be the affirmative duty of media personnel to demonstrate to the hearing officer adequately in advance of any proceeding that the equipment sought to be utilized meets the sound and light criteria enunciated herein. A failure to obtain advance approval for equipment shall preclude its use in any proceeding.

Section 3. Location of Equipment Personnel.

(1) Television camera equipment shall be positioned in such location in the hearing room as shall be designated by the hearing officer. The area designated shall provide reasonable access to coverage. If [and when] areas remote from the hearing room which permit reasonable access to coverage are provided, all television camera and audio equipment shall be positioned only in such area. Video tape recording equipment which is not a component part of a television camera shall be located in an area remote from the hearing room.

(2) A still camera photographer shall position himself in such location in the hearing room as shall be designated by the hearing officer. The area designated shall provide reasonable access to coverage. Still camera photographers shall assume a fixed position within the designated area and, once a photographer has established himself in a shooting position, he shall act so as not to call attention to himself through further movement. Still camera photographers

shall not be permitted to move about in order to obtain photographs of board proceedings.

(3) Broadcast media representatives shall not move about the hearing room while proceedings are in session, and microphones or taping equipment once positioned as required by Section 1(3) of this regulation shall not be moved during the proceeding.

Section 4. Movement During Proceedings. News media photographic or audio equipment shall not be placed in or removed from the hearing room except prior to commencement or after adjournment of proceedings each day, or during a recess. Neither television film magazines nor still camera film or lenses shall be changed in the hearing room except during a recess in the proceeding.

Section 5. Hearing Room Light Sources. With the concurrence of the hearing officer, modifications and additions may be made in light sources existing in the hearing room, provided such modifications or additions are installed and maintained without public expense.

Section 6. Conferences of Counsel. To protect the attorney-client privilege and the effective right to counsel, there shall be no audio pickup or broadcast of conferences which occur in the hearing room between attorneys and their clients, between co-counsel of a client, or between counsel and the hearing officer held at the bench.

Section 7. Use of Media Material. None of the film, video tape, still photographs or audio reproductions developed during or by virtue of coverage of a board proceeding shall be admissible as evidence in the proceeding out of which it arose, any proceeding subsequent or collateral thereto, or upon any rehearing or appeal of such proceedings.

Section 8. Confidentiality. (1) In order to protect the legally recognized interests in confidentiality of individuals, any party may move to exclude electronic media or still photographers from the hearing room during all or any portion of a hearing. The hearing officer shall not unreasonably refuse such a request.

(2) The hearing officer, on his own motion, may exclude electronic media or still photographers from the hearing room during all or a portion of a hearing in his sound discretion.

Section 9. Board Meetings. This regulation shall apply to meetings of the full board. Where this regulation is to be applied to a meeting of the full board any function of the hearing officer as set out herein shall be performed by the chairman or vice-chairman of the board or in their absence, the member of the board who is moderating the board meeting.

JAMES M. SHAKE, Chairman

APPROVED BY AGENCY: March 9, 1990

FILED WITH LRC: March 14, 1990 at 3 p.m.

FINANCE AND ADMINISTRATION CABINET
Department for Administration
(As Amended)

200 KAR 2:006. Employees' reimbursement for travel.

RELATES TO: KRS Chapters [42,] 44, 45
STATUTORY AUTHORITY: KRS [42.030,] 44.060, 45.101 [45.170, 45.180, 45.300]

NECESSITY AND FUNCTION: The Finance and Administration Cabinet is directed by law to coordinate and supervise the fiscal affairs and procedures of the state and is authorized to adopt regulations for that purpose. The purpose of this regulation is to specify eligibility, requirements, rates and forms for reimbursement of travel expense and other official expenses out of the State Treasury. This amendment revises the reimbursement rates for travel expenses, and incorporates the Finance and Administrative Cabinet's travel reimbursement forms by reference as provided in KRS 13A.224.

Section 1. Definitions. As used in this regulation, unless the context requires otherwise:

(1) "Cabinet" means the Finance and Administration Cabinet.

(2) "Division" means the Division of Accounts of the Finance and Administration Cabinet.

(3) "High rate area" means a city or metropolitan area in which it has been recognized that higher meal costs and lodging rates have historically prevailed, and that has been designated by the Secretary of the Finance and Administration Cabinet as a high rate area. The cabinet's policies and procedures manual contains a list of "high rate areas".

(4) "Receipt" means any preprinted invoice, from a hotel, motel, restaurant or other establishment, showing the date of service, the amount charged for the service, the location where the service was performed and a description of the expenditure.

(5) "Secretary" means the Secretary of the Finance and Administration Cabinet.

(6) "Subsistence" means amounts deemed to have been expended by a state officer, agent, employee, or other person authorized to receive reimbursement out of the State Treasury for meals, including tax and tips, while traveling on official state business, but shall not include any meals which may be included in charges for lodging or in registration fees paid by or on behalf of a state officer or employee.

Section 2. [1.] General. (1) Affected agencies. Except as otherwise provided by law, this regulation shall apply to all departments, agencies, boards, and commissions, and institutions of the Executive Branch of State Government. It shall not apply to the Legislative and Judicial branches and their employees.

(2) Enforcement.

(a) Each agency head is responsible for insuring that all travel expense from that agency is as economical as is feasible.

(b) All persons who travel on official state business shall state on the travel [expense] voucher the purpose of each trip, shall maintain records and receipts to support their claims and shall provide themselves with sufficient personal funds to defray their travel expense.

(c) All travel expense claims are to be submitted on the travel expense claim form prescribed by the cabinet (DOA-34 and DOA-35).

(d) [(c)]1. The secretary [of the Finance and Administration Cabinet] is responsible for insuring that all travel reimbursement conforms to this regulation. The secretary or his designee [He] may disallow, reduce or strike from travel [expense] vouchers any claims contrary to this regulation. The secretary or his designee [He] may also require written justification from agency heads for amounts claimed by their agencies and employees.

2. The secretary or his designee [of the Finance and Administration Cabinet] may approve exceptions where he finds such exception in the best interest of the Commonwealth.

(3) Eligibility. Except as provided by state law or by this regulation, no reimbursement can be claimed for expenses of any person other than employees, bona fide wards, or other persons in the official service of the Commonwealth. Only necessary expenses of official travel will be reimbursed.

(4) Interpretation. All final interpretations of this regulation shall be made by the secretary [of the Finance and Administration Cabinet], and such determination shall be final and conclusive.

Section 3. [2.] Definitions; Work Station. (1) The official work station of employees assigned to an office is the street address where the office is located.

(2) The official work station of field employees shall be established by the agency head, based solely on the best interests of the Commonwealth, not an [on] employee's convenience. The designation of work station shall not be for the purpose of allowing additional mileage reimbursement for the employee.

(3) If an employee is permanently reassigned, or is stationed at a new place two (2) months, the new place immediately becomes that employee's official work station concerning travel expense.

Section 4. [3.] Authorizations. (1) No travel expense shall be reimbursed unless the travel was authorized in advance as follows:

(a) Travel in Kentucky and within the other forty-nine (49) states and the District of Columbia and Canada must be authorized by the agency head or a designated representative. If four (4) or more persons are to travel to the same out-of-state destination the agency's [the] request shall explain the necessity for the number of persons traveling and shall also be approved [authorized] by the secretary or his designee [of the Finance and Administration Cabinet].

(b) Travel outside the United States and Canada [to foreign countries] must be authorized in advance by the agency head, the secretary [of the Finance and Administration Cabinet] and the Governor, or by their designated representatives.

(2) Travel requests requiring [Requests for the] approval by [of] the secretary [of the Finance and Administration Cabinet] must reach the [Finance and Administration] cabinet at least five (5) working days before the intended start of travel. (Travel Authorization Forms DOA 28, for four (4) or more persons traveling out-of-state, and DOA 28(A), for out-of-country

travel, shall be used [Form B120-7, Authorization for Travel].)

Section 5. [4.] Transportation. (1) Economy required.

(a) State officers, agents, and employees traveling on state business shall use the most economical, standard transportation available and the most direct and usually-traveled routes. Expenses added by use of other transportation or routes must be assumed by the individual.

(b) Round-trip, excursion or other reduced-rate rail or plane fares shall be obtained if practical.

(2) State vehicles. State-owned vehicles with their credit cards should be used for state business travel when available and feasible. No mileage payment shall be claimed when state-owned vehicles are used.

(3) Privately-owned vehicles. Mileage claims for use of privately-owned vehicles may be disallowed if a state vehicle was available and feasible. No reimbursement shall be paid for travel between residence and work station.

(4) Buses, subways. For city travel, employees are encouraged to use buses and subways. Taxi fare may be allowed when more economical transportation is not feasible.

(5) Airline travel. Commercial airline travel shall be coach/tourist class [and on this country's airlines]. Additional expense for first-class travel will not be reimbursed by the state.

(6) Special transportation.

(a) The cost of hiring cars or other special conveyances in lieu of ordinary transportation will be allowed only with acceptable justification.

(b) Privately-owned aircraft may be used only when it is to the advantage of the state, measured both by travel costs and travel time.

Section 6. [5.] Accommodations. (1)(a) Economy required. Lodging costs should be the most economical that are consistent with the state's best interests. Facilities providing special government rates or commercial rates will be used where feasible. [Agencies shall contact the cabinet's Division of Accounts travel desk for assistance as needed in obtaining group rates and special state rates.]

(b) State-owned facilities shall be used for meetings and/or lodging where available, practicable and economical.

(2) Location. Cost for lodging within forty (40) miles of the claimant's official work station or home will not be reimbursed.

(3)(a) Group lodging, by contract. State agencies and institutions may contract with hotels, motels and other establishments for four (4) or more employees to use a room or rooms on official business. Group rates must be requested. The contract may also apply to meals and gratuities. The contract rates and the costs of rooms and meals per person shall not exceed limits set in Section 7 of [by] this regulation [under "Reimbursement Rates"]. The agency shall certify that no employee is claiming individual reimbursement or subsistence for the same costs. The cabinet's group accommodations travel form (Form B120-16) shall be used.

(b) For payment, the agency shall forward a receiving report (Purchase Order Authorization for Payment Form DOA-19 [B111-9]) with the vendor's bill, the names of affected employees

and a copy of the contract to the division [of Accounts]. The payment shall not include telephone expenses or personal charges of employees. The state's payment shall be made directly to the hotel, motel, or other establishment.

(4) State parks. A state agency or institution using state park facilities [for a group of four (4) or more] may pay for rooms and meals by interaccount bill, within the limits of this regulation.

Section 7. [6.] Reimbursement Rates. (1) Lodging plus subsistence and other expenses. Except for the Judicial and Legislative branches, their employees, the Governor, and others listed in subsection (2) of this section, and except where otherwise provided by law, the reimbursement for official travel expense shall be as follows:

(a) Lodging. A state officer, agent or employee shall be reimbursed for his actual cost of lodging, if the lodging is determined to be the most economical, and the state officer or employee attaches the hotel's or motel's receipt to his travel expense voucher. A state officer or employee shall not receive reimbursement for lodging that exceeds the cost of a single room rate.

[1. If lodging cost is the lowest feasible, a claimant who attaches the hotel's or motel's preprinted, receipted bill shall be reimbursed within limits for that claimant's actual cost of lodging, as follows:]

[2. Maximum anywhere in the United States shall be thirty-five (35) dollars per day, plus taxes, except at Kentucky state parks and in "high-rate" areas listed by the Secretary of the Finance and Administration Cabinet. Maximum in listed "high-rate" areas shall be fifty-five (55) dollars per day, plus taxes. Maximum at any Kentucky state park shall be the park's standard rate. The state will not pay for lodging within forty (40) miles of claimant's residence or work station.]

(b) Subsistence.

[1. Subsistence shall include amounts deemed to have been spent for meals, tax, and tips.]

1. [2.] To be eligible for subsistence for breakfast or lunch while traveling in Kentucky, a claimant's authorized work must require overnight absence at a destination more than forty (40) miles from both work station and home and must also require absence from work station and home during mealtime. (The claimant shall attach to his travel voucher either his lodging receipts or other credible documentation sufficient for audit.)

2. [3.] The [two (2)] requirements in subparagraph 1 [2] of this paragraph do not apply for dinner in Kentucky and for breakfast, lunch and dinner outside of Kentucky.

3. Except for high rate areas, subsistence shall not exceed reimbursement rates, and must be within time periods, as follows:

4. [For travel in Kentucky and the United States, except "high-rate" areas listed by the Secretary of the Finance and Administration Cabinet, subsistence shall not exceed:]

Breakfast (authorized travel must include 6:30 a.m. through 9 a.m.) - \$ 4 [3]

Lunch (authorized travel must include 11 a.m. through 2 p.m.) - \$ 5 [3]

Dinner (authorized travel must include 5 p.m. through 9 p.m.) - \$11 [8]

5. For travel to high-rate areas established [listed] by the secretary [of the Finance and Administration Cabinet], subsistence shall not exceed:

Breakfast (authorized travel must include 6:30 a.m. through 9 a.m.) - \$ 5 [4]

Lunch (authorized travel must include 11 a.m. through 2 p.m.) - \$ 6 [5]

Dinner (authorized travel must include 5 p.m. through 9 p.m.) - \$15 [11]

6. A state officer or an employee assigned to attend a function of an organization not under the state officer's control may be reimbursed for actual meal cost charged by the organization, instead of subsistence.

(c) Privately-owned vehicles. Reimbursement for official use of a privately-owned vehicle shall be twenty-two (22) [eighteen (18)] cents per mile, and payment shall not exceed airplane coach fare.

(d) Commercial transportation. A state officer or employee shall be reimbursed for the actual cost of commercial transportation upon submission of receipts with a travel voucher [With receipts actual commercial cost will be reimbursed].

(e) Privately-owned aircraft. Reimbursement for use of privately-owned aircraft may be approved on an out-of-pocket basis by the secretary or his designee upon the submission to the cabinet prior to the travel of written justification signed by the agency head [shall not exceed the cost of air coach fare].

(f) Camping vehicles. Claimants using camping vehicles for lodging shall be reimbursed not more than ten (10) [four (4)] dollars per night, for [plus] parking or camping charges. A receipt for parking or camping charges must be submitted with a travel voucher.

(g) Parking and tolls. Actual parking, bridge and toll charges are reimbursable. Toll receipts are not required for in-state travel by two (2) axle vehicles.

(h) Baggage charges. Reasonable expenses are allowed for baggage handling, for delivery to or from a common carrier or lodging and for storage. Charges for overweight baggage may be allowed if the excess was for official business.

(i) Registration fees. Registration fees required in official travel for admittance to meetings will be allowed. If the fee entitles registrants to meals, claims for subsistence shall be reduced accordingly.

(j) Telephone expenses. Telephone and telegraph costs for necessary official business will be allowed. Calls to agency central offices shall [should] be made collect or through the state's toll-free number.

(k) Other. Where justified, other necessary miscellaneous expenses of official travel may be allowed by the secretary or his designee [of the Finance and Administration Cabinet].

(2) Actual and necessary expense.

(a) Upon submission of [With preprinted] receipts for items over two (2) dollars, the actual and necessary cost of official business travel (including lodging, meals, related taxes, gratuities and commercial transportation) may be reimbursed to the following:

1. Governor and Lieutenant Governor, other statewide elected Constitutional officials, cabinet secretaries, the Governor's staff, state employees traveling on assignment with the Governor or Lieutenant Governor, authorized persons traveling outside the United States and

Canada and to [nonpaid] members of statutory boards and commissions.

2. Reimbursement for official use of a privately-owned vehicle shall be twenty-two (22) [eighteen (18)] cents per mile, and such payment shall not exceed airplane coach fare.

(b) The Governor and cabinet secretaries may be reimbursed for their actual and necessary costs of entertaining official business guests and shall certify such costs to the secretary or his designee [Finance and Administration Cabinet].

(c) With certification by the cabinet head, and upon submission of receipts, employees of the Economic Development and Tourism Cabinets may be reimbursed for their actual and necessary costs of entertaining the state's official business guests concerning economic development and industrial and travel promotion.

(d) The secretary or his designee [of the Finance and Administration Cabinet] may question and reduce claims if amounts appear excessive.

Section 8. [7.] Forms. (1) Travel expense voucher (Form DOA-34 [B120-6]).

(a) Use.

1. This form shall be used to claim all reimbursement for travel expense.

2. The voucher shall include the expense of only one (1) person except where an employee pays the expenses for a ward of the Commonwealth or other person for whom the claimant is officially responsible. Such persons' names and status or official relationship to the claimant's agency shall [must] be listed on the voucher.

3. A travel voucher shall ordinarily cover one (1) month or one (1) major trip. The purpose of each trip shall be shown on the voucher. If monthly expenses total less than ten (10) dollars, a voucher may cover as many [much] as six (6) months within the same fiscal year.

4. Each travel expense voucher shall show the claimant's social security number.

(b) Preparation.

1. The travel voucher may be either typed or legibly prepared in ink. All receipts shall be stapled to the back at the upper left corner and shall be forwarded to the Finance and Administration Cabinet with the expense voucher.

2. If leave interrupts official travel, the travel voucher shall show the dates of leave.

(c) Computing mileage. Mileage for in-state travel will be based on Transportation Cabinet official mileage map or on the cabinet's [Finance and Administration Cabinet] mileage chart if the cabinet [department] issues such. Out-of-state mileage will be based on Rand McNally mileage maps. If point of origin is the claimant's residence, mileage will be paid between residence and travel destination or between work station and travel destination, whichever is shorter, except that commuting mileage between home and work station will not be paid.

(d) Vicinity travel. Vicinity travel and authorized travel within claimant's work station shall be listed on separate lines on the expense voucher.

(e) Signatures. Travel vouchers shall be signed and dated by the state officer or employee submitting the claim, the employee's supervisor and the agency head or authorized representative.

(f) Receipts. Except for mileage and

subsistence, claimants shall furnish for each expenditure over two (2) dollars the preprinted, receipted bill from the hotel, motel, restaurant, or other establishment. The receipt must establish the amount, date, location and essential character of the expenditure.

(2) Authorization for out-of-state travel [(Form B120-7)]. Travel Authorization Forms DOA 28(A) and DOA 28 [This form] shall be used to request authorization for travel to foreign countries and for out-of-state travel by groups of four (4) or more persons.

(3) Contract for rooms and meals (Form B120-16). This form shall be used for group accommodations as described in Section 6 of this regulation under "Accommodations."

(4) The travel reimbursement forms referenced in this regulation are hereby incorporated by reference. Copies of these forms will be available to the public Monday through Friday, excluding holidays, from 8 a.m. to 4:30 p.m. at the Division of Accounts, Finance and Administration Cabinet, Room 330, Capitol Annex, Frankfort, Kentucky.

L. ROGERS WELLS, JR., Secretary

APPROVED BY AGENCY: February 20, 1990

FILED WITH LRC: February 22, 1990 at 3 p.m.

GENERAL GOVERNMENT CABINET
Kentucky Board of Pharmacy
(As Amended)

201 KAR 2:076. Parenteral pharmaceutical compounding.

RELATES TO: KRS [217.055,] 315.020

STATUTORY AUTHORITY: KRS [217.055,] 315.020(1), (2), 315.065(1), (2), 315.191(1)

NECESSITY AND FUNCTION: The Kentucky Board of Pharmacy is responsible to insure minimum standards of practice of parenteral compounding by pharmacies. The board is also responsible to insure the safety of all products provided to the citizens of the Commonwealth.

Section 1. A policy and procedure manual for parenteral pharmaceutical compounding shall be available at a pharmacy for inspection purposes. The manual shall include policies and procedures for:

- (1) Oncology drugs;
- (2) Disposal of unused supplies and medications;
- (3) Drug destruction and return;
- (4) Drug dispensing;
- (5) Drug labeling;
- (6) Storage;
- (7) Duties and qualifications for staff;
- (8) Equipment;
- (9) Handling of hazardous wastes;
- (10) Investigation drug protocol;
- (11) Safety;
- (12) Recordkeeping;
- (13) Reference material;
- (14) Sanitation;
- (15) Security;
- (16) Transportation; and
- (17) Quality assurance, as relates to:
 - (a) Recall procedures;
 - (b) Storage and dating;
 - (c) Educational procedures for staff and patient;
 - (d) Sterile procedures, to include routine

maintenance and hood certification; and, if necessary,

(e) Sterile testing of end products, operator procedures, and environment.

The manual shall be reviewed and revised on an annual basis.

Section 2. The following physical requirements are in addition to other requirements set forth in KRS 217.055 and 315:020:

(1) The licensed pharmacy shall have a designated area for preparing compounded parenteral pharmaceuticals. This area shall be designed to withstand routine disinfecting procedures and shall be kept free of particulate generators, e.g., corrugated cardboard containers. This area shall be designed to avoid unnecessary traffic and airflow disturbances. It shall be used only for the preparation of sterile products. It shall be of sufficient size to accommodate a laminar airflow hood and to provide for the proper storage of drugs and supplies under appropriate conditions of temperature, light, moisture, sanitation, ventilation, and security.

(2) The minimum equipment shall be:

(a) Laminar airflow hood or Class 100 clean room;

(b) Sink with hot and cold running water which is convenient to the compounding area;

(c) Appropriate disposal containers for used needles, syringes, and if applicable, cytotoxic and hazardous wastes from preparation of said agents;

(d) A Class II vertical flow biological safety cabinet, if oncology agents are prepared;

(e) Refrigerator or freezer with a thermometer; and

(f) A temperature controlled delivery container (not required if delivered in the same facility).

(3) The minimum supplies shall be:

(a) Disposable needles, syringes, and other supplies needed for aseptic parenteral compounding;

(b) Disinfectant cleaning solutions;

(c) Handwashing agent with bactericidal action;

(d) Disposable, lint-free towels or equivalent;

(e) Appropriate filters and filtration equipment;

(f) Oncology drug spill kit; and

(g) Disposable gowns, and sterile disposable gloves.

(4) This area of the pharmacy shall not be accessible to the public and no one shall have access without supervision of the pharmacist.

(5) The pharmacy shall have current reference materials related to sterile products.

Section 3. Each licensed pharmacy shall be managed by a pharmacist licensed to practice pharmacy in the Commonwealth and who is knowledgeable in the specialized functions of preparing and dispensing compounded, sterile pharmaceuticals, including the principles of aseptic technique and quality assurance. The pharmacist in charge shall be responsible for the purchasing, storage, compounding, repackaging, dispensing, and distribution of all drugs and pharmaceuticals. The pharmacist shall also be responsible for the development and continuing review of all policies and procedures, training manuals, and the quality assurance programs, as well as participation in those aspects of the facility's patient care

evaluation program relating to pharmaceutical material utilization and effectiveness. The pharmacist in charge may be assisted by additional personnel adequately trained in this area of practice. A pharmacist shall be accessible at all times at each licensed facility to respond to patients' and other health professionals' questions and needs.

Section 4. (1) The pharmacist shall receive a written or verbal prescription or direct copy order from a prescriber before dispensing any compounded, sterile parenteral product. These prescriptions or direct copy orders shall contain the following:

(a) Patient's name;

(b) Patient's address on controlled substances prescriptions or location (room number);

(c) Drug name and strength;

(d) Directions for use;

(e) Date;

(f) Authorized prescriber's name;

(g) Prescriber's address and DEA number, if applicable;

(h) Refill instructions, if applicable; and

(i) Dispensing quantity, if applicable.

(2) A pharmacy generated profile shall be maintained separate from the prescription file. The patient profile shall be maintained under the control of the pharmacist in charge for a period of two (2) [five (5)] years following the last dispensing activity. In addition, a medication administration record (MAR) as part of the medical record shall be retained for a period of five (5) years from date of the patient's discharge from the facility, or in the case of a minor, three (3) years after the patient reaches the age of majority under state law, whichever is the longer [maintained as a permanent document]. Supplemental records may also be employed as necessary. The patient profile shall contain:

(a) Patient's name;

(b) Sterile product dispensed;

(c) Date dispensed;

(d) Drug content and quantity; and

(e) Patient's directions. [;]

[(f) Identification of compounder;]

[(g) Identification of dispensing pharmacist;]

[(h) Identifying number; and]

[(i) Lot number (if batch production).]

(3) Each sterile pharmaceutical dispensed to patients shall be labeled with the following information:

(a) Name, address, and telephone number of the licensed pharmacy, if product will leave the premises;

(b) Date;

(c) Identifying number;

(d) Patient's full name;

(e) Name of each drug, strength, and amount;

(f) Directions for use, including infusion rate;

(g) Required controlled substances transfer warnings, where applicable;

(h) Expiration date;

(i) Identity of dispensing pharmacist;

(j) Storage requirements, when applicable; and

(k) Auxiliary labels, when applicable.

(4) The pharmacist in charge shall maintain access to and submit, as appropriate, such records and reports as are required to insure the patient's health, safety, and welfare. Records shall be readily available, maintained for two (2) years at facility not computerized.

but for five (5) years at facility utilizing computerized recordkeeping, and subject to inspection by the Board of Pharmacy or its agents. These shall include the following:

- (a) Patient profile;
- (b) Purchase records;
- (c) Biennial controlled substances inventories;
- (d) Policy and procedures manual;
- (e) Policies and procedures for cytotoxic wastes, if applicable;
- (f) Quality assurance records; and
- (g) Such other records and reports as may be required by law and rules and regulations of the Kentucky Board of Pharmacy.

Information regarding individual patients shall be maintained in a manner to assure confidentiality of the patient's records. Release of this information shall be in accordance with federal and state laws.

(5) The pharmacist in charge shall be responsible for the environmental control of all products shipped. Any compounded, sterile pharmaceutical that is frozen or requires refrigeration shall be shipped or delivered to a patient in appropriate temperature controlled delivery containers, if the product leaves the premises.

(6) The pharmacist in charge shall be responsible for assuring that there is a system for the disposal of hazardous waste in a manner that does not endanger the public health.

(7) A quality assurance program documented by the pharmacist shall be available to provide accountability for the manufacturing and distribution of sterile parenteral products.

Section 5. Licensed pharmacies that prepare oncology agents shall meet the following additional requirements in order to insure the protection of the personnel involved:

(1) All oncology agents shall be compounded in a vertical flow, Class II, biological safety cabinet, and other products may [shall not] be compounded in this cabinet;

(2) Protective apparel shall be worn by personnel compounding oncology drugs, and this shall include disposable gloves and gowns;

(3) Proper aseptic and safety techniques shall be used by personnel compounding oncology agents;

(4) Appropriate disposable procedures for cytotoxic waste shall be developed that comply with applicable state and federal regulations;

(5) Written procedures for handling both major and minor spills of cytotoxic agents shall be developed; and

(6) Prepared doses of oncology drugs shall be dispensed, shipped, or delivered in a manner to minimize the risk of accidental rupture of the primary container and labeled with a distinctive cautionary label as being hazardous.

Section 6. There shall be a documented, ongoing quality control program that monitors personnel performance, equipment, and facilities. Quality assurance procedures, at a minimum, shall include:

- (1) Recall procedures;
- (2) Storage and dating;
- (3) Educational procedures for staff;
- (4) Sterile procedures;
- (5) Hood or clean room annual certification by an independent contractor in accordance with federal standard 209B and NSF standard No. 49;
- (6) Prefilter cleaning and replacement when appropriate;

(7) Justification of the chosen expiration dates for compounded parenteral products; and

(8) Documentation of quality assurance audits at regular, planned intervals, including infection control and sterile technique audits.

Section 7. Violation of any provision of this regulation shall constitute unethical or unprofessional conduct in accordance with KRS 315.121.

RALPH G. DEITEMEYER, President

APPROVED BY AGENCY: March 7, 1990

FILED WITH LRC: March 8, 1990 at noon

COMPILER'S NOTE: The following regulation was amended by the promulgating agency and the Interim Joint Committee on Agriculture and Natural Resources, and was adopted on May 8, 1990.

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

301 KAR 1:146. Commercial fishing gear.

RELATES TO: KRS 150.010, 150.025, 150.120, 150.170, 150.175, 150.445, 150.450, 150.990

STATUTORY AUTHORITY: KRS 13A.350, 150.025

NECESSITY AND FUNCTION: It is necessary to accurately describe the gear allowed in commercial fishing so that the proper size and species of fish can be harvested, the sport fish populations are not adversely affected and perpetuation of the fishery resource is assured. This amendment is necessary to readjust the hoop net mesh size on the Ohio River for a two (2) year transition period.

Section 1. The functions of the various commercial fishing tags authorized under KRS 150.175 are consolidated into one (1) tag called "commercial gear tag" which shall serve as they each were designated in KRS 150.175, subsections (5), (6), (7) and (8).

Section 2. All lines and mesh shall be made of linen, cotton or flexible synthetic fiber only. All mesh shall be measured by bar measure. This measure is the length of one (1) side of the square, or as measured between two (2) knots on the same line.

Section 3. The following gear is the only commercial gear that shall be used in commercial waters designated in 301 KAR 1:150 and under conditions described in 301 KAR 1:155 by appropriately licensed commercial fishermen:

(1) Hoop net, wing net, straight lead net, heart lead net.

(a) Shall have a minimum mesh size of three (3) inches, except in the [lower] Ohio River [below McAlpine Locks and Dam], the Mississippi River, those portions of the Cumberland River below Barkley Dam and the Tennessee River below Kentucky Dam that are open to commercial fishing where the minimum mesh size shall be one (1) inch. [Beginning January 1, 1992, the minimum mesh size shall be three (3) inches for all waters.]

(b) Hoops may be any size or shape or material.

(c) Maximum length of each lead or wing shall

be sixty (60) feet.

(d) Wings and leads must be constructed of multifilament natural or synthetic material only.

(e) Netting used for wings and leads shall be constructed of twine no smaller than number six (#6) nylon or equivalent, having a breaking strength of fifty-five (55) pounds or greater.

(f) Wings and leads may be of knotted or knotless construction and shall have a mesh size no larger than one (1) inch.

(g) Hoop nets, wing nets, straight lead nets or heart lead nets shall be fished as individual nets. Wings or leads shall not be tied together so as to become continuous multiple net units.

(h) Wings and leads shall be used only to lead fish into the hoop net.

(i) One (1) commercial gear tag shall be attached to the first hoop of each net.

(2) Gill net or trammel net.

(a) May be used only in Ohio and Mississippi Rivers and overflow lakes directly connected with each river or as specified in 301 KAR 1:140. Minimum mesh size is three (3) inches in the Mississippi and its overflow lakes and four (4) inches in the Ohio River and its overflow lakes.

(b) May be fished weighted or as a flag net.

(c) Shall have one (1) commercial gear tag attached to each 100 feet or part thereof.

(3) Commercial trotline.

(a) Shall have more than fifty (50) hooks placed no closer than eighteen (18) inches apart.

(b) Shall have one (1) commercial gear tag attached.

(c) Shall be no longer than 3,000 feet, including staging, and shall be fished separately, not tied together in a continuous line.

(4) Seine.

(a) Shall have a maximum mesh size of one (1) inch and may be of knotted or knotless construction. Knotted netting shall be constructed of twine no smaller than number 6 (#6) nylon or equivalent having a breaking strength of fifty-five (55) pounds or greater, and knotless netting shall be constructed of twine no smaller than #147 nylon or equivalent having a breaking strength of fifty (50) pounds or greater.

(b) Shall be constructed of multifilament natural or synthetic material only.

(c) Shall have both float and lead lines.

(d) Shall have wood, fiberglass, or metal poles or brails attached at each end.

(e) Shall be attended by persons pulling the seine by hand through the water for the entrapment of fish.

(f) Shall have one (1) commercial gear tag attached to each 100 feet or part thereof.

(5) Slat trap basket.

(a) Shall have no wire or other mesh added to any part of trap.

(b) Shall have at least two (2) openings left between slats no smaller than one and one-fourth (1 1/4) inches wide in the catch portion of the trap. These openings shall not be restricted by cross-bracings to a length shorter than eight (8) inches.

(c) Shall be no larger than two (2) feet in diameter or square-end measure.

(d) Shall have one (1) commercial gear tag attached to opening ring or square.

DON R. McCORMICK, Commissioner
MARY RAY OAKEN, Secretary

DAVID GOOBY, Chairman

APPROVED BY AGENCY: December 4, 1989

FILED WITH LRC: December 14, 1989 at 1 p.m.

COMPILER'S NOTE: The following two regulations were amended by the promulgating agency and the Administrative Regulation Review Subcommittee on May 11, 1990, and have not yet gone into effect.

NATURAL RESOURCES & ENVIRONMENTAL
PROTECTION CABINET
Department for Environmental Protection
Division of Water
(As Amended)

401 KAR 5:026. Classification of waters.

RELATES TO: KRS Chapter 224[.020, 224.060]
STATUTORY AUTHORITY: KRS 224.020, 224.033,
224.037, 224.060, 33 U.S.C. 1313 [(17)]

NECESSITY AND FUNCTION: This regulation applies the use classifications found in [Sections 4, 5, 6, and 7 of] 401 KAR 5:031 to the surface waters of the Commonwealth. This regulation also makes all surface waters subject to the general criteria specified in Section 2 of 401 KAR 5:031. Definitions for terms used in this regulation are found in 401 KAR 5:029.

Section 1. Classification to Designated Uses. Surface waters classified under this regulation shall be designated for all legitimate uses listed in KRS 224.020(1) except as specified in 401 KAR 5:031, Section 5 or [.] until reclassified in accordance with the procedures of this regulation. Classified waters shall meet all criteria applicable to their designated uses and those criteria listed in Section 2 of 401 KAR 5:031, unless [the criteria which are indicated for these classifications shall be applicable in all cases unless otherwise ordered by] the cabinet grants an exception pursuant to 401 KAR 5:031, Section 8. Outstanding resource waters may have unique water quality characteristics which shall be maintained by additional criteria adopted by the cabinet pursuant to 401 KAR 5:031, Section 7.

Section 2. Reclassification. (1) Surface [The reclassification of] waters may be reclassified [of the Commonwealth which establishes a different classification than is established under this regulation shall be adopted] only upon affirmative findings by the cabinet pursuant to Sections 5 and 6 of this regulation. Before reclassifying any surface water [Prior to adding or removing any use], the cabinet shall provide notice and an opportunity for a public hearing.

(2) In reclassifying any surface water [body], the cabinet shall ensure that its water quality standards provide for the attainment and maintenance of the water quality standards of downstream surface waters.

(3) A use shall not be removed for a surface water [body] if that use is an existing use [currently being attained], or if the [such] use may [s will] be attained by implementing effluent limitations required under Sections 301(b) and 306 of the Clean Water Act and [401 KAR 5:035, [and] 401 KAR 5:045, 401 KAR 5:065 or 401 KAR 5:080 or and] by implementing cost-effective and reasonable best management

practices for nonpoint source control.

(4) If a surface water [body] is designated for a [more stringent] use that [than] is not an existing use [currently being attained], the cabinet shall reclassify the surface water [body] upon demonstration that the designated use is unattainable because: [due to natural background or []; irretrievable person-induced conditions; or because [that] existing ["point"] sources would have to be controlled beyond the most stringent effluent limitation levels required for such sources under 401 KAR 5:035, [and] 401 KAR 5:045, 401 KAR 5:065, or 401 KAR 5:080 and imposition of these [such] extra controls would result in substantial and widespread economic and social impact.]

(a) Naturally occurring pollutant concentrations prevent the attainment of the use; or

(b) Natural, ephemeral, intermittent or low flow conditions or water levels prevent the attainment of the use, unless these conditions may be compensated for by the discharge of sufficient volume of effluent discharges; or

(c) Human caused conditions or sources of pollution prevent the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place; or

(d) Dams, diversions or other types of hydrologic modifications preclude the attainment of the use, and it is not feasible to restore the surface water to its original condition or to operate such modification in a way that would result in the attainment of the use; or

(e) Physical conditions related to the natural features of the surface water, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality, preclude attainment of the aquatic life use; or

(f) Controls more stringent than those required by Sections 301(b) and 306 of the Clean Water Act would result in substantial and widespread economic and social impact.

(5) Reclassifications [Implementation of this section] will be consistent with the nondegradation requirements of 401 KAR 5:029, Section 2.

Section 3. Priority for Implementation. [Except as provided in subsection (4) of this section, the] Priorities for reclassification of the surface waters of the Commonwealth are:

(1) Surface waters receiving [(or proposed to receive)] discharges from a POTW [publicly-owned treatment works and/] or serving as public water system [supply] sources have first priority in the following order [in the following order of priority]:

(a) Any local unit of government with a pending [public] construction permit application for installation or upgrading of a POTW [sewage treatment plant and/] or public water system treatment plant.

(b) Any local unit[s] of government in the cabinet's [201] construction grants program administered pursuant to 33 U.S.C. 1281 for installation or upgrading of a POTW [sewage treatment plant,] in an order of priority consistent with its [their] priority project list rank.

(c) Any local unit[s] of government which requests consideration prior to [their] entering its [into either their] own construction

project, applying for an [a] NPDES or KPDES permit [action], or applying for participation in the cabinet's [the 201] construction grants program administered pursuant to 33 U.S.C. 1281 for installation or upgrading of a POTW [sewage treatment plant].

(d) Other local units of government, on a first-come, first-served basis.

(2) Surface waters receiving [(or proposed to receive)] discharges from any other [(private or semipublic)] treatment works shall have second priority in the following order [of priority]:

(a) Applicants for new or modified NPDES or KPDES permits for discharges [applicants or proposed NPDES or KPDES permit modifications] to surface waters [waterways] which may potentially be classified for [a beneficial use of] cold-water aquatic habitat.

(b) All other surface waters [segments] with point source dischargers [private or semipublic facilities,] on a first come, first served basis.

(3) Reclassifications for all other surface waters which do not have any existing or proposed point source dischargers have third priority.

(4) These priorities may be varied by order of the cabinet [in a particular case pursuant to an administrative hearing].

Section 4. Responsibility for Providing Documentation. The following entities are responsible for providing the documentation for the reclassification of the surface waters under this regulation. The required documentation is listed [outlined] in Section 5 of this regulation.

(1) The cabinet will [shall] provide supporting documentation for the reclassification of surface waters on which are located [(or proposed to be located)] facilities which are either:

(a) POTWs [Publicly-owned treatment works]; or

(b) Outstanding resource waters on publicly owned land; or

(c) Applicants for new or modified NPDES or KPDES permits [applicants or proposed NPDES or KPDES permit modifications] for discharges to surface waters which may potentially be classified as [for a beneficial use of] outstanding resource waters.

(2) Any applicant filing for reclassification of surface waters in circumvention of the priority system contained in Section 3 of this regulation shall provide the cabinet with classification documentation, [for waters on which discharges from private or semipublic treatment works are located (or proposed to be located). In these cases] The applicant has [sustains] the burden of proof that the reclassification is appropriate and necessary.

(3) The cabinet will [shall] provide documentation for all other surface waters which do not have any existing or proposed point source dischargers.

Section 5. Required Documentation. [This section outlines the] Documentation which shall be required to support the reclassification of a surface water of the Commonwealth is as follows:

(1) A United State Geological Survey [USGS] 7.5 minute topographic map [will be prepared] showing those surface waters [or stream segments] to be reclassified, with [.] a description consisting of a river mile index

with any existing and proposed discharge points;

(2) Existing uses and water quality data for the surface [proposed] waters [or stream segments] for which the reclassification is proposed. Where adequate data are unavailable, additional studies may be required by the cabinet;

(3) Descriptions of general land uses (e.g., mining, agricultural, recreation, low, medium, and high density residential commercial-industrial, etc.) and [as well as] specific land uses adjacent to the surface waters [for the length of the segment] for which the reclassification is proposed;

(4) The existing and designated uses of the downstream [receiving] waters into which the surface water [segment] under consideration discharges [and the downstream uses of those receiving waters];

(5) General physical characteristics of the surface water [stream segment] including, but not limited to width, depth, bottom composition, and slope;

(6) The frequency of occasions when there is no natural flow in the surface water and the 7Q10 and harmonic mean flow values for the surface water and [segment, the low flow in the segment and low flow in] adjacent surface waters; [segments.]

(7) An assessment of the existing and potential aquatic life habitat in the surface waters [stream segment] under consideration and the adjacent upstream surface waters [segment]. The existing aquatic life shall [in the area must] be documented and [as well as an assessment of] livestock and natural wildlife dependence on [upon] the surface water shall be assessed [stream segment]. The occurrence of individuals or populations, indices of diversity and well-being, and abundance of species of any unique native biota shall [must] be documented;

(8) The [existing and] proposed designated uses for the surface water [stream segment(s)] in question; and

(9) [Information must be supplied pursuant to Section 2 of this regulation, specifically:

(a) An explanation of the irretrievable person-induced, or natural conditions which preclude attainment of a higher use designation[;] or

[(b)] an assessment of the substantial and widespread social and economic impacts resulting from the imposition of additional controls necessary for existing point sources, beyond the most stringent effluent limitation levels normally required for such sources.

Section 6. Procedures for Reclassification. This section outlines the procedures for evaluating proposed [by which] use reclassifications [will be assigned. Procedures for reclassification of a water of the Commonwealth shall be initiated and considered in the order of priority specified in Section 3 of this regulation].

(1) For each of the surface waters for which a reclassification is proposed, the cabinet or applicant [as defined in Section 4(2) of this regulation,] shall prepare a fact sheet containing, but not limited to, the following information:

(a) The name and address of the applicant;

(b) The name and sketch or description of the surface water proposed for specified use reclassifications, including the location of existing and proposed dischargers;

(c) The proposed use classifications;

(d) A brief abstract of the supportive documentation which demonstrates that the [said] reclassification is appropriate;

(e) The appropriate water quality criteria for the surface water [segment(s)] based on the proposed designated use(s);

(f) The treatment requirements proposed for discharges to the surface water in question if designated for the proposed use(s);

(g) A "plain English" summary of the implications of such designation for the community and other users or potential users of the surface water in question;

(h) The procedure by which the designation will be made.

(2) Based upon all available information, the staff shall make its recommendation of use classifications of the surface waters in question to the secretary of the cabinet.

(3) The secretary shall have [cause to be prepared] a list of surface waters [segments] and their classification prepared to be published as an administrative regulation.

(4) Upon completing [the review period and] the procedure for promulgation of [under] administrative regulations set forth in KRS Chapter 13A [rule making], all designated surface waters and their use classifications shall be listed in [Section 7 of] this regulation.

Section 7. Surface Water [Stream] Use Classifications. (1) Listed in the tables below are the use classifications for specific surface waters of the Commonwealth. The county column indicates the county in which the mouth or outlet of the surface water [stream] is located. The identifying symbols for use classifications are as follows:

WAH - Warm Water Aquatic Habitat

CAH - Cold Water Aquatic Habitat

PCR - Primary Contact Recreation

SCR - Secondary Contact Recreation

DWS - Domestic Water Supply (applicable at existing points of public water supply withdrawal)

ORW - Outstanding Resource Water

(2) Surface waters not specifically listed in this section are designated for the use of warm water aquatic habitat, primarily contact recreation, secondary contact recreation and domestic water supply in accordance with Section 1 of this regulation.

(3) Exceptions to specific criteria [listed to protect use classifications] in 401 KAR 5:031 which apply to particular surface waters are shown in the tables of surface water [stream] use classifications in this section. All other criteria in 401 KAR 5:031 applicable to the listed use classifications [also] apply to these surface waters [streams].

(See table on following pages)

ADMINISTRATIVE REGISTER - 2658

LIST OF DESIGNATED SURFACE WATER USE CLASSIFICATIONS

Stream	Zone	County	Use Classification	Exceptions to Specific Criteria
<u>BIG SANDY RIVER BASIN</u>				
<u>Big Sandy River</u>	<u>River Mile 26.8 to Ohio River</u>	<u>Boyd</u>	<u>WAH, PCR, SCR</u>	
Hood Creek	Source to Wheeler Branch	Lawrence	<u>WAH [CAH], PCR, SCR</u>	
<u>Levisa Fork Big Sandy River</u>	<u>Kentucky-Virginia State Line River Mile 147.5 (Head- waters of Fishtap Lake)</u>	<u>Pike</u>	<u>WAH, PCR, SCR, DWS</u>	
<u>Levisa Fork Big Sandy River</u>	<u>Fishtap Lake Dam to Big Sandy River</u>	<u>Lawrence</u>	<u>WAH, PCR, SCR, DWS</u>	
<u>Russell Fork Big Sandy River</u>	<u>Kentucky-Virginia State Line (River Mile 15.9) to Levisa Fork</u>	<u>Pike</u>	<u>WAH, PCR, SCR, DWS</u>	
<u>Tug Fork Big Sandy River</u>	<u>Kentucky-Virginia State Line (River Mile 94.0) to Big Sandy River</u>	<u>Lawrence</u>	<u>WAH, PCR, SCR, DWS</u>	
<u>Lakes/Reservoirs</u>				
<u>Dewey</u>	<u>Entire reservoir</u>	<u>Floyd</u>	<u>WAH, PCR, SCR, DWS</u>	
<u>Fishtap</u>	<u>Entire reservoir</u>	<u>Pike</u>	<u>WAH, PCR, SCR, DWS</u>	
<u>Paintsville</u>	<u>Entire reservoir</u>	<u>Johnson</u>	<u>WAH, CAH, PCR, SCR</u>	
<u>LITTLE SANDY RIVER BASIN</u>				
Big Caney Creek	Source to Grayson Lake	Elliott	CAH, PCR, SCR	
<u>Big Sinking Creek</u>	<u>River Mile 6.0 to Little Sandy River</u>	<u>Carter</u>	<u>CAH, PCR, SCR</u>	
Laurel Creek	Source to Little Sandy River	Elliott	CAH, PCR, SCR	
<u>Little Sandy River</u>	<u>Source to River Mile 71.1 (Headwaters of Grayson Lake)</u>	<u>Elliott</u>	<u>WAH, PCR, SCR, DWS</u>	
<u>Little Sandy River</u>	<u>River Mile 50.0 (Grayson Lake Dam) to Ohio River</u>	<u>Greenup</u>	<u>WAH, PCR, SCR, DWS</u>	
<u>Lakes/Reservoirs</u>				
<u>Grayson</u>	<u>Entire Reservoir</u>	<u>Carter</u>	<u>WAH, PCR, SCR</u>	
<u>Greenbo</u>	<u>Entire Reservoir</u>	<u>Greenup</u>	<u>WAH, CAH, PCR, SCR, DWS</u>	
<u>TYGARTS CREEK BASIN</u>				
Buffalo Creek	Source to Tygarts Creek	Carter	WAH, PCR, SCR	
Little White Oak Creek	Source to Tygarts Creek	Greenup	WAH, PCR, SCR	
Tygarts Creek	Source to Ohio River	Greenup	WAH, PCR, SCR, DWS	
<u>White Oak Creek</u>	<u>Source to Tygarts Creek</u>	<u>Greenup</u>	<u>WAH, PCR, SCR</u>	
<u>LICKING RIVER BASIN</u>				
<u>Burning Fork</u>	<u>Basin</u>	<u>Magoffin</u>	<u>WAH, PCR, SCR</u>	
Craney Creek	Source to North Fork Licking River	Rowan/Morgan	CAH, PCR, SCR	
Fleming Creek	Source to Licking River	Nicholas	WAH, PCR, SCR	

<u>Licking River</u>	<u>River Mile 169.6 to Ohio River</u>	<u>Kenton/Campbell</u>	<u>WAH, PCR, SCR, DWS</u>
<u>Licking River</u>	<u>River Mile 176.8 (Cave Run Lake Dam) to River Mile 169.6 (U.S. Highway 60 Bridge)</u>	<u>Bath/Rowan</u>	<u>CAH, PCR, SCR, DWS</u>
<u>Licking River</u>	<u>Source to River Mile 218.2 (Headwaters of Cave Run Lake)</u>	<u>Morgan</u>	<u>WAH, PCR, SCR, DWS</u>
<u>North Fork Licking River</u>	<u>Source to Licking River</u>	<u>Pendleton/Bracken</u>	<u>WAH, PCR, SCR, DWS</u>
<u>Slate Creek</u>	<u>Source to Licking River</u>	<u>Bath</u>	<u>WAH, PCR, SCR, DWS</u>
<u>South Fork Licking River</u>	<u>River Mile 65.1 to Licking River</u>	<u>Pendleton</u>	<u>WAH, PCR, SCR, DWS</u>
<u>Lakes/Reservoirs</u>			
<u>Cave Run</u>	<u>Entire Reservoir</u>	<u>Rowan/Bath</u>	<u>WAH, PCR, SCR</u>
KENTUCKY RIVER BASIN			
<u>Bailey Run</u>	<u>Basin</u>	<u>Anderson</u>	<u>WAH, PCR, SCR</u>
<u>Buck Lick Branch</u>	<u>Basin</u>	<u>Lee</u>	<u>WAH, PCR, SCR</u>
<u>Cedar Brook</u>	<u>Basin</u>	<u>Anderson</u>	<u>WAH, PCR, SCR</u>
<u>Chimney Top Creek</u>	<u>Basin</u>	<u>Wolfe</u>	<u>CAH, PCR, SCR</u>
<u>Clarks Run</u>	<u>Source to Herrington Lake</u>	<u>Boyle</u>	<u>WAH, PCR, SCR</u>
<u>Dix River</u>	<u>Herrington Lake Dam to Kentucky River</u>	<u>Garrard/Mercer</u>	<u>CAH, PCR, SCR</u>
<u>Dix River</u>	<u>Source to River Mile 33.1 (Headwaters of Herrington Lake)</u>	<u>Boyle/Garrard</u>	<u>WAH, PCR, SCR</u>
<u>East Fork Indian Creek</u>	<u>Source to Indian Creek</u>	<u>Menifee</u>	<u>CAH, PCR, SCR</u>
<u>Gladie Creek</u>	<u>Basin</u>	<u>Menifee</u>	<u>CAH, PCR, SCR</u>
<u>Hanging Fork Creek</u>	<u>Source to Dix River</u>	<u>Boyle/Lincoln</u>	<u>WAH, PCR, SCR</u>
<u>Kentucky River</u>	<u>River Mile 254.8 to Ohio River</u>	<u>Carroll</u>	<u>WAH, PCR, SCR, DWS</u>
<u>Middle Fork Kentucky River</u>	<u>Source to River Mile 76.6 (Headwaters of Buckhorn Lake)</u>	<u>Leslie</u>	<u>WAH, PCR, SCR</u>
<u>Middle Fork Kentucky River</u>	<u>River Mile 43.2 (Buckhorn Lake Dam) to North Fork Kentucky River</u>	<u>Lee</u>	<u>WAH, PCR, SCR</u>
<u>Middle Fork Red River</u>	<u>Source to River Mile 10.6</u>	<u>Powell</u>	<u>CAH, PCR, SCR</u>
<u>North Fork Kentucky River</u>	<u>Source to Kentucky River</u>	<u>Lee</u>	<u>WAH, PCR, SCR, DWS</u>
<u>Parched Corn Creek</u>	<u>Source to Red River</u>	<u>Wolfe</u>	<u>CAH, PCR, SCR</u>
<u>Red River</u>	<u>Source to River Mile 68.6</u>	<u>Menifee/Wolfe</u>	<u>WAH, PCR, SCR</u>
<u>Red River</u>	<u>River Mile 68.6 to River Mile 59.5</u>	<u>Menifee/Wolfe</u>	<u>WAH, PCR, SCR, ORW</u>
<u>Red River</u>	<u>River Mile 59.5 to Kentucky River</u>	<u>Clark/Estill</u>	<u>WAH, PCR, SCR, DWS</u>

<u>Ross Creek</u>	<u>Source to Kentucky River</u>	<u>Lee</u>	<u>WAH, PCR, SCR</u>
Silver Creek	Source to Kentucky River	Madison	WAH, PCR, SCR
South Fork Elkhorn Creek	Source to North Fork Elkhorn Creek	Franklin	WAH, PCR, SCR
<u>South Fork Kentucky River</u>	<u>Source to Kentucky River</u>	<u>Lee</u>	<u>WAH, PCR, SCR, DWS</u>
Swift Camp Creek	Source to Red River	Wolfe	CAH, PCR, SCR
Town Branch	Source to South Fork Elkhorn Creek	Fayette	WAH, PCR, SCR
<u>Lakes/Reservoirs</u>			
<u>Bert Combs</u>	<u>Entire Reservoir</u>	<u>Clay</u>	<u>WAH, CAH, PCR, SCR, DWS</u>
<u>Buckhorn</u>	<u>Entire Reservoir</u>	<u>Perry</u>	<u>WAH, PCR, SCR, DWS</u>
<u>Carr Fork</u>	<u>Entire Reservoir</u>	<u>Knott/Perry</u>	<u>WAH, PCR, SCR</u>
<u>Fishpond</u>	<u>Entire Reservoir</u>	<u>Letcher</u>	<u>WAH, CAH, PCR, SCR</u>
<u>Herrington</u>	<u>Entire Reservoir</u>	<u>Garrard/Mercer</u>	<u>WAH, PCR, SCR, DWS</u>
<u>Mill Creek</u>	<u>Entire Reservoir</u>	<u>Wolfe</u>	<u>WAH, CAH, PCR, SCR, DWS</u>

SALT RIVER BASIN

Chenoweth Run	Source to Floyds Fork (River Mile 24.3)	Jefferson	WAH, PCR, SCR
Currys Fork	Confluence of South and North Forks to Floyds Fork	Oldham	WAH, PCR, SCR
Floyds Fork	Source to Salt River	Bullitt	WAH, PCR, SCR
Mill Creek	Source to Salt River	Bullitt	WAH, PCR, SCR
North Fork of Currys Fork	Source to South Fork of Currys Fork	Oldham	WAH, PCR, SCR
<u>Salt River</u>	<u>Source to River Mile 74.8 (Headwaters of Taylorsville Lake)</u>	<u>Anderson</u>	<u>WAH, PCR, SCR, DWS</u>
<u>Salt River</u>	<u>River Mile 60.1 (Taylorsville Lake Dam) to Ohio River)</u>	<u>Hardin/ Jefferson</u>	<u>WAH, PCR, SCR, DWS</u>
<u>Beech Fork Salt River</u>	<u>Source to Salt River</u>	<u>Hardin/Bullitt</u>	<u>WAH, PCR, SCR</u>
<u>Rolling Fork Salt River</u>	<u>Source to Salt River</u>	<u>Bullitt</u>	<u>WAH, PCR, SCR, DWS</u>
Unnamed tributary to Mill Creek	Source to Mill Creek at River Mile 11.8	Bullitt	WAH, PCR, SCR

Lakes/Reservoirs

<u>Taylorsville</u>	<u>Entire Reservoir</u>	<u>Spencer</u>	<u>WAH, PCR, SCR</u>
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GREEN RIVER BASIN

<u>Barren River</u>	<u>Source to River Mile 118.5 (Headwaters of Barren River Lake)</u>	<u>Allen</u>	<u>WAH, PCR, SCR</u>
<u>Barren River</u>	<u>River Mile 79.1 (Barren River Lake Dam) to River Mile 15.0</u>	<u>Warren</u>	<u>WAH, PCR, SCR, DWS</u>
<u>Barren River</u>	<u>River Mile 15.0 to Green River</u>	<u>Butler/Warren</u>	<u>WAH, PCR, SCR, ORW</u>

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Beaver Dam Creek	Source to Green River	Edmonson	CAH, PCR, SCR
<u>Big Pitman Creek</u>	<u>Source to Green River</u>	<u>Green</u>	<u>WAH, PCR, SCR</u>
Black Lick Creek	Source to Clear Fork	Logan	WAH, PCR, SCR, DWS
<u>Buck Horn Creek</u>	<u>Source to Little Pitman Creek</u>	<u>Taylor</u>	<u>WAH, PCR, SCR</u>
Buffalo Creek	Source to Green River (in Mammoth Cave National Park)	Edmonson	CAH, PCR, SCR
Cypress Creek	Source to Pond River	McLean	WAH, PCR, SCR
<u>Drakes Creek</u>	<u>Confluence of West Fork and Middle Fork to Barren River</u>	<u>Warren</u>	<u>WAH, PCR, SCR</u>
Gaspar River	Source to Barren River	Warren	WAH, PCR, SCR
<u>Green River</u>	<u>Source to River Mile 340.1 (Headwaters of Green River Lake)</u>	<u>Adair</u>	<u>WAH, PCR, SCR, DWS</u>
<u>Green River</u>	<u>River Mile 305.6 (Green River Lake Dam) to River Mile 225.9</u>	<u>Hart</u>	<u>WAH, PCR, SCR, DWS</u>
Green River	River Mile 225.9 to River Mile 181.7	Edmonson[/Hart]	WAH, PCR, SCR, ORW
Green River	River Mile 181.7 to River Mile 168.0	<u>Butler/Warren</u> [Edmonson/Warren]	WAH, PCR, SCR, DWS
Green River	River Mile 168.0 to River 148.0	Butler[/Warren]	WAH, PCR, SCR, ORW
Green River	River Mile 148.0 to Ohio River	Henderson	WAH, PCR, SCR, DWS
Lick [Fork] Creek	Source to W. Fork Drakes Creek	Simpson	CAH, PCR, SCR
<u>Little Pitman Creek</u>	<u>Source to Big Pitman Creek</u>	<u>Green</u>	<u>WAH, PCR, SCR</u>
Lynn Camp Creek	Source to Green River	Hart	CAH, PCR, SCR
<u>Middle Pitman Creek</u>	<u>Source to Big Pitman Creek</u>	<u>Green</u>	<u>WAH, PCR, SCR</u>
Underground River System	Mammoth Cave National Park	Edmonson/Hart/Barren	CAH, PCR, SCR, ORW
	<u>Turnhole Spring Basin</u>	<u>Edmonson/Barren</u>	<u>CAH, PCR, SCR, ORW</u>
	<u>Echo River Basin</u>	<u>Edmonson</u>	<u>CAH, PCR, SCR, ORW</u>
	<u>Pike Spring Basin</u>	<u>Edmonson</u>	<u>CAH, PCR, SCR, ORW</u>
	<u>Mile 205.7 Spring Basin</u>	<u>Hart</u>	<u>CAH, PCR, SCR, ORW</u>
	<u>McCoy Spring Basin</u>	<u>Hart</u>	<u>CAH, PCR, SCR, ORW</u>
	<u>Suds Spring Basin</u>	<u>Hart/Barren</u>	<u>CAH, PCR, SCR, ORW</u>
Mud River	Source to Green River	Butler/Muhlenburg	WAH, PCR, SCR
<u>Nolin River</u>	<u>Source to River Mile 64.3 (Headwaters of Nolin Lake)</u>	<u>Hart/Grayson</u>	<u>WAH, PCR, SCR</u>
<u>Nolin River</u>	<u>River Mile 7.6 (Nolin Lake Dam) to Green River</u>	<u>Edmonson</u>	<u>CAH, PCR, SCR</u>

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<u>Rough River</u>	<u>Source to River Mile 133.8 (Headwaters of Rough River Lake)</u>	<u>Hardin</u>	<u>WAH, PCR, SCR, DWS</u>
<u>Rough River</u>	<u>River Mile 89.3 (Rough River Lake Dam) to River Mile 72.4</u>	<u>Ohio/Grayson</u>	<u>CAH, PCR, SCR, DWS</u>
<u>Rough River</u>	<u>River Mile 72.4 to Green River</u>	<u>McLean/Ohio</u>	<u>WAH, PCR, SCR, DWS</u>
<u>Roundstone Creek</u>	<u>Source to Hwy 1140 (River Mile 3.5)</u>	<u>Hart</u>	<u>CAH, PCR, SCR</u>
<u>Sharp's Branch</u>	<u>Source to West Fork Drakes Creek</u>	<u>Simpson</u>	<u>WAH, PCR, SCR</u>
<u>Trammel Fork</u>	<u>Source to Hwy 31E (River Mile 23.6)</u>	<u>Warren</u>	<u>CAH, PCR, SCR</u>
<u>Trammel Fork</u>	<u>River Mile 23.6 to Drakes Creek</u>	<u>Warren</u>	<u>WAH, PCR, SCR</u>
<u>West Fork Drakes Creek</u>	<u>Source to Confluence with Middle Fork Drakes Creek</u>	<u>Warren</u>	<u>WAH, PCR, SCR, DWS</u>
<u>Wiggington Creek</u>	<u>Source to Gasper River</u>	<u>Logan</u>	<u>WAH, PCR, SCR</u>
<u>Lakes/Reservoirs</u>			
<u>Barren River</u>	<u>Entire Reservoir</u>	<u>Barren/Allen</u>	<u>WAH, PCR, SCR, DWS</u>
<u>Green River</u>	<u>Entire Reservoir</u>	<u>Taylor</u>	<u>WAH, PCR, SCR, DWS</u>
<u>Nolin</u>	<u>Entire Reservoir</u>	<u>Edmonson</u>	<u>WAH, PCR, SCR, DWS</u>
<u>Rough River</u>	<u>Entire Reservoir</u>	<u>Breckinridge/Grayson</u>	<u>WAH, PCR, SCR, DWS</u>

LOWER CUMBERLAND RIVER BASIN

<u>Casey Creek</u>	<u>Source to Little River</u>	<u>Trigg</u>	<u>CAH, PCR, SCR</u>
<u>Skinframe Creek</u>	<u>Source to Livingston Creek</u>	<u>Lyon</u>	<u>CAH, PCR, SCR</u>
<u>Sulphur Spring Creek</u>	<u>Source to Red River</u>	<u>Simpson</u>	<u>CAH, PCR, SCR</u>
<u>Cumberland River</u>	<u>River Mile 30.8 (Lake Barkley Dam) to Ohio River</u>	<u>Livingston</u>	<u>WAH, PCR, SCR, DWS</u>
<u>Lakes/Reservoirs</u>			
<u>Barkley</u>	<u>Entire Reservoir to Kentucky/Tennessee State Line (River Mile 74.7)</u>	<u>Lyon/Livingston</u>	<u>WAH, PCR, SCR, DWS</u>

TENNESSEE RIVER BASIN

<u>Tennessee River</u>	<u>River Mile 12.0 [14.5] [22.4] to River Mile 0.0</u>	<u>Livingston/McCracken</u>	<u>WAH, PCR, SCR, DWS</u>
<u>Tennessee River</u>	<u>River Mile 22.4 (Kentucky Lake Dam) to River Mile 12.0 [14.5]</u>	<u>Livingston/McCracken</u>	<u>WAH, PCR, SCR, ORW</u>
<u>Lakes/Reservoirs</u>			
<u>Kentucky</u>	<u>Entire Reservoir to Kentucky/Tennessee State Line (River Mile 62.4)</u>	<u>Livingston/Marshall</u>	<u>WAH, PCR, SCR, DWS</u>

TRADEWATER RIVER BASIN

Crab Orchard Creek/ Vaughn Ditch	Source to Tradewater River	Webster	WAH, PCR, SCR
Montgomery Creek	Source to Tradewater River	Caldwell	WAH, PCR, SCR
Tradewater River	Source to Ohio River	Crittenden/ Union	WAH, PCR, SCR

OHIO RIVER BASIN (Main Stem and Minor Tributaries)

<u>Doe Run Creek</u>	<u>Source to KY Hwy 1628 (River Meade Mile 5.15)</u>		<u>CAH, PCR, SCR</u>
<u>Ohio River</u>	<u>Big Sandy River (River Mile 317.1 [664.15]) to River Mile 940.7 [Mississippi River]</u>	<u>McCracken [Ballard]</u>	<u>WAH, PCR, SCR, DWS</u>
<u>Ohio River</u>	<u>River Mile 940.7 to River Mile 943.3</u>	<u>McCracken</u>	<u>WAH, PCR, SCR, DWS, ORW</u>
<u>Ohio River</u>	<u>River Mile 943.3 to River Mile 966.3</u>	<u>McCracken/Ballard</u>	<u>WAH, PCR, SCR, DWS</u>
<u>Ohio River</u>	<u>River Mile 966.3 to River Mile 969.5</u>	<u>Ballard</u>	<u>WAH, PCR, SCR, DWS, ORW</u>
<u>Ohio River</u>	<u>River Mile 969.5 to Mississippi River</u>	<u>Ballard</u>	<u>WAH, PCR, SCR, DWS</u>
<u>Ohio River</u>	<u>River Mile 922.0 to River mile 923.5 (Channel East of Towhead Island)</u>	<u>Livingston</u>	<u>WAH, PCR, SCR, ORW</u>
<u>Paddy's Run</u>	<u>Source to Ohio River</u>	<u>Jefferson</u>	<u>PCR, SCR</u> <u>Section 2(1)(d) and 2(2) of 401 KAR 5:031 do not apply.</u>

Sinking Creek	Source to Kwy 259 (River Mile 4.0)	Breckinridge	CAH, PCR, SCR
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Lakes/Reservoirs

<u>Metropolis</u>	<u>Entire Lake</u>	<u>McCracken</u>	<u>WAH, PCR, SCR, ORW</u>
<u>Swan</u>	<u>Entire Lake</u>	<u>Ballard</u>	<u>WAH, PCR, SCR, ORW</u>

MISSISSIPPI RIVER BASIN (Mainstem and Minor Tributaries)

<u>Mississippi River</u>	<u>Confluence with Ohio River to Kentucky/Tennessee State Lines</u>	<u>Fulton</u>	<u>WAH, PCR, SCR</u>
<u>Murphy's Pond</u>	<u>Entire Pond</u>	<u>Hickman</u>	<u>WAH, PCR, SCR, ORW</u>

UPPER CUMBERLAND RIVER BASIN

<u>Archers Creek</u>	<u>Basin</u>	<u>Whitley</u>	<u>WAH, PCR, SCR, ORW</u>
<u>Bad Branch</u>	<u>Basin</u>	<u>Letcher</u>	<u>CAH, PCR, SCR, ORW</u>
<u>Bark Camp Creek</u>	<u>Basin</u>	<u>Whitley</u>	<u>CAH, PCR, SCR</u>
<u>Beaver Creek</u>	<u>Basin</u>	<u>McCreary</u>	<u>CAH, PCR, SCR, ORW</u>
<u>Beaver Creek</u>	<u>Source to Lake Cumberland</u>	<u>Wayne</u>	<u>WAH, PCR, SCR</u>
<u>Beck's Creek</u>	<u>Basin</u>	<u>Whitley</u>	<u>WAH, PCR, SCR, ORW</u>
<u>Big Lick Branch</u>	<u>Basin</u>	<u>Pulaski</u>	<u>WAH, PCR, SCR, ORW</u>

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Big South Fork Cumberland River	River Mile 55.2 to River Mile 45.0	McCreary[/ Wayne]	WAH, PCR, SCR, ORW
Breeden's Creek	Basin	Harlan	CAH, PCR, SCR
<u>Brownies Creek</u>	<u>Basin to River Mile 8.7</u>	<u>Harlan</u>	<u>WAH, PCR, SCR, ORW</u>
Buck Creek	River Mile <u>53.3</u> [47.7] to River Mile 10.5	Pulaski	WAH, PCR, SCR, ORW
<u>Buck Creek</u>	<u>Basin</u>	<u>Whitley</u>	<u>WAH, PCR, SCR, ORW</u>
<u>Bucks Branch</u>	<u>Basin</u>	<u>Whitley</u>	<u>WAH, PCR, SCR, ORW</u>
<u>Buffalo Creek</u>	<u>Basin to Kentucky/Tennessee</u> <u>State Line (River Mile</u> <u>3.2)</u>	<u>Whitley</u>	<u>WAH, PCR, SCR, ORW</u>
Bunches Creek	Basin	Whitley	CAH, PCR, SCR, <u>ORW</u>
Cane Creek	Basin	Laurel	CAH, PCR, SCR
<u>Caney Creek</u>	<u>Basin</u>	<u>Bell</u>	<u>WAH, PCR, SCR, ORW</u>
Cogur Fork	Basin	McCreary	CAH, PCR, SCR
<u>Cumberland River</u>	<u>River Mile 694.2 to River</u> <u>Mile 574.6</u>	<u>Whitley</u>	<u>WAH, PCR, SCR, DWS</u>
<u>Cumberland River</u>	<u>River Mile 574.6 to River</u> <u>Mile 558.5 (Headwaters of</u> <u>Lake Cumberland)</u>	<u>McCreary/</u> <u>Whitley</u>	<u>WAH, PCR, SCR, ORW</u>
Cumberland River	<u>Lake Cumberland [River] Dam</u> <u>(River mile 460.9) to</u> <u>Highway 90 bridge (River</u> <u>Mile 426.5)</u>	[Russell]/ Cumberland	CAH, PCR, SCR, DWS
<u>Cumberland River</u>	<u>River Mile 426.5 to</u> <u>Kentucky/Tennessee State</u> <u>Line (River mile 401.05)</u>	<u>Monroe</u>	<u>WAH, PCR, SCR, DWS</u>
<u>Davis Branch</u>	<u>Basin</u>	<u>Bell</u>	<u>WAH, PCR, SCR, ORW</u>
Difficulty Creek	Basin	McCreary	CAH, PCR, SCR
Dogslaughter Creek	Basin	Whitley	CAH, PCR, SCR, <u>ORW</u>
<u>Eagle Creek</u>	<u>Basin</u>	<u>McCreary</u>	<u>WAH, PCR, SCR, ORW</u>
Fugitt Creek	Basin	Harlan	CAH, PCR, SCR
Horse Lick Creek	River Mile 12.3 to River Mile 0.0	Jackson/ <u>Rockcastle</u>	WAH, PCR, SCR, ORW
<u>Indian Creek</u>	<u>Source to Barren Fork</u>	<u>McCreary</u>	<u>CAH, PCR, SCR</u>
Kelly Branch	Basin	Harlan	CAH, PCR, SCR
Kennedy Creek	River Mile 1.0 to River Mile 0.0	Wayne	WAH, PCR, SCR, ORW
<u>Laurel Creek</u>	<u>River Mile 9.0 to River</u> <u>Mile 3.4</u>	<u>McCreary</u>	<u>CAH, PCR, SCR</u>
<u>Little Clear Creek</u>	<u>Basin from Confluence with</u> <u>Fuson Branch</u>	<u>Bell</u>	<u>WAH, PCR, SCR, ORW</u>
Little South Fork Cumberland River	River Mile 35.6 to River Mile 4.1	Wayne	WAH, PCR, SCR, ORW
<u>Little Yellow Creek</u>	<u>Fern Lake Dam to River</u> <u>Mile 0.0</u>	<u>Bell</u>	<u>WAH, PCR, SCR, ORW</u>

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<u>Long Branch</u>	<u>Basin</u>	<u>Bell</u>	<u>WAH, PCR, SCR, ORW</u>
Looney Creek	Basin <u>above River Mile 5.3</u>	Harlan	CAH, PCR, SCR
Martin's Fork	Basin above [Hwy 987] River Mile 27.4	Harlan	CAH, PCR, SCR, ORW
Middle Fork, Rock- castle River	River Mile 61.1 to River Mile <u>53.3</u> [41.3]	Jackson	WAH, PCR, SCR, ORW
<u>Mill Creek</u>	<u>Basin</u>	<u>Bell</u>	<u>WAH, PCR, SCR, ORW</u>
<u>Mill Creek</u>	<u>Basin</u>	<u>McCreary</u>	<u>WAH, PCR, SCR, ORW</u>
<u>Poor Fork Cumberland River</u>	<u>Basin above River Mile 742.7</u>	<u>Letcher</u>	<u>CAH, PCR, SCR, ORW</u>
Poor Fork Cumberland River	Basin <u>from River Mile 742.7</u> <u>to [above] Jefferson</u> <u>National Forest Boundary</u> (River Mile 720.55)	Letcher	CAH, PCR, SCR
Poor Fork Cumberland	River Mile 720.55 to Clover Fork Cumberland River	Harlan	WAH, PCR, SCR, DWS
Razor Fork	Basin	Harlan	CAH, PCR, SCR
Rock Creek	Tennessee/Kentucky State Line (River Mile <u>21.9</u>) to White Oak Creek	McCreary	CAH, PCR, SCR, ORW
<u>Rock Creek</u>	<u>Basin from confluence with</u> <u>Jellico Creek</u>	<u>McCreary</u>	<u>WAH, PCR, SCR, ORW</u>
Rockcastle River	River Mile <u>53.3</u> [27.9] to River Mile 8.5	Laurel/ Pulaski	WAH, PCR, SCR, ORW
<u>Ross Branch</u>	<u>Basin</u>	<u>Whitley</u>	<u>WAH, PCR, SCR, ORW</u>
Roundstone Creek	Source to <u>River Mile 13.5</u> [14.0] [Rockcastle River]	Rockcastle	WAH, PCR, SCR[, DWS]
<u>Roundstone Creek</u>	<u>River Mile 13.5</u> [14.0] <u>to River Mile 4.7</u>	<u>Rockcastle</u>	<u>WAH, PCR, SCR, ORW</u>
<u>Roundstone Creek</u>	<u>River Mile 4.7 to Rockcastle</u> <u>River</u>	<u>Rockcastle</u>	<u>WAH, PCR, SCR, DWS</u>
<u>Sanders Creek</u>	<u>Basin</u>	<u>Whitley</u>	<u>WAH, PCR, SCR, ORW</u>
Shillalah Creek	Source to Cumberland Gap National Historical Park Boundary	Bell	CAH, PCR, SCR
<u>Shut-in Branch</u>	<u>Basin</u>	<u>McCreary</u>	<u>WAH, PCR, SCR, ORW</u>
<u>Sims Fork</u>	<u>Basin</u>	<u>Bell</u>	<u>WAH, PCR, SCR, ORW</u>
<u>Straight Creek</u>	<u>Basin above River Mile 11.3</u>	<u>Harlan</u>	<u>WAH, PCR, SCR, ORW</u>
Sugar Run	Source to Cumberland Gap National Historical Park Boundary	Bell	CAH, PCR, SCR
<u>Trammell Fork</u>	<u>Basin</u>	<u>McCreary</u>	<u>WAH, PCR, SCR, ORW</u>
Troublesome Creek	Basin	McCreary	CAH, PCR, SCR
<u>White Oak Creek</u>	<u>Basin above River Mile 1.2</u> <u>(includes Little White Oak</u> <u>Creek)</u>	<u>Laurel</u>	<u>CAH, PCR, SCR</u>

<u>Wood Creek</u>	<u>Wood Creek Lake Dam (River Mile 4.0) to Hazel Patch Creek</u>	<u>Laurel</u>	<u>CAH, PCR, SCR</u>
<u>Yellow Creek</u>	<u>Source to Cumberland River</u>	<u>Bell</u>	<u>WAH, PCR, SCR</u>
<u>Youngs Creek</u>	<u>Basin</u>	<u>Whitley</u>	<u>WAH, PCR, SCR, ORW</u>
<u>Lakes/Reservoirs</u>			
<u>Beulah (=Tyner)</u>	<u>Entire Reservoir</u>	<u>Jackson</u>	<u>WAH, CAH, PCR, SCR, DWS</u>
<u>Cannon Creek</u>	<u>Entire Reservoir</u>	<u>Bell</u>	<u>WAH, CAH, PCR, SCR, DWS</u>
<u>Cumberland</u>	<u>Entire Reservoir</u>	<u>Pulaski</u>	<u>WAH, PCR, SCR, DWS</u>
<u>Dale Hollow</u>	<u>Entire portion of Reservoir within Kentucky</u>	<u>Clinton/Cumberland</u>	<u>WAH, PCR, SCR</u>
<u>Laurel River</u>	<u>Entire Reservoir</u>	<u>Laurel/Whitley</u>	<u>WAH, CAH, PCR, SCR, DWS</u>
<u>Martins Fork</u>	<u>Entire Reservoir</u>	<u>Harlan</u>	<u>WAH, PCR, SCR</u>
<u>Wood Creek</u>	<u>Entire Reservoir</u>	<u>Laurel</u>	<u>WAH, CAH, PCR, SCR, DWS</u>

FRANK DICKERSON, Commissioner

CARL H. BRADLEY, Secretary

APPROVED BY AGENCY: December 13, 1989.

FILED WITH LRC: December 13, 1989 at 11 a.m.

NATURAL RESOURCES & ENVIRONMENTAL
PROTECTION CABINETDepartment for Environmental Protection
Division of Water
(As Amended)

401 KAR 5:031. Surface water standards.

RELATES TO: KRS Chapter 224

STATUTORY AUTHORITY: KRS 224.020, 224.033,
224.034, 224.037, 224.060, 33 U.S.C. 1313

NECESSITY AND FUNCTION: This regulation sets forth water quality standards which consist of designated legitimate uses of the surface waters of the Commonwealth and the associated water quality criteria necessary to protect those uses. These standards are minimum criteria which apply to all surface waters in order to maintain and protect them for designated uses. Criteria for nutrients are recognized and included. These water quality standards are established to protect public health and welfare, protect and enhance the quality of water, and fulfill federal and state requirements for the establishment of water quality standards. These water quality standards are subject to periodic review and revision in accordance with federal and state laws. Definitions for terms used in this regulation are found in 401 KAR 5:029.

Section 1. Nutrient Limits. (1) In lakes, surface impoundments and their tributaries, and other surface waters where eutrophication problems may exist, nitrogen, phosphorus, carbon, and contributing trace element discharges will be limited as appropriate by the cabinet.

(2) The affected surface waters will be designated as nutrient limited.

Section 2. Minimum Criteria Applicable to All Surface Waters. (1) The following minimum water quality criteria are applicable to all surface

waters including mixing zones, with the exception that toxicity to aquatic life in mixing zones shall be subject to the provisions of [specified in] 401 KAR 5:029, Section 5[(2)]. Surface waters shall not be aesthetically or otherwise degraded by substances that:

(a) [(1)] Settle to form objectionable deposits;

(b) [(2)] Float as debris, scum, oil, or other matter to form a nuisance;

(c) [(3)] Produce objectionable color, odor, taste, or turbidity;

(d) [(4)] Injure, are chronically or acutely [be] toxic to or produce adverse physiological or behavioral responses in humans, animals, fish and other aquatic life;

(e) [(5)] Produce undesirable aquatic life or result in the dominance of nuisance species;

(f) Cause fish flesh tainting (the concentration of all phenolic compounds which cause fish flesh tainting shall not exceed five (5) ug/l as an instream value);

(g) [(6)] Cause the following changes in radionuclides:

1. [(a) Cause] The gross total alpha particle activity (including radium-226 but excluding radon [radium] and uranium) to exceed fifteen (15) pCi/l;

2. [(b) Cause] Combined radium-226 and radium-228 to exceed five (5) pCi/l (specific determinations of radium-226 and radium-228 are not necessary if dissolved gross alpha particle activity does not exceed five (5) pCi/l);

3. [(c) Cause] The concentration of total gross beta particle activity to exceed fifty (50) pCi/l;

4. [(d) Cause] The concentration of tritium to exceed 20,000 pCi/l;

5. [(e) Cause] The concentration of total Strontium-90 to exceed eight (8) pCi/l.

(2) The following criteria are applicable to all surface water outside designated mixing zones except for those points where water is withdrawn for domestic water supply use. They are established for the protection of human health from the consumption of fish tissue, and shall not be exceeded. For those substances associated with a cancer risk, an acceptable risk level of no more than one (1) additional

cancer case in a population of 1,000,000 people (10⁻⁶) will be utilized to establish the allowable concentration.

Table 1.
Water Quality Criteria for Protection of
Human Health from the Consumption
of Fish Tissue

Substances not Linked to Cancer	Concentration (ug/l)
Metals¹	
Antimony	45.000
Chromium (III)	3,433.000
Mercury	0.146
Nickel	100
Thallium	48

Organics	
Acrolein	780
1,2,4,5-tetrachlorobenzene	48
Pentachlorobenzene	85
1,1,1-trichloroethane	1,030.000
bis(2-chloroisopropyl) ether	4,360
Dichlorobenzenes	2,600
Dichloropropenes	14,100
Endosulfan	159
Ethylbenzene	3,280
Fluoranthene	54
Isophorone	520.000
2,4-dinitro-o-cresol	765
Dinitrophenol	14,300
Dibutyl phthalate	154,000
Diethyl Phthalate	1,800.000
Di-2-ethylhexyl phthalate	50,000
Dimethyl phthalate	2,900.000
Toluene	424,000

Substances Linked to Cancer

Metals¹	
Beryllium	0.117
Organics	
Acrylonitrile	0.65
Aldrin	.000079
Benzene	40.0
Benzidine	.00053
Carbon tetrachloride	6.94
Chlordane	.00048
Hexachlorobenzene	.00074
1,2-dichloroethane	243
1,1,2-trichloroethane	41.8
1,1,2,2-tetrachloroethane	10.7
Hexachloroethane	8.74
2,4,6-trichlorophenol	3.6
bis(2-chloroethyl) ether	1.36
Chloroform	15.7
DDT	0.000024
Dichlorobenzidine	0.02
1,1-dichloroethylene	1.85
Dieldrin	0.000076
2,4-dinitrotoluene	9.1
Dioxin (2,3,7,8-TCDD)	0.000000014
Diphenylhydrazine	0.56
Halomethanes	15.7
Heptachlor	0.00029
Hexachlorobutadiene	50.0
alpha Hexachlorocyclohexane (HCH)	0.031
beta HCH	0.0547

gamma HCH (lindane)	0.0625
Technical HCH	0.0414
N-nitrosodiethylamine	1.24
N-nitrosodimethylamine	16.0
N-nitrosodibutylamine	0.587
N-nitrosodiphenylamine	16.1
N-nitrosopyrrolidine	91.9
Polychlorinated Biphenyls (PCBs)	0.000079
Polynuclear Aromatic Hydrocarbons (PAHs)	0.0311
Tetrachloroethylene	8.85
Toxaphene	0.00073
Trichloroethylene	80.7
Vinyl Chloride	525
¹ Total recoverable form measured in an unfiltered sample	

Section 3. Use Classifications and Associated Criteria. (1) Surface waters may be designated as having one (1) or more of the following legitimate uses and associated use criteria. The classifications in Sections 4, 5, 6, and 7 of this regulation include the most common usage of surface waters within the Commonwealth. Nothing in this regulation shall be construed to prohibit or impair the legitimate beneficial uses of these waters. The criteria in Section 2 of this regulation and the following [indicated] use criteria represent minimum conditions necessary to protect [designated] surface waters for the indicated [that] use and to provide for the protection of human health from fish consumption or a combination of fish and water consumption.

(2) On occasion surface water quality may be outside of the limits established to protect designated uses because of natural conditions. When this condition occurs during periods when stream flows are below the [low] flow which is used by the cabinet to establish effluent limits for wastewater treatment facilities [consistent with the definition contained in 401 KAR 5:029, Section 1(1)(n)], a discharger shall not be considered a contributor to in-stream violations of water quality standards, provided that treatment in compliance with permit requirements is maintained.

(3) Governing flows for water quality-based permits. The following stream flows are to be utilized when deriving KPDES permit limitations for the protection of surface waters for the listed uses and purposes.

(a) Aquatic life protection - 7Q₁₀.
(b) Water-based recreation protection - 7Q₁₀.
(c) Domestic water supply protection - harmonic mean for cancer-linked substances, 7Q₁₀ for noncancer-linked substances, determined at points of withdrawal.

(d) Human health protection from fish consumption only - harmonic mean for cancer-linked substances, 7Q₁₀ for noncancer-linked substances.

(e) Protection of aesthetics and for changes in radionuclides - 7Q₁₀.

Section 4. Aquatic Life. (1) Warm water aquatic habitat. The following parameters and associated criteria shall apply [are] for the protection of productive warm water aquatic communities, fowl, animal wildlife, arboreous growth, agricultural, and industrial uses:

(a) Natural alkalinity as CaCO₃ shall not be reduced by more than twenty-five (25) percent. Where natural alkalinity is below twenty (20) mg/l CaCO₃, no reduction below the natural

level is allowed. Alkalinity shall not be reduced or increased to a degree which may adversely affect the aquatic community.

(b) pH shall not be less than six (6.0) nor more than nine (9.0) and shall not fluctuate more than one (1) unit over a period of twenty-four (24) hours.

(c) Flow shall not be altered to a degree which will adversely affect the aquatic community.

(d) Temperature shall not exceed thirty-one and seven-tenths (31.7) degrees Celsius (eighty-nine (89) degrees Fahrenheit).

1. The normal daily and seasonal temperature fluctuations that existed before the addition of heat due to other than natural causes shall be maintained.

2. The cabinet will determine allowable surface water temperatures on a site-specific basis utilizing available data which shall be based on the effects of temperature on the aquatic biota which utilize specific surface waters of the Commonwealth and which may be affected by person-induced temperature changes. Effects on downstream uses will also be considered in determining site-specific temperatures. As a guideline, the water temperature for all surface waters shall comply with the limits shown in the following table:

Month/Date	Period Average (°F)	Instantaneous Maximum (°F)
January 1-31	45	50
February 1-29	45	50
March 1-15	51	56
March 16-31	54	59
April 1-15	58	64
April 16-30	64	69
May 1-15	68	73
May 16-31	75	80
June 1-15	80	85
June 16-30	83	87
July 1-31	84	89
August 1-31	84	89
September 1-15	84	87
September 16-30	82	86
October 1-15	77	82
October 16-31	72	77
November 1-30	67	72
December 1-31	52	57

3. A successful demonstration concerning thermal discharge limits carried out under Section 316(a) of the Clean Water Act shall constitute compliance with the temperature requirements of this subsection. A successful demonstration assures the protection and propagation of a balanced indigenous population of shellfish, fish and wildlife in or on the water into which the discharge is made.

(e) Dissolved oxygen.

1. Dissolved oxygen shall be maintained at a minimum concentration of five (5) mg/l daily average; [and] at no time shall [should] the instantaneous minimum be less than four (4) mg/l.

2. The dissolved oxygen concentration shall be measured at middepth in waters having a total depth of ten (10) feet or less and at representative depths in other waters.

(f) Solids.

1. Total dissolved solids. Total dissolved solids shall not be changed to the extent that the indigenous aquatic community is adversely

affected.

2. Total suspended solids. Total suspended solids shall not be changed to the extent that the indigenous aquatic community is adversely affected. [The addition of settleable solids that may adversely alter the stream bottom is prohibited.]

3. Settleable solids. The addition of settleable solids that may adversely alter the stream bottom is prohibited.

(g) Ammonia. The concentration of the un-ionized form shall not be greater than 0.05 mg/l at any time instream after mixing. Un-ionized ammonia shall be determined from values for total ammonia-N, in mg/l, pH and temperature, by means of the following equation:

$$Y = 1.2 (\text{Total ammonia-N}) / (1 + 10^{\text{pK}_a - \text{pH}})$$

$$\text{pK}_a = 0.0902 + (2730 / (273.2 + T_c))$$

Where:

T_c = temperature, degrees Celsius.

Y = un-ionized ammonia (mg/l). [as illustrated in the table entitled "Instream Ammonia-N Concentrations," filed herein by reference. Copies may be obtained from the Division of Water, Fort Boone Plaza, 18 Reilly Road, Frankfort, Kentucky 40601.]

[(h) Phenolic compounds. The concentration of phenolic compounds shall not exceed five (5) ug/l as an in-stream value.]

(h) [(i)] Toxics.

1. The allowable in-stream concentration of toxic substances or whole effluents containing toxic substances which are noncumulative or nonpersistent (half-life of less than ninety-six (96) hours) shall not exceed the no observed effect level (NOEL) or one-tenth (0.1) of the ninety-six (96) hour median lethal concentration (LC50) of a representative indigenous or indicator aquatic organism(s) or exceed a chronic toxicity unit of one (1), whichever is more appropriate.

2. The allowable in-stream concentration of toxic substances or whole effluents containing toxic substances which are bioaccumulative or persistent, including pesticides, when not specified elsewhere in this section, shall not exceed the NOEL or 0.01 of the ninety-six (96) hour median lethal concentration (LC50) of a representative indigenous or indicator aquatic organism(s) or exceed a chronic toxicity unit of one (1), whichever is more appropriate.

3. In the absence of acute criteria for substances listed in Table 2 or for other substances known to be toxic but not listed in this regulation, or for whole effluents which are acutely toxic, the allowable concentration shall not exceed the LC₁ or one-third (1/3) LC₅₀ concentration derived from bioassay tests on a representative indigenous or indicator aquatic organism(s) or exceed 0.3 acute toxicity unit [an acute toxicity unit of one (1)], whichever is more appropriate.

4. [3.] Where specific application factors have been determined for a toxic substance or whole effluent such as an acute/chronic ratio or water effect ratio, they may be used instead of the one-tenth (0.1) and 0.01 factors listed in this subsection upon approval by the cabinet.

5. [4.] Allowable in-stream concentrations for specific substances (acute and chronic criteria) [parameters] are listed [outlined] in Table 2 [I]. These concentrations [values] are based on

protecting aquatic life from acute and chronic toxicity, and shall not be exceeded.

Table 2 [I]
Warm water Aquatic Habitat Criteria¹

Metals		Chronic Criteria
Substance	Acute Criteria	Concentration]
[Parameter		
Arsenic		50 ug/l
Arsenic (III)	360 ug/l	190 ug/l
Beryllium		11 ug/l soft water ² 1100 ug/l hard water ²
Cadmium (ug/l)	e(1.128(ln Hard*)-3.828)	e(0.7852(ln Hard)-3.490)
		[4.0 ug/l soft water ²] [12.0 ug/l hard water ²]
[Chlordane		0.0043 ug/l]
[Chloride		600 mg/l]
[Chlorine, total residual]		10 ug/l]
[Chromium		100 ug/l]
Chromium (III)	e(0.8190(ln Hard)+3.688)	e(0.8190(ln Hard)+1.561)
(ug/l)		
Chromium (VI)	16 ug/l	11 ug/l
Copper (ug/l)	e(.9422(ln Hard)-1.464)	e(.8545(ln Hard)-1.465)
[Cyanide, Free		5 ug/l]
[Hydrogen Sulfide (undissociated)]		2 ug/l]
Iron	4.0 mg/l	1.0 mg/l ³
Lead (ug/l)	e(1.273(ln Hard)-1.460)	e(1.273(ln Hard)-4.705)
Mercury	2.4 ug/l	0.012 ug/l
Nickel (ug/l)	e(0.8460(ln Hard)+3.3612)	e(0.8460(ln Hard)+1.1645)
[Phthalate Esters		3 ug/l]
[Polychlorinated Biphenyls]		0.0014 ug/l]
Selenium	20 ug/l	5 ug/l
Silver (ug/l)	e(1.72(ln Hard)-6.52)	
Zinc (ug/l)	e(0.8473(ln Hard)+0.8604)	e(0.8473(ln Hard)+0.7614)
		[47 ug/l]

Organics

Aldrin	3.0 ug/l	
Chlordane	2.4 ug/l	0.0043 ug/l
Chlorpyrifos	0.083 ug/l	0.041 ug/l
DDT	1.1 ug/l	0.001 ug/l
Dieldrin	2.5 ug/l	0.0019 ug/l
Endosulfan	0.22 ug/l	0.056 ug/l
Endrin	0.18 ug/l	0.0023 ug/l
Heptachlor	0.52 ug/l	0.0038 ug/l
Lindane	2.0 ug/l	0.080 ug/l
Parathion	0.065 ug/l	0.013 ug/l
Pentachloro- phenol (ug/l)	e(1.005(pH)- 4.830)	e(1.005(pH)- 5.290)
Phthalate esters		3 ug/l
Polychlorinated Biphenyls (PCBs)		0.0014 ug/l
Toxaphene	0.73 ug/l	0.0002 ug/l

Others

Chloride	1200 mg/l	600 mg/l
Chlorine, total	19 ug/l	10 ug/l
residual		
Cyanide, free	22 ug/l	5 ug/l
Hydrogen sulfide (undissociated)		2 ug/l

¹Metal criteria, for purposes of this regulation, are total recoverable metals to be measured in an unfiltered sample.

²Soft water has an equivalent concentration of calcium carbonate (CaCO₃) of zero to seventy-five (75) mg/l, and hard water has an equivalent concentration of calcium carbonate (CaCO₃) of over seventy-five (75) mg/l.

³The chronic criterion for [daily average] total recoverable iron [concentration] shall not exceed three and five-tenths (3.5) mg/l when it is established that there will be no damage to aquatic life.

*Hard = Hardness as mg/l CaCO₃.

(2) Cold water aquatic habitat. The following parameters and their associated criteria are for the protection of productive cold water aquatic communities and streams which support trout populations (whether self-sustaining or reproducing) on a year-round basis. All of the criteria adopted for the protection of warm water aquatic life also apply to the protection of cold water habitats with the following additions:

(a) Dissolved oxygen.

1. A minimum concentration of six (6) mg/l as a daily average and five (5) mg/l as an instantaneous minimum shall be maintained at all times.

2. In impoundments which support trout, the concentration of dissolved oxygen in waters below the epilimnion shall be kept consistent with natural water quality.

(b) Temperature. Water temperature shall not be increased through man's activities above the natural seasonal temperatures.

[(c) Total residual chlorine. The total residual chlorine shall not exceed two (2) ug/l as an in-stream value.]

Section 5. Domestic Water Supply Use. Maximum allowable in-stream concentrations for specific substances [parameters], to be applicable at the point of withdrawal for use for domestic water supply from surface water sources are specified in Table 3 and shall not be exceeded. [II:]

Table 3 [II]
Domestic Water Supply Source Criteria¹

Substances Not Linked to Cancer [Parameter]	Concentration
Metals	
Antimony	0.146 mg/l
Barium	1 mg/l
Cadmium	0.010 mg/l
[Chloride	250 mg/l]
Chromium	0.05 mg/l
Chromium (III)	170 mg/l
[Color	75 Platinum- Cobalt Color Units]
Copper	1 mg/l

[Fecal Coliform	2000/100 ml
	(Geometric mean)]
[Fluoride	1 mg/l]
Lead	0.05 mg/l
Manganese	0.05 mg/l
Mercury	0.144 ug/l
[Methylene Blue	
Active Substances	0.5 mg/l]
[Nitrate	
(NO ₃ -N, as Total)	10 mg/l]
Nickel	13.4 ug/l
Selenium	0.01 mg/l
Silver	0.05 mg/l
Thallium	0.013 mg/l
[Sulfate	250 mg/l]
[Total Dissolved Solids	750 mg/l]

Organics

Acrolein	0.320 mg/l
Monochlorobenzene	0.488 mg/l
1-2-4-5-tetrachlorobenzene	0.038 mg/l
Pentachlorobenzene	0.074 mg/l
1,1,1-trichloroethane	18.4 mg/l
2,4,5-trichlorophenol	2.6 mg/l
Bis(2-chloroisopropyl) ether	0.0347 mg/l
Dichlorobenzenes	0.400 mg/l
2,4-dichlorophenol	3.090 mg/l
Dichloropropenes	0.087 mg/l
Endosulfan	0.074 mg/l
Endrin	0.001 mg/l
Ethylbenzene	1.4 mg/l
Fluoranthene	0.042 mg/l
Hexachlorocyclopentadiene	0.206 mg/l
Isophorone	5.2 mg/l
Nitrobenzene	19.8 mg/l
2-4-dinitro-o-cresol	0.0134 mg/l
Dinitrophenol	0.070 mg/l
Pentachlorophenol	1.0 mg/l
Phenol	3.5 mg/l
Dibutyl phthalate	34 mg/l
Diethyl phthalate	350 mg/l
Di-2-ethylhexyl phthalate	15 mg/l
Dimethyl phthalate	313 mg/l
Toluene	14.3 mg/l

Others

Chloride	250 mg/l
Color	75 Platinum
	Cobalt Color
	Units
Cyanide (free)	0.200 mg/l
Fecal Coliform	2000/100 ml
	Geometric mean)
Fluoride	1.0 mg/l
Methylene Blue Active Substances	0.5 mg/l
Nitrate (NO ₃ -N)	10 mg/l
Sulfate	250 mg/l
Total Dissolved Solids	750 mg/l

Substances Linked to CancerMetals (ug/l)

Beryllium	0.0068
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Organics (ug/l)

Acrylonitrile	0.058
Aldrin	0.000074
Asbestos (fibers/liter)	30.000

Benzene	0.66
Benzidine	0.00012
Carbon tetrachloride	0.40
Chlordane	0.00046
Hexachlorobenzene	0.00072
1,2-dichloroethane	0.94
1,1,2-trichloroethane	0.60
1,1,2,2-tetrachloroethane	0.17
Hexachloroethane	1.9
2,4,6-trichlorophenol	1.2
bis(2-chloroethyl) ether	0.03
Chloroform	0.19
DDT	0.000024
Dichlorobenzidine	0.01
1,1-dichloroethylene	0.033
Dieldrin	0.000071
2,4-dinitrotoluene	0.11
Dioxin (2,3,7,8-TCDD)	0.000000013
Diphenylhydrazine	0.042
Halomethanes	0.19
Heptachlor	0.00028
Hexachlorobutadiene	0.45
alpha Hexachlorocyclohexane (HCH)	0.009
beta HCH	0.016
gamma HCH (Lindane)	0.019
Technical HCH	0.012
N-nitrosodiethylamine	0.0008
N-nitrosodimethylamine	0.0014
N-nitrosodibutylamine	0.0064
N-nitrosodiphenylamine	4.9
N-nitrosopyrrolidine	0.016
Polychlorinated Biphenyls (PCBs)	0.000079
Polynuclear Aromatic Hydrocarbons (PAHs)	0.0028
Tetrachloroethylene	0.8
Toxaphene	0.00071
Trichloroethylene	2.7
Vinyl Chloride	2.0

¹See note 1 in Table 2. [II]

Section 6. Recreational Waters. (1) Primary contact recreation water. Primary contact recreation waters are waters suitable for full body contact recreation during the recreation season of May 1 through October 31. Criteria for primary contact recreation waters are listed below:

(a) Fecal coliform content shall not exceed 200 colonies per 100 ml as a monthly geometric mean based on not less than five (5) samples per month; nor exceed 400 colonies per 100 ml in [more than] twenty (20) percent or more of all samples taken during the month; these limits are applicable during the recreation season. Fecal coliform criteria listed in subsection (2)(a) of this section apply during the remainder of the year.

(b) pH shall be between six (6.0) to nine (9.0) and shall not change more than one (1) pH unit within this range over a period of twenty-four (24) hours.

(2) Secondary contact recreation water. Secondary contact recreation waters are waters suitable for partial body contact recreation, with minimal threat to public health due to water quality. The following criteria apply to waters classified for secondary contact recreation use during the entire year:

(a) Fecal coliform content shall not exceed 1000 colonies per 100 ml as a monthly geometric mean based on not less than five (5) samples per month; nor exceed 2000 colonies per 100 ml in [more than] twenty (20) percent or more of all samples taken during the month.

(b) pH shall be between six (6.0) to nine (9.0) and shall not change more than one (1) pH unit within this range over a period of twenty-four (24) hours.

Section 7. Outstanding Resource Waters. This classification category includes certain unique waters of the Commonwealth.

(1) Water for inclusion.

(a) Automatic inclusion. The following surface waters shall automatically be included in this category:

1. Waters designated under the Kentucky Wild Rivers Act, KRS 146.200-146.360.

2. Waters designated under the Federal Wild and Scenic Rivers Act, 16 U.S.C. 1271 et seq. and high quality waters constituting an outstanding national resource water.

3. Waters identified under the Kentucky Nature Preserves Act, KRS 146.410-146.530, which are contained within a formally dedicated nature preserve or are published in the registry of natural areas and concurred upon by the cabinet.

4. Waters that support federally recognized endangered or threatened species under the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 et seq.

(b) Permissible consideration. Other surface waters may be included in this category as determined by the cabinet if [providing]:

1. The surface waters flow through or are bounded by state or federal forest land, or are of exceptional aesthetic or ecological value or are within the boundaries of national, state, or local government parks, or are a part of a unique geological or historical area recognized by state or federal designation; or

2. They are a component part of an undisturbed or relatively undisturbed watershed that can provide basic scientific data and possess outstanding water quality characteristics; or two (2) of the following criteria:

a. Support a diverse or unique native aquatic flora or fauna.

b. Possess physical or chemical characteristics that provide an unusual and uncommon aquatic habitat.

c. Provides a unique aquatic environment within a physiographic region.

(2) Outstanding resource waters protection [designation]: The classification of certain waters as outstanding resource waters shall fairly and fully reflect those aspects of the waters for which the classification is proposed. The cabinet will [shall] determine water quality criteria for these waters as follows:

(a) At a minimum, the criteria of Section 2 of this regulation and the appropriate criteria associated with the stream use classification assignments in 401 KAR 5:026, [Section 7,] are applicable to these waters.

(b) Where the values identified for an outstanding resource water are dependent upon or related to in-stream water quality, the cabinet will [shall] review existing water quality criteria and determine whether additional criteria or more stringent criteria are necessary for protection, and evaluate the need for the development of additional data upon which to base the determination. Existing water quality and habitat shall be maintained and protected in those waters designated as outstanding resource waters which support federally threatened and endangered species of aquatic organisms, unless it can be demonstrated

to the satisfaction of the cabinet, that lowering of water quality or a habitat modification will not have a harmful effect on the threatened or endangered species which the water supports.

(c) "Water quality shall be maintained and protected in waters which constitute an outstanding national resource. The cabinet may approve temporary or short-term changes in water quality if the changes to the waters in question have no demonstrable impact on the ability of the waters to support this use."

(d) Adoption of more protective criteria in accordance with this section will [shall] be listed with the respective stream segment in 401 KAR 5:026, [Section 7,] and will be promulgated as an [subject to promulgation under Kentucky's] administrative regulation pursuant to KRS Chapter 13A [rule-making procedures].

(3) Determination of classification.

(a) Any person may present a proposal to classify certain waters under this section. Documentation requirements in support of an outstanding resource water proposal shall contain those elements outlined in 401 KAR 5:026, Section 5(1) through (8).

(b) The cabinet will [shall] review the proposal and supporting documentation to determine whether the proposed waters qualify as outstanding resource waters within the criteria established by this regulation. The cabinet will [shall] document the determination to deny or to propose reclassification, and a copy of the [such] decision will [shall] be served upon the petitioner and other interested parties.

(c) After considering all of the pertinent data, a reclassification, if appropriate, will [shall] be made pursuant to 401 KAR 5:026[, Section 6].

Section 8. Water Quality Criteria for the Main Stem of the Ohio River. The following criteria apply to the main stem of the Ohio River from its juncture with the Big Sandy River at River Mile 317.1 [664.15] to its confluence with the Mississippi River, and shall not be exceeded: these waters are subject to all applicable provisions of 401 KAR 5:026, 401 KAR 5:029, and this regulation.

(1) Dissolved oxygen. Concentrations shall average at least five (5.0) mg/l per calendar day and shall not be less than four (4.0) mg/l at any time provided that a minimum of five and one-tenth (5.1) mg/l at any time is maintained during the April 15 - June 15 spawning season.

(2) Temperature.

(a) Allowable stream temperatures are:

Month/Date	Period Average (°F)	Instantaneous Maximum (°F)
January 1-31	45	50
February 1-29	45	50
March 1-15	51	56
March 16-31	54	59
April 1-15	58	64
April 16-30	64	69
May 1-15	68	73
May 16-31	75	80
June 1-15	80	85
June 16-30	83	87
July 1-31	84	89
August 1-31	84	89
September 1-15	84	87

September 16-30	82	86
October 1-15	77	82
October 16-31	72	77
November 1-30	67	72
December 1-31	52	57

(b) A successful demonstration conducted for thermal discharge limits under Section 316(a) of the Clean Water Act will constitute compliance with these temperature criteria.

(3) Total dissolved solids: not to exceed 500 mg/l as a monthly average, nor exceed 750 mg/l at any time. Equivalent twenty-five (25) degrees Centigrade specific conductance values are 800 and 1200 micromhos/cm respectively.

(4) Maximum allowable in-stream concentrations for specific parameters are given below. Metal concentrations are total recoverable values except hexavalent chromium which is dissolved [unless otherwise listed].

Parameter Concentration (mg/l)

Arsenic	.05
Barium	1.0
Chloride	250
Fluoride	1.0
Nitrite + Nitrate Nitrogen	10.0
Nitrite-Nitrogen	1.0
Phenolics	.005
Sulfate	250
[Chromium (hexavalent)]	0.05
Cyanide (total)	0.025
Lead (dissolved)	0.05
Nitrite-Nitrate-N	10.00
Nitrite-N	1.0
Phenolic compounds	0.01]

[Copper: When total hardness as calcium carbonate is:

Allowable concentration is:

50	0.012
80	0.018
100	0.022
160	0.034
200	0.043]

[Zinc: When total hardness as calcium carbonate is:

Allowable concentration is:

0-80	0.040
81-120	0.055
121-160	0.070
161-180	0.095
181-200	0.115]

Parameter	Chronic Criteria Concentration ug/l	Acute Criteria Concentration ug/l
Cadmium	e(.7852(ln Hard)-3.490)	e(1.128(ln Hard)-3.828)
Chromium (hexavalent)	11	16
Copper	e(.8545(ln Hard)-1.465)	e(.9422(ln Hard)-1.464)
Cyanide (free)	5	22
Lead	e(1.273(ln Hard)-4.705)	e(1.273(ln Hard)-1.460)
Mercury	.012	2.4
Zinc	e(.8473(ln Hard)+.7614)	e(.8473(ln Hard)+.8604)

(5) The net discharge of aldrin, dieldrin, DDT, including DDD and DDE, endrin, toxaphene, benzidine, and PCBs is prohibited.

Section 9. Exceptions to Criteria. (1) The cabinet may grant exceptions to the [classification] criteria contained in Sections 2, 4, 5, 6 and 7 of this regulation upon demonstration by an applicant that maintenance of applicable water quality criteria are not attainable or scientifically valid but the use classification is still appropriate. This determination will [must] be made on a case-by-case basis with respect to a specific surface water [stream segment] following an analysis for each area.

(2) The analysis shall [must] show that the water quality criteria cannot be reasonably achieved either on a seasonal or year-round basis due to natural conditions, or site-specific factors differing from the conditions used to derive criteria in Sections 2, 4, 5, 6, [and] 7, and 8 of this regulation, or a [the] demonstration that meeting the criteria would cause substantial and widespread economic and social impact. Site-specific criteria shall be developed by the applicant utilizing toxicity tests, indicator organisms, and application factors that are consistent with those outlined in "Water Quality Standards Handbook" (EPA, 1983). In addition, an applicant shall [must] supply the documentation listed in Section 5 of 401 KAR 5:026.

(3) An exception to criteria listed in Section 2(2) of this regulation for the protection of human health from the consumption of fish tissue may be granted if it can be demonstrated that natural, ephemeral, intermittent or low flow conditions or water levels preclude the year-round support of a fishery, unless these conditions may be compensated for by the discharge of sufficient volume of effluent discharges.

(4) [(3)] Before [In] granting an exception to water quality criteria, the cabinet shall ensure that the water quality standards of downstream waters are attained and maintained.

(5) [(4)] All exceptions to water quality criteria will be subject to review at least every three (3) years.

(6) [(5)] Upon completing a review and the procedures for promulgation under administrative rule-making, all exceptions to water quality criteria shall be listed with the respective stream segment in Section 7 of 401 KAR 5:026.

FRANK DICKERSON, Commissioner

CARL H. BRADLEY, Secretary

APPROVED BY AGENCY: December 13, 1989

FILED WITH LRC: December 13, 1989 at 11 a.m.

COMPILER'S NOTE: The following regulation was amended by the promulgating agency and the Interim Joint Committee on Agriculture and Natural Resources, and was adopted on May 8, 1990.

**NATURAL RESOURCES & ENVIRONMENTAL
PROTECTION CABINET
Department for Environmental Protection
Division of Waste Management
(As Amended)**

401 KAR 48:050. Siting requirements for solid waste landfills.

RELATES TO: KRS 224.005 through 224.110, 224.830 through 224.888 [889], 224.994

STATUTORY AUTHORITY: KRS Chapter 13A, 224.033, 224.842

NECESSITY AND FUNCTION: KRS Chapter 224 requires the cabinet to adopt rules and regulations for the management, processing or disposal of wastes. KRS 224.842 requires that persons engaging in the storage, treatment, recycling and disposal of waste obtain a permit. This chapter establishes the minimum technical standards for solid waste sites or facilities. This regulation sets forth the siting requirements for new construction/demolition debris, contained, and residual landfills.

Section 1. Buffer Zones. Wastes shall not be placed:

(1) Within 250 feet of an intermittent or perennial [a blue-line] stream unless a 401 water quality certification has been issued pursuant to 401 KAR 5:029 through 401 KAR 5:031.

[(2) Within 1,000 feet of the nearest edge of the right-of-way of any toll road, parkway, interstate, or other state primary road as classified by the Kentucky Transportation Cabinet's functional classification system, or the boundary of any public park unless the facility is screened by natural objects, plantings, fences or other appropriate means so that it is not noticeably visible from the highway or park;]

(2) [(3)] Within the zone of collapse of deep-mine workings or within the critical angle of draw of such workings;

(3) [(4)] Within 250 feet of a feature of karst terrain;

(4) [(5)] Within 250 feet of the property line;

(5) [(6)] Within 250 feet of a residence;

(6) [(7)] Within fifty (50) feet of a gas, sewer or water line; and

(7) [(8)] Within 250 feet of a unplugged well except monitoring wells.

Section 2. Seasonal High Groundwater Table.

(1) The lowest component of the bottom liner of new units of a landfill shall be at least four (4) feet above the seasonal high groundwater table.

(2) Wastes that leach heavy metals in concentrations exceeding the primary drinking water standards when analyzed using the extraction procedure toxicity test shall be placed no closer than five (5) feet above the seasonal high groundwater level.

Section 3. Flood Plains. (1) No person shall be issued a permit to construct a new contained landfill in the 100-year flood plain.

(2) Waste disposed in residual or construction/demolition debris landfills shall not be placed within the 100 year flood plain of the waters of the Commonwealth unless the applicant complies with Section 2 of 401 KAR 47:030 of the Environmental Performance Standards concerning base flow restriction, temporary water storage capacity reduction, and waste washout. Where available, empirical data shall be used to determine the frequency of flood exposure. Where data are not available, the frequency of flood exposure shall be established by the unit hydrograph technique.

Section 4. Airport Location Criteria. No new contained landfill shall be located within 10,000 feet of any airport runway used by turbojet aircraft or within 5,000 feet of any airport runway used by only piston-type aircraft and no landfill shall pose a bird hazard to aircraft. [A solid waste landfill [that] shall not be operated in a manner that may attract birds and is located within 10,000 feet of any airport runway used by turbojet aircraft or within 5,000 feet of any airport runway used by only piston-type aircraft and shall not pose a bird hazard to aircraft.]

Section 5. Fault Areas. Waste cells of a solid waste landfill shall not be located within 200 feet of a fault that has had displacement in holocene time.

Section 6. Site Suitability. Landfills shall not be permitted in any area unless the applicant can demonstrate to the satisfaction of the cabinet that:

(1) The uppermost aquifer is capable of being monitored in a manner that detects the presence of any constituent listed in Section 10 of 401 KAR 48:300; and

(2) Corrective action of the uppermost aquifer is capable of being performed in accordance with 401 KAR 48:300.

FRANK DICKERSON, Commissioner

CARL H. BRADLEY, Secretary

APPROVED BY AGENCY: March 8, 1990

FILED WITH LRC: March 9, 1990 at noon

COMPILER'S NOTE: The following two regulations were amended by the promulgating agency and the Administrative Regulations Review Subcommittee on May 11, 1990, and have not yet gone into effect.

**EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Administration and Finance
(As Amended)**

702 KAR 6:090. Competitive food and beverage sales and service requirements.

RELATES TO: KRS 156.010, 156.031, 156.035, 156.160, 156.200, 7 CFR 210.11, 42 USC §1751 to §1769b, 42 USC §1771 to §1789

STATUTORY AUTHORITY: KRS 156.031, 156.035, 156.070, 156.160, 7 CFR 210.11

NECESSITY AND FUNCTION: This regulation is promulgated under the authority of the State Board for Elementary and Secondary Education's statutory mandates to implement federal

education assistance programs and to protect the physical welfare and safety of public school children, and is needed to carry out the Congressional intent of the National School Lunch Act of 1946, the Child Nutrition Act of 1966 and all amendments thereto. This regulation is necessary to ensure that students have an opportunity to fully avail themselves of at least one (1) meal planned with their dietary and nutritional needs in mind. [A new regulation intended to supersede by implication 702 KAR 6:070, Section 8, is being promulgated since that regulation had a KRS 13A.030(2)(a) letter attached to it in January, 1990, because of a provision thereof unrelated to the subject matter of this regulation, which letter prevents 702 KAR 6:070 from being amended at this time.]

Section 1. (1) This regulation deals with the sale and service of food and beverages in competition with the School Breakfast Program or the National School Lunch Program, by reason of such being conducted by student or parent organizations or school personnel through food sales, snack bars, or vending machines on the school campus. [In accordance with the authority granted under 7 CFR 210.11, and the provisions of 702 KAR 6:070, Section 8, notwithstanding, a stricter standard is hereby being imposed on the sale and service of competitive foods.]

(2) The sale or serving of any food or beverage item to students in competition with the School Breakfast Program or the National School Lunch Program shall be prohibited on the school campus during the school day until one-half (1/2) hour after the close of the last lunch serving period.

HENRY E. POGUE, IV, Chairman

APPROVED BY AGENCY: March 14, 1990

FILED WITH LRC: March 15, 1990 at 11 a.m.

EDUCATION AND HUMANITIES CABINET
 Department of Education
 Office of Local Services
 (As Amended)

702 KAR 7:090. Requirements for coaches and other personnel staffing interscholastic athletic programs.

RELATES TO: KRS 156.070, 161.010, 161.044, 161.180

STATUTORY AUTHORITY: KRS 156.070, 161.044

NECESSITY AND FUNCTION: KRS 156.070 gives the State Board for Elementary and Secondary Education the management and control of all programs, including interscholastic athletics, operated in the common schools, and further requires that the rules, regulations, and bylaws of any organization or agency designated by the state board to manage interscholastic athletics be approved by the state board; and KRS 161.010, 161.044, and 161.180 authorizes the employment of teachers' aides as paraprofessionals in the public schools. This regulation sets forth requirements for coaches and other personnel staffing interscholastic athletic programs, including cheerleading squads.

Section 1. (1) Except as provided in Section 2 of this regulation, Head coaches and assistant coaches of interscholastic athletic teams and

coaches [sponsors] of cheerleading squads representing the common schools shall be certified teachers and members of their regular school faculties. They shall be duly employed by their respective boards of education, and their entire salaries shall be paid by such board. They shall be employed a minimum of three (3) regular periods for teaching classes, including physical education; for supervision of study halls; or for exercising responsibilities in other activity assignments within the school schedule.

(2) Head athletic team coaches employed by high school member schools of the Kentucky High School Athletic Association (KHSAA) under this section or Section 2 of this regulation for the sports of baseball, basketball, football, soccer, and wrestling shall attend annually a KHSAA sponsored rules clinic in the sport in which they are involved, and all head athletic team coaches employed by member schools in all sanctioned sports shall provide documentation of successful completion of a first aid course, including C.P.R., as approved by a college or university, the American Red Cross, or the American Heart Association, and such shall be timely and appropriately updated as required by the approving agency. All high school cheerleading squad coaches shall be certified annually for C.P.R.

(3) Head athletic team and cheerleading squad coaches employed under this section or Section 2 of this regulation for any sport sanctioned by the KHSAA shall attend, on a biennial [biannual] basis, the Sports Medicine Symposium sanctioned by the KHSAA and conducted each summer, such requirement to be fulfilled and enforced in the following manner:

(a) Head athletic team coaches who did not attend a sanctioned medical symposium in 1989 [1988] shall be required to attend one (1) of the symposiums in 1990 [1989] and biennially [biannually] thereafter; otherwise, head athletic team coaches shall attend a symposium in 1991 [1990] and biennially [biannually] thereafter.

(b) High school cheerleading squad coaches shall, by December 31, 1992, attend a separate, sanctioned sports medicine symposium on cheerleader injuries, and shall attend one (1) symposium every two (2) years after initial attendance.

(c) [(b)] A make-up symposium shall be scheduled for early September of each school year with attendance only for those head athletic team coaches hired after the last day of the preceding school year and for those head athletic team coaches, within the discretion of KHSAA, who for compelling and convincing reasons could not attend a summer symposium they were required to attend. The KHSAA shall, by December 1, 1991, file with the state board a comprehensive statistical report with respect to the need, if any, for make-up symposiums for cheerleading squad coaches in 1992 and thereafter.

(d) Compliance with this subsection shall not be excused or delayed for any covered head athletic team or cheerleading squad coach except upon application to the State Board for Elementary and Secondary Education and demonstration of compelling and convincing reasons for such noncompliance.

(e) [(c)] All public member schools of KHSAA shall pay the necessary expenses of athletic

team and cheerleading squad coaches for the required attendance at a sanctioned sports medicine symposium.

(f)1. [(d)] The KHSAA shall impose one (1) of the following penalties for those athletic team and cheerleading squad coaches not properly in attendance at the required medical symposium:

a. [1.] Not allowing the coach to perform coaching duties for one (1) season in the sport which was not represented; or

b. [2.] Not allowing the coach to perform coaching duties in KHSAA sponsored championship competition for one (1) season in the sport which was not represented.

2. [3.] Thereafter, no member school shall employ as a coach any person so penalized not currently certified for sports medicine symposium attendance.

Section 2. (1) In the event a local board of education is unable to staff head or assistant coaching, or head or assistant cheerleader coach [sponsor], positions under the provision of Section 1 of this regulation, the superintendent of the local school district may request the local board of education to approve the qualifications of persons holding a provisional or standard teaching certificate or having completed a minimum of sixty-four (64) semester hours of college credit as nonteaching paraprofessional head or assistant coaches [or sponsors] under the following provisions:

(a) The local board of education shall declare, after reasonable notice of a relevant position, that no qualified and certified member of the regular school faculty has applied for the position, pursuant to Section 1 of this regulation;

(b) The position shall be filled by the best qualified person available, giving preference to the factors of academic preparation and teacher certification, prior teaching experiences or related educational work, and personal attributes compatible with the demands of the position;

(c) The applicant shall have at least sixty-four (64) semester hours of credit from an accredited college or university, as documented by an official transcript;

(d) The applicant shall provide documentation of successful completion of a first aid course, including CPR, as approved by a college or university, the American Red Cross, or the American Heart Association, and such shall be timely and appropriately updated as required by the approving agency;

(e) Nonteaching paraprofessional assistants shall be employed and act under the direct supervision of a head athletic team or cheerleading squad coach [or head cheerleader sponsor] and under the authority of the principal and shall be evaluated annually;

(f) The entire salary for the position shall be paid by the local board of education; and

(g) Paraprofessional head coaches shall not, in any manner, be utilized with respect to high school varsity football or basketball teams.

(2) Nonteaching paraprofessional head and

assistant coaches [and sponsors] utilized under this section shall have the full and same authority and responsibility, consistent with applicable law, as fully certified, teaching counterparts hired under the provisions of Section 1 of this regulation, but such assistants may not:

(a) Act as head athletic team or cheerleading squad coaches [or sponsors], except in emergencies where the head coach [or sponsor] is unavailable, of junior varsity, freshman, elementary or middle school, or any other nonvarsity, athletic team or cheerleading squad; or

(b) Act as the school faculty member or administrator required to accompany students on school-sponsored or school-endorsed trips pursuant to KRS 161.185.

Section 3. As long as a noncertified paraprofessional, with fewer than sixty-four (64) semester hours of college credit, is acting within the scope and authority set forth in 704 KAR 15:080 and KRS 161.010 and 161.044, he or she may be employed by a local board of education to carry out assigned responsibilities upon approval of the local board of a job description limited to the following duties:

(1) Assists the coaches in daily and long-range athletic activities;

(2) Assists the coaches in planning the program;

(3) Conducts learning experiences, under the direction of the coaches, with small groups of student athletes or cheerleaders;

(4) Assists the coaches in guiding participants toward a harmonious team spirit;

(5) Alerts the head coach to the special needs of individual students [athletes];

(6) Provides escort, assistance, and supervision to students [athletes] during periods of team or squad travel;

(7) Recommends to the head coach the purchase of equipment, supplies, and uniforms as appropriate for the health, safety, and welfare of student athletes and cheerleaders;

(8) Performs other noncoaching duties assigned by the principal, athletic director, or head coach.

Section 4. No person failing to meet the provisions of Sections 1, 2, or 3 of this regulation shall be employed or allowed to participate in any supervisory capacity with interscholastic athletic teams or cheerleading squads.

Section 5. The requirements of this regulation shall be made a part of the rules, regulations, and bylaws of any organization or agency designated by the state board to manage interscholastic athletics, and shall be made to apply by said organization or agency to all its member schools.

HENRY E. POGUE, IV, Chairman

APPROVED BY AGENCY: March 14, 1990

FILED WITH LRC: March 15, 1990 at 11 a.m.

ADMINISTRATIVE REGULATIONS AMENDED AFTER PUBLIC HEARING

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

401 KAR 5:029. General provisions.

RELATES TO: KRS Chapter 224, 40 CFR Part 136
STATUTORY AUTHORITY: KRS 224.020, 224.033,
224.037, 224.060, 33 U.S.C. 1313

NECESSITY AND FUNCTION: This regulation contains a definition and abbreviation section applicable to 401 KAR 5:026, this regulation, and 401 KAR 5:031. A nondegradation section and a section pertaining to withdrawal of waters not meeting water quality standards are included. A sample collection and analytical methodology section is included to ensure reproducible analytical results. A provision relating to allowable conditions in mixing zones is also included. A procedure for issuing a variance from criteria for pH, iron and manganese is included for coal remining operations.

Section 1. Definitions and Abbreviations. (1) The following definitions describe terms used in 401 KAR 5:026, this regulation, and 401 KAR 5:031. Terms not defined below shall have the meanings given to them in KRS 224.005 or, if not so defined, the meanings attributed by common use.

(a) "Acute-chronic ratio" means the ratio of the acute toxicity (expressed as an LC₅₀ of an effluent or a toxic substance to its chronic toxicity (expressed as a NOEL). It is used as a factor to estimate chronic toxicity from acute toxicity data.

(b) "Acute criteria" means the highest instream concentration of a toxic substance or an effluent to which organisms can be exposed for a brief period of time without causing unacceptable harmful effects.

(c) "Acute toxicity" means lethality or other harmful effect sustained by either indigenous aquatic organisms or representative indicator organisms used in toxicity tests, due to a short-term exposure (ninety-six (96) hours or less) to a specific toxic substance or mixture of toxic substances.

(d) "Acute toxicity unit" means the reciprocal of the effluent dilution that causes the acute effect (LC₅₀) by the end of the acute exposure period.

(e) "Chronic criteria" means the highest instream concentration of a toxic substance or an effluent to which organisms can be exposed indefinitely without causing an unacceptable harmful effect.

(f) "Chronic toxicity" means lethality, reduced growth or reproduction or other harmful effect sustained by either indigenous aquatic organisms or representative indicator organisms used in toxicity tests due to long-term exposures (relative to the life span of the organisms or a significant portion of their life span) to toxic substances or mixtures of toxic substances.

(g) "Chronic toxicity unit" means the reciprocal of the effluent dilution that causes no observed unacceptable harmful effect (NOEL) on the test organisms by the end of the chronic

exposure period.

(h) "Cold water aquatic habitat" means surface waters and associated substrate that will support indigenous aquatic life or self-sustaining or reproducing trout populations on a year-round basis.

(i) "Conventional domestic water supply treatment" means or includes coagulation, sedimentation, filtration, and chlorination.

(j) "Criteria" means specific concentrations or ranges of values, or narrative statements of water constituents which represent a quality of water expected to result in an aquatic ecosystem protective of designated uses of surface waters. Criteria are derived to protect legitimate uses such as aquatic life, domestic water supply, and recreation and to protect human health.

(k) "Division" means the Division of Water.

(l) "Domestic water supply (DWS)" means surface waters that with conventional treatment will be suitable for: human consumption through a public water system as defined in 401 KAR 6:015, Section 1; culinary purposes; or for use in any food or beverage processing industry; and, meets state and federal regulations under the Safe Drinking Water Act, 42 U.S.C. 300f-300j, as amended.

(m) "Effluent ditch" means that portion of a treatment system which is a discrete, person-made conveyance, either totally owned, leased or under valid easement by the discharger, which transports a discharge to waters of the Commonwealth.

(n) "Epilimnion" means the thermally homogeneous water layer overlying the metalimnion (the region of the thermocline) of a thermally stratified lake or reservoir.

(o) "Eutrophication" means the enrichment of surface waters of the state by the discharge or addition of nutrients.

(p) "Existing uses" means those legitimate uses being attained in or on a surface water of the Commonwealth on or after November 28, 1975, irrespective of its use classification.

(q) "Fecal coliform" means the portion of the coliform group of bacteria which are present in the intestinal tract or the feces of warm-blooded animals. It generally includes organisms which are capable of producing gas from lactose broth in a suitable culture medium within twenty-four (24) hours at forty-four and five-tenths (44.5) degrees plus or minus two-tenths (0.2) degrees C.

(r) "Harmonic mean flow" means the reciprocal of the mean of the reciprocal daily flow values.

(s) "Hypolimnion" means the lower cold region of a thermally stratified lake or reservoir that extends from the metalimnion to the bottom.

(t) "Indigenous aquatic life" means naturally occurring aquatic organisms including but not limited to bacteria, fungi, algae, aquatic insects, other aquatic invertebrates, reptiles and amphibians, and fishes. Under some natural conditions one (1) or more of the above groups may be absent from any given surface water.

(u) "Intermittent water" means a stream that flows only at certain times of the year as when it receives water from springs or precipitation in its immediate watershed.

(v) "LC₅₀" means that concentration of a toxic substance or mixture of toxic substances which is lethal (or immobilizing, if

appropriate) to fifty (50) percent of the species tested in a toxicity test during a specified exposure period.

(w) "LC₁" means that concentration of a toxic substance or mixture of toxic substances which is lethal (or immobilizing, if appropriate) to one (1) percent of the organisms tested in a toxicity test during a specified exposure period.

(x) "Maintain" means to preserve or keep in present condition by not allowing adverse permanent or long-term changes to water quality or to populations of aquatic organisms or their habitat.

(y) "Milligrams per liter (mg/l)" means the milligrams of substance per liter of solution, and is equivalent to parts per million in water assuming unit density.

(z) "Mixing zone" means a domain of a water body contiguous to a treated or untreated wastewater discharge of quality characteristics different from those of the receiving water. The discharge is in transit and progressively diluted from the source to the receiving system. The mixing zone is the domain where wastewater and receiving water mix.

(aa) "Natural temperature" means the temperature that would exist in waters of the Commonwealth without the change of enthalpy of artificial origin, as contrasted with that caused by climatic change or naturally occurring variable temperature associated with riparian vegetation and seasonal changes.

(bb) "Natural water quality" means those naturally occurring physical, chemical, and biological properties of waters.

(cc) "Net discharge" means the amount of substance released to a surface water by excluding the influent value from the effluent value if both the intake and discharge are from and to the same or similar body of water.

(dd) "No observed effect level (NOEL)" means the highest concentration of an effluent or a toxic substance that causes no observed harmful effects on either indigenous aquatic organisms or representative indicator organisms used in toxicity tests.

(ee) "Nonpoint" means any source of pollutants not defined by point source as used in this regulation.

(ff) "Outstanding resource waters" means surface waters designated by the cabinet pursuant to 401 KAR 5:031, Section 7.

(gg) "Point source" means any discernible, confined, and discrete conveyance, including, but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

(hh) "Productive aquatic communities" means an assemblage of indigenous aquatic life capable of reproduction and growth.

(ii) "Propagation" means the continuance of species by successful spawning, hatching, and development or natural generation in the natural environment, as opposed to the maintenance of species by artificial culture and stocking.

(jj) "Standard or water quality standard" means a regulation promulgated by the cabinet establishing the use to be made of a surface water and the water quality criteria necessary to maintain and protect that use.

(kk) "Surface waters" means those waters

having well-defined banks and beds, either constantly or intermittently flowing; lakes and impounded waters; marshes and wetlands; and any subterranean waters flowing in well-defined channels and having a demonstrable hydrologic connection with the surface. Effluent ditches and lagoons used for waste treatment which are situated on property owned, leased, or under valid easement by a permitted discharger are not considered to be surface waters of the Commonwealth.

(ll) "Thermocline" means the plane in a body of water in which the maximum rate of decrease in temperature occurs with respect to depth.

(mm) "Toxic substances" means substances which are bioaccumulative, synergistic, antagonistic, teratogenic, mutagenic or carcinogenic and cause death, disease, behavioral abnormalities, physiological malfunctions or physical deformities in any organism or its offspring or interfere with normal propagation.

(nn) "Warm water aquatic habitat (WAH)" means any surface water and associated substrate capable of supporting indigenous warm water aquatic life.

(oo) "Wetlands" means land that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.

(2) Abbreviations:

(a) °C means degree(s) Celsius;

(b) EPA - See U. S. EPA;

(c) °F means degree(s) Fahrenheit;

(d) KPDES means Kentucky Pollutant Discharge Elimination System;

(e) mg/l means milligrams per liter (same as ppm);

(f) NPDES means National Pollutant Discharge Elimination System;

(g) pCi/l means picocuries per liter;

(h) ppb means part(s) per billion;

(i) ppm means part(s) per million (assuming unit density, same as mg/l);

(j) ug/l means micrograms per liter (same as ppb assuming unit density);

(k) U.S. EPA means the United States Environmental Protection Agency;

(l) 7Q10 means that minimum average flow which occurs for seven (7) consecutive days with a recurrence interval of ten (10) years;

(m) POTW means public owned treatment works.

(3) Definitions for coal remining operations:

(a) "Coal remining operation" means a surface coal mining operation which begins after the effective date of this regulation at a site on which a coal mining operation was conducted before August 3, 1977. "Coal remining operation" also means an existing surface coal mining operation which receives a permit revision from the Department for Surface Mining Reclamation and Enforcement (DSMRE) in accordance with 405 KAR 8:010, Section 20 for a site on which a coal mining operation was conducted before August 3, 1977.

(b) "Preexisting discharge" means any discharge at the time of applying for a KPDES permit under this regulation.

(c) "Remined area" means only that area of any coal remining operation on which a coal mining operation was conducted before August 3, 1977.

Section 2. Nondegradation. (1) It is the purpose of these regulations to safeguard the surface waters of the Commonwealth for their designated uses, to prevent the creation of any new pollution of these waters; and to abate any existing pollution.

(2) Where the quality of surface waters exceeds that necessary to support propagation of fish, shellfish, wildlife and recreation in and on the water, that quality shall be maintained and protected unless the cabinet finds, after full satisfaction of the intergovernmental coordination and public participation provisions of the cabinet's continuing planning process, that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. In allowing such degradation or lower water quality, the cabinet shall assure water quality adequate to protect existing uses fully. Further, the cabinet will assure that there shall be achieved the highest statutory and regulatory requirements for waste treatment by all new and existing point sources and that nonpoint sources of pollutants be controlled by application of all cost effective and reasonable best management practices.

(3) The implementation of this section shall conform to 40 CFR 131.12 to the extent allowed by KRS 224.020.

(4) Water quality shall be maintained and protected in those waters designated as outstanding resource waters according to procedures specified in Section 7(2) of 401 KAR 5:031.

(5) In those cases where potential water quality impairment associated with a thermal discharge is involved, a successful demonstration conducted under Section 316 of the Clean Water Act, 33 U.S.C. 1326, shall be in compliance with all portions of this section.

Section 3. Withdrawal of Contaminated Water. It is recognized that surface waters will, on occasion, not meet the standards and criteria established in 401 KAR 5:031. Withdrawal and subsequent discharge of these waters without alteration of the physical, or chemical characteristics into the same or similar surface water will not be considered a violation of water quality standards. The cabinet will determine effluent criteria and KPDES permit limitations in these situations based on the quality of the raw and receiving waters. The cabinet retains the right to require modification under the provisions of 401 KAR 5:035, 401 KAR 5:065, 401 KAR 5:070, 401 KAR 5:075, and 401 KAR 5:080.

Section 4. Sample Collection and Analytical Methodology. All methods of preservation and analysis used to determine conformity or nonconformity with water quality standards shall be governed by 40 CFR Part 136, as amended, when applicable. Sample collection and other methods not found in the above reference may be used where appropriate if approved by the cabinet.

Section 5. Mixing Zones. The following guidelines and conditions are applicable to all mixing zones:

(1) The cabinet will assign, on a case-by-case basis, definable geometric limits for mixing zones for a discharge or a pollutant or pollutants within a discharge. Applicable limits

shall include, but may not be limited to, the linear distances from the point of discharge, surface area involvement, volume of receiving water, and shall take into account other nearby mixing zones. Mixing zones will not be allowed until applicable limits are assigned by the cabinet in accordance with this section.

(2) Concentrations of toxic substances which exceed the acute criteria for protection of aquatic life set forth in 401 KAR 5:031 shall not exist at any point within an assigned mixing zone or in the discharge itself unless a zone of initial dilution is assigned. A zone of initial dilution may be assigned on a case-by-case basis at the discretion of the cabinet. Concentrations of toxic substances shall not exceed the acute criteria at the edge of the assigned zone of initial dilution. Chronic criteria for the protection of aquatic life and criteria for the protection of human health from the consumption of fish tissue shall be met at the edge of the assigned mixing zone.

(3) The location of a mixing zone shall not interfere with fish spawning or nursery areas, fish migration routes, public water supply intakes, or bathing areas, nor preclude the free passage of fish or other aquatic life.

(4) Whenever possible the mixing zone shall not exceed one-third (1/3) of the width of the receiving stream, and in no case shall exceed one-half (1/2) of the cross-sectional area.

(5) In lakes and other surface impoundments, the volume of a mixing zone shall not affect in excess of ten (10) percent of the volume of that portion of the receiving waters available for mixing.

(6) A mixing zone shall be limited to an area or volume which will not adversely alter the legitimate uses of the receiving water, nor be so large as to adversely affect an established community of aquatic organisms.

(7) In the case of thermal discharges, a successful demonstration conducted under Section 316(a) of the Clean Water Act shall constitute compliance with all provisions of this section.

Section 6. Water Quality-based Variance for Coal Remining Operations. (1) Applicability. An applicant for a Kentucky pollutant discharge elimination system (KPDES) permit to discharge pollutants from or affected by a coal remining operation may request a variance from the water quality criteria for pH, iron and manganese set forth in 405 KAR 5:031.

(2) Application requirements.

(a) The applicant shall comply with all KPDES permit application requirements, as set forth in 405 KAR 5:060.

(b) The applicant shall submit documentation from the Department for Surface Mining Reclamation and Enforcement (DSMRE) that the proposed coal remining operation will be located on a remined area, and shall certify that the proposed coal remining operation will be located on a remined area.

(c) The applicant shall also:

1. Describe the hydrologic balance for the proposed coal remining operation, including:

a. Results of a detailed water quality and quantity monitoring program, including seasonal variations, variations in response to precipitation events, and modeled baseline pollution loads using the monitoring program; and

b. Monitoring for pH, alkalinity, acidity, total iron, total manganese, sulfates, total

suspended solids, and any other water quality parameters requested by the director:

2. Submit the application for a permit from DSMRE:

3. Submit, if not submitted in the application for a permit from DSMRE:

a. Plans, cross-sections, and schematic drawings describing the techniques for reducing the [mass] discharge of acid-forming materials, iron and manganese;

b. A description and an explanation of the range of abatement levels that probably can be achieved, costs, and each step proposed to reduce the [mass] discharge of acid-forming materials, iron and manganese;

c. A description of the spoil handling practices necessary to reduce the [mass] discharge of acid-forming materials, iron and manganese;

d. A detailed topographic map of the proposed coal remining operation, including the locations of the preexisting and proposed discharges; and

4. Continue the water quality and quantity monitoring program described in subparagraph 1 of this paragraph, and submit the results to the director on a periodic basis until the director makes a final permit decision. The cabinet will evaluate the KPDES monitoring program and the DSMRE monitoring program for each applicant to avoid duplication and inconsistencies.

(d) The applicant may submit the information described in the document entitled "Coal Remining-Best Professional Judgment Analysis: Preexisting Pollutional Discharge Data Input Module, Baseline Statistical Calculation Module, Water Treatment Cost Calculation Module, Surface Mine Materials Handling and Cost Simulator, User Manual" and accompanying software published by the Pennsylvania Department of Environmental Resources, Mining Engineering Section; Pennsylvania State University and Kohlmann Ruggiero Engineers, P.C. (1988).

(e) An applicant with an existing surface coal mining operation seeking a permit revision from DSMRE pursuant to 405 KAR 8:010, Section 20 shall also demonstrate to the satisfaction of the director that:

1. The applicant discovered discharges within the proposed coal remining area after the applicant's DSMRE permit was issued; and

2. The applicant has not caused or contributed to the discharges.

(3) Treatment requirements. If the director issues a KPDES permit to discharge pollutants from or affected by a coal remining operation containing the variance described in subsection (1) of this section, the water quality-based effluent limitations for pH, iron and manganese will be established on a case-by-case basis. Compliance with those effluent limitations constitutes compliance with those water quality criteria for pH, iron and manganese set forth in 401 KAR 5:031. The director may employ the document entitled "Coal Remining-Best Professional Judgment Analysis: Preexisting Pollutional Discharge Data Input Module, Baseline Statistical Calculation Module, Water Treatment Cost Calculation Module, Surface Mine Materials Handling and Cost Simulator, User Manual" and accompanying software published by the Pennsylvania Department of Environmental Resources, Mining Engineering Section; Pennsylvania State University and Kohlmann Ruggiero Engineers, P.C. (1988).

(4) Prohibitions. In addition to the

prohibitions contained in 401 KAR 5:055, Section 2, the following prohibitions apply to this section:

(a) No KPDES permit containing the water quality-based variance of subsection (1) of this section shall be issued unless the coal remining operation has applied for a permit from the Department for Surface Mining Reclamation and Enforcement, as set forth in 405 KAR Chapters 7 through 24, inclusive. The effective date of the KPDES permit shall be no sooner than the effective date of the permit issued by the Department for Surface Mining Reclamation and Enforcement.

(b) No KPDES permit containing the water quality-based variance of subsection (1) of this section shall be issued for a surface coal mining operation which is not a coal remining operation located on a remined area.

(c) No KPDES permit containing the water quality-based variance of subsection (1) of this section shall be issued which would allow the discharges of acid-forming materials, iron or manganese to exceed the levels being discharged from the remined area before the coal remining operation begins.

(d) No KPDES permit containing the water quality-based variance of subsection (1) of this section shall be issued if the applicant fails to demonstrate to the satisfaction of the director that the coal remining operation will result in the potential for improved water quality from the remining operation over that existing prior to the remining operation, and that the information provided in the application is adequate for the director to make an informed final permit decision.

(e) No KPDES permit containing the water quality-based variance of subsection (1) of this section shall be issued with effluent limitations less stringent than applicable technology-based effluent limitations, as set forth in 401 KAR 5:065, Section 4(2), 401 KAR 5:080, Section 1(2)(a)2 or (c).

(f) In addition to the prohibitions of paragraphs (a) through (e) of this subsection, no KPDES permit containing the water quality based variance of subsection (1) of this section shall be issued for an existing surface coal mining operation unless:

1. The applicant receives a permit revision from DSMRE in accordance with 405 KAR 8:010, Section 20;

2. The applicant discovered discharges within the proposed coal remining area after the applicant's DSMRE permit was issued; and

3. The applicant has not caused or contributed to the discharges since August 3, 1977.

FRANK L. DICKERSON, Commissioner

CARL H. BRADLEY, Secretary

APPROVED BY AGENCY: May 9, 1990

FILED WITH LRC: May 9, 1990 at noon

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

401 KAR 5:040. Treatment requirements, coal remining operations.

RELATES TO: KRS Chapter 224

STATUTORY AUTHORITY: KRS 224.020, 224.033, 224.037, 224.060, 33 USCA §1311

NECESSITY AND FUNCTION: This regulation establishes treatment requirements for coal remining operations seeking Kentucky Pollutant Discharge Elimination System (KPDES) permits. The regulation establishes a method for establishing best available technology economically achievable (BAT), using best professional judgment (BPJ). The method for establishing BAT is identical to that existing in 33 USCA §1331(p), the Rahall Amendment to the Federal Clean Water Act. It will allow the establishment of permit-specific BAT, instead of BAT based on 40 CFR Part 434.

Section 1. Definitions. Unless defined in this section, all terms mean as defined by KRS 224.005; KRS 350.010, 401 KAR 5:029; 401 KAR 5:050, Section 1; and 405 KAR 7:020.

(1) "Coal remining operation" means a surface coal mining operation which begins after the effective date of this regulation at a site on which a coal mining operation was conducted before August 3, 1977. "Coal remining operation" also means an existing surface coal mining operation which receives a permit revision from the Department for Surface Mining Reclamation and Enforcement (DSMRE) in accordance with 405 KAR 8:010, Section 20, for a site on which a coal mining operation was conducted before August 3, 1977.

(2) "Preexisting discharge" means any discharge at the time of applying for a KPDES permit under this regulation.

(3) "Remined area" means only that area of any coal remining operation on which a coal mining operation was conducted before August 3, 1977.

Section 2. Applicability. The provisions of this regulation shall apply to all discharges of pH, iron and manganese [pollutants] from or affected by coal remining operations to waters of the Commonwealth.

Section 3. Treatment Requirements. All persons who discharge pollutants from or affected by coal remining operations to waters of the Commonwealth shall meet the following treatment requirements:

(1) The discharge shall comply with all water quality standards, as set forth in 401 KAR 5:026 through 401 KAR 5:031, inclusive.

(2) The discharge shall comply with all Kentucky Pollutant Discharge Elimination System (KPDES) program requirements, as set forth in 401 KAR 5:050 through 401 KAR 5:085, inclusive.

(3) The discharge shall comply with all permit conditions imposed by the Department for Surface Mining Reclamation and Enforcement (DSMRE), as set forth in 405 KAR Chapters 7 through 24, inclusive.

Section 4. Modified Requirement for KPDES Permits. (1) The director may issue a KPDES

permit to an applicant proposing to discharge pollutants from or affected by a coal remining operation which modifies the requirement to apply best available technology economically achievable, as set forth in 401 KAR 5:065, Section 4(2) and 401 KAR 5:080, Section 1(2)(c)1.

(2) The modified requirement of this section will impose best available technology economically achievable on a case-by-case basis, using best professional judgment, as set forth in 401 KAR 5:080, Section 1(2)(c)2.

(3) The modified requirement of this section may apply to the following pollutants:

(a) pH level of any discharge from a remined area existing at the time of KPDES permit application;

(b) Preexisting discharges of iron and manganese from the remined area of the coal remining operation; and

(c) pH level or level of iron or manganese in any preexisting discharge affected by the coal remining operation.

(4) The director may employ the document entitled "Coal Remining - Best Professional Judgment Analysis: Preexisting Pollutational Discharge Data Input Module, Baseline Statistical Calculation Module, Water Treatment Cost Calculation Module, Surface Mine Materials Handling and Cost Simulator, User Manual" and accompanying software published by the Pennsylvania Department of Environmental Resources, Mining Engineering Section; Pennsylvania State University and Kohlmann Ruggiero Engineers, P.C. (1988).

Section 5. Application Requirements. An applicant for a KPDES permit with the modified requirement of Section 4 of this regulation shall comply with the application requirements of this section.

(1) The applicant shall comply with all KPDES permit application requirements, as set forth in 401 KAR 5:060.

(2) The applicant shall submit documentation from DSMRE that the proposed coal remining operation will be located on a remined area, and shall certify that the proposed coal remining operation will be located on a remined area.

(3) The applicant shall also:

(a) Describe the hydrologic balance for the proposed coal remining operation, including:

1. Results of a detailed water quality and quantity monitoring program, including seasonal variations, variations in response to precipitation events, and modeled baseline pollution loads using the monitoring program; and

2. Monitoring for pH, alkalinity, acidity, total iron, total manganese, sulfates, total suspended solids, and any other water quality parameters requested by the director;

(b) Submit the application for a permit from DSMRE;

(c) Submit, if not submitted in the application for a permit from DSMRE;

1. Plans, cross-sections, and schematic drawings describing the techniques for reducing the [mass] discharge of acid-forming materials, iron and manganese;

2. A description and an explanation of the range of abatement levels that probably can be achieved, costs, and each step proposed to reduce the [mass] discharge of acid-forming materials, iron and manganese;

3. A description of the spoil handling practices necessary to reduce the [mass]

discharge of acid-forming materials, iron and manganese;

4. A detailed topographic map of the proposed coal remining operation, including the locations of preexisting and proposed discharges; and

(d) Continue the water quality and quantity monitoring program described in paragraph (a) of this subsection, and submit the results to the director on a periodic basis until the director makes a final permit decision. The cabinet will evaluate the KPDES monitoring program and the DSMRE monitoring program for each applicant to avoid duplication and inconsistencies.

(4) The applicant may submit the information described in the document entitled "Coal Remining - Best Professional Judgment Analysis: Preexisting Pollutational Discharge Data Input Module, Baseline Statistical Calculation Module, Water Treatment Cost Calculation Module, Surface Mine Materials Handling and Cost Simulator, User Manual" and accompanying software published by the Pennsylvania Department of Environmental Resources, Mining Engineering Section; Pennsylvania State University and Kohlmann Ruggiero Engineers, P.C. (1988).

(5) An applicant with an existing surface coal mining operation seeking a permit revision from DSMRE pursuant to 405 KAR 8:010, Section 20, shall also demonstrate to the satisfaction of the director that:

(a) The applicant discovered discharges within the proposed coal remining area after the applicant's DSMRE permit was issued; and

(b) The applicant has not caused or contributed to the discharges.

Section 6. Prohibitions. In addition to the prohibitions contained in 401 KAR 5:055, Section 2, the following prohibitions apply to this regulation:

(1) No KPDES permit containing the modified requirement of Section 4 of this regulation shall be issued unless the coal remining operation has applied for a permit from DSMRE, as set forth in 405 KAR Chapters 7 through 24, inclusive. The effective date of the KPDES

permit shall be no sooner than the effective date of the permit issued by the Department for Surface Mining Reclamation and Enforcement.

(2) No KPDES permit containing the modified requirement of Section 4 of this regulation shall be issued for a surface coal mining operation which is not a coal remining operation located on a remined area.

(3) No KPDES permit containing the modified requirement of Section 4 of this regulation shall be issued which would allow the discharges of acid-forming materials, iron or manganese to exceed the levels being discharged from the remined area before the coal remining operation begins.

(4) No KPDES permit containing the modified requirement of Section 4 of this regulation shall be issued if the applicant fails to demonstrate to the satisfaction of the director that the coal remining operation will result in the potential for improved water quality from the remining operation over that existing prior to the remining operation, and that the information provided in the application is adequate for the director to make an informed final permit decision.

(5) In addition to the prohibitions of subsections (1) through (4) of this section, no KPDES permit containing the modified requirement of Section 4 of this regulation shall be issued for an existing surface coal mining operation unless:

(a) The applicant receives a permit revision from DSMRE in accordance with 405 KAR 8:010, Section 20;

(b) The applicant discovered discharges within the proposed coal remining area after the applicant's DSMRE permit was issued; and

(c) The applicant has not caused or contributed to the discharges since August 3, 1977.

FRANK L. DICKERSON, Commissioner
CARL H. BRADLEY, Secretary

APPROVED BY AGENCY: May 9, 1990

FILED WITH LRC: May 9, 1990 at noon

PROPOSED AMENDMENTS TO ADMINISTRATIVE REGULATIONS RECEIVED THROUGH MAY 15, 1990

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY
(Proposed Amendment)

11 KAR 5:030. Student eligibility requirements.

RELATES TO: KRS 164.740 to 164.764, 164.780, 164.785

STATUTORY AUTHORITY: KRS 13A.100, 164.748(4)

NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority administers grant programs to provide financial assistance to students to attend Kentucky educational institutions. This regulation sets forth eligibility requirements for KHEAA Grant programs. This amendment restricts state student incentive grant eligibility to juniors and seniors to complement eligibility of freshmen and sophomores under the newly established college access program. This amendment also deletes a section pertaining to repayment of overawards which is redundant of a section contained in 11 KAR 5:170. [This amendment is intended to replace the requirements contained in the KHEAA Grant Manual with specific regulations.]

Section 1. Definitions. The terms "authority", "business school", "college", "federal act", "grant", "school of nursing", and "vocational school" shall have the meanings defined in KRS 164.740. For purposes of this regulation, the terms listed below shall have the following meanings:

(1) "Academic year" means a period of time, usually eight (8) or nine (9) months, during which a full-time student would normally be expected to complete the equivalent of two (2) semesters, two (2) trimesters, three (3) quarters, 900 clock hours, twenty-four (24) semester hours, or thirty-six (36) quarter hours of instruction.

(2) "Educational expenses" means tuition and fees, books and supplies, room and board or reasonable living expenses, reasonable miscellaneous personal expenses, and reasonable transportation costs for the academic period of the grant application.

(3) "Educational institution" means a participating institution located in Kentucky which:

(a) Offers an eligible course of study;

(b) Enrolls as regular students only persons having either a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate, or persons who are beyond the age of compulsory school attendance in the Commonwealth of Kentucky and have the ability to benefit from the training offered by the institution;

(c) Has entered into an administrative agreement with the authority; and

(d) For purposes of the State Student Incentive Grant Program a business school, college, school of nursing or vocational school, as defined in KRS 164.740(3), (4), (17), and (18), respectively and meets the requirements of the federal act; or

(e) For purposes of the Kentucky Tuition Grant Program, a private, nonprofit college accredited by the Southern Association of Colleges and Schools, Commission on Colleges, and whose

institutional programs are not comprised solely of sectarian instruction.

(4) "Eligible course of study" means a program offered by an educational institution which:

(a) Is of at least two (2) academic years duration; and

(b) Leads to a degree in a field other than theology, divinity or religious education at the institution at which the student is enrolled.

(5) "Full-time student" means a student who is carrying a full-time academic workload, other than by correspondence, measured in terms of:

(a) Course work or other required activities as determined by the institution in which the student is enrolled, including any combination of courses, work experience, research or special studies which the institution requires of the student to consider him as being engaged in full-time study, and which amounts to the equivalent of a minimum of twelve (12) semester hours or twelve (12) quarter hours per academic term for institutions utilizing trimesters, semesters or quarter hour systems or which consists of a program requiring the minimum of twenty-five (25) clock hours per week for those institutions that do not utilize such systems; and

(b) The tuition and fees customary for full-time study at that institution.

(6) "Pell grant" means an award under the Pell Grant Program operated by the United States Government under the provision of 20 U.S.C. 1070a.

(7) "Resident of Kentucky or resident" means a person who is classified as an in-state student in accordance with criteria set forth in the "Residency Classification Policy" at 13 KAR 2:040, as adopted and from time to time amended by the Council on Higher Education.

Section 2. Eligibility of Students. In order to qualify for disbursement of a KHEAA grant, a student shall:

(1) Be a resident of the Commonwealth of Kentucky;

(2) Be enrolled as a full-time student in an eligible course of study;

(3) Be enrolled in an undergraduate program at an educational institution and not have previously earned a first baccalaureate or professional degree;

(4) Be determined by the authority, in accordance with procedures delineated in 11 KAR 5:120 through 11 KAR 5:140, to have established financial need for the KHEAA grant program assistance;

(5) Have remaining eligibility.

(a) A student shall be limited to a maximum of two (2) semesters of state student incentive grant eligibility for each of his or her junior and senior years.

(b) For purposes of Kentucky Tuition Grant eligibility, a student enrolled in a two (2) year institution shall be limited to four (4) semesters [or six (6) quarters] of grant eligibility. A student enrolled in a four (4) year institution shall be limited to eight (8) semesters [or twelve (12) quarters] of KHEAA grant program eligibility.

(c) An exception to the limits imposed in paragraphs (a) and (b) of this subsection may be granted by the executive director of the

authority if the bachelor's program leads to a first degree and is designed to be completed in a ten (10) semester period, in which case the eligibility may be extended for cause by the executive director for two (2) additional [to ten (10)] semesters. A student enrolled in an eligible course of study of a duration not otherwise covered by this regulation shall have the same number of semesters [or quarters] of KHEAA grant program eligibility as are normally required for a full-time student to complete that eligible course of study;

(6) Not receive financial assistance to meet educational expenses in excess of need;

(7) Maintain satisfactory progress in an eligible course of study according to the published standards and practices of the educational institution at which the student is enrolled; and

(8) Satisfy all financial obligations to the authority and to any educational institution. Ineligibility under this subsection may be waived for cause by the executive director of the authority;

(9) Be a citizen of the United States or an eligible noncitizen. For purposes of this section, an eligible noncitizen shall mean an individual who is either:

(a) A U.S. national;

(b) A U.S. permanent resident with an Alien Registration Receipt Card (I-151 or I-551);

(c) A person with a Departure Record (I-94) from the U.S. Immigration and Naturalization Service showing any one of the following designations:

1. "Refugee;"

2. "Asylum granted;"

3. "Indefinite parole" and/or "humanitarian parole;"

4. "Cuban-Haitian entrant."

Students who are in the U.S. on an F1 or F2 student visa only or a J1 or J2 exchange visitor visa only or a G series visa only are not eligible for KHEAA grant assistance;

(10) Meet the federal selective service registration compliance requirement if receiving State Student Incentive Grant funds. Those receiving Kentucky Tuition Grant (KTG) funds only do not have to meet this requirement; and

(11) Be receiving full-time credit at an educational institution in an eligible course of study and paying full-time tuition and fees to that institution, if the student is studying abroad or off campus.

(12) For purposes of state student incentive grant eligibility only, be enrolled as a junior or a senior as determined by the educational institution.

Section 3. A KHEAA grant recipient, who, on the basis of information submitted on the KHEAA grant application, is potentially eligible for a Pell grant must apply for the Pell grant prior to disbursement of the spring semester portion of the KHEAA grant. Recipients subject to this regulation will be notified by the authority in advance of cancellation of the undisbursed portion of the KHEAA grant. If within a reasonable time following such notification the student fails to provide documentation of filing for a Pell grant, the undisbursed portion of the KHEAA grant shall be cancelled.

[Section 4. (1) A student who fails to enroll, withdraws or changes enrollment status may owe a

repayment of cash disbursements made to the student for educationally related expenses. If the student received financial aid, a portion of the repayment is due to the financial aid programs.]

[(2) The amount of the repayment shall be determined in accordance with the institution's refund and/or repayment policies relative to financial aid funds. If, however, a KHEAA grant recipient officially or unofficially withdraws from an institution before the first day of classes of the award period, or the student's enrollment is terminated with no assessment of tuition and fees by the institution, then the award shall be deemed an overaward and a full refund or repayment of the KHEAA grant shall be required, notwithstanding any institutional policy to the contrary.]

[(3) If, under the institution's financial aid repayment policy or this regulation, the student owes a repayment, the KHEAA grant or a portion thereof must be repaid to the authority by the student. The institution must calculate the amount of repayment due to the authority and notify the student and the authority in a timely fashion regarding the amount due to the authority.]

WAYNE STRATTON, Chairman

APPROVED BY AGENCY: May 15, 1990

FILED WITH LRC: May 15, 1990 at noon

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Tuesday, June 26, 1990 at 10 a.m. at U.S. 127 South, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 21, 1990, five days prior to 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: Mr. Paul P. Borden, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Paul P. Borden

(1) Type and number of entities affected: An estimated 13,000 freshmen and sophomores whose grant eligibility will be shifted from the state student incentive grant program to the new college access program.

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

1. First year: There is no overall cost or savings.

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: There are no additional reporting and paperwork requirements for the affected entities resulting

from this amendment.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: There are no costs or savings. Juniors and seniors will receive grants up to a maximum of \$640 per year. Freshman and sophomores who are made ineligible for the SSIG program will be eligible for CAP grants up to a maximum of \$640 per year.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: The change of eligibility effects no change in reporting and paperwork requirements.

(3) Assessment of anticipated effect on state and local revenues: There is no effect on state or local revenue.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The budget enacted by the 1990 General Assembly provided funds for a new CAP grant program for freshmen and sophomores. Funds appropriated for the state student incentive grant would be insufficient to make meaningful awards to students at all levels (freshmen through seniors). Therefore, SSIG eligibility was changed to include only juniors and seniors in recognition of the availability of CAP grants.

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

(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 regulation removes from eligibility for the state student incentive grant program all freshmen and sophomores because of the availability of college access program grants for freshmen and sophomores.

TIERING: Was tiering applied? No. Uniform eligibility criteria has been established to provide program benefits on an equal basis.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 34 CFR 692.40 establishes eligibility requirements for the state student incentive grant program.

2. State compliance standards. State compliance standards exclude from eligibility freshmen and sophomores, those for whom the college access program was created.

3. Minimum or uniform standards contained in the federal mandate. The federal regulation does not address the matter of academic year classification as an eligibility criteria.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This regulation will restrict eligibility for state student incentive grants to juniors and seniors; freshmen and sophomores will no longer be eligible.

5. Justification for the imposition of the

stricter standard, or additional or different responsibilities or requirements. The college access program (CAP) provides grants for freshmen and sophomores. Funds appropriated for the state student incentive program are insufficient to make meaningful awards to students in all 4 academic years (freshmen through seniors). Therefore, SSIG eligibility is restricted to juniors and seniors in recognition of the availability of CAP grants.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY (Proposed Amendment)

11 KAR 5:130. Student application.

RELATES TO: KRS 164.740 to 164.764, 164.780, 164.785

STATUTORY AUTHORITY: KRS 13A.100, 164.748(4)

NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority administers grant programs to provide financial assistance to students to attend Kentucky educational institutions. This regulation prescribes the form to be used by students to apply for and establish financial need for KHEAA grant programs. This amendment is necessary to reflect the updated designation of an application form for state grants.

Section 1. Definitions. The terms "authority", "business school", "college", "federal act", "grant", "school of nursing", and "vocational school" shall have the meanings defined in KRS 164.740. For purposes of this regulation, the terms listed below shall have the following meanings:

(1) "Educational institution" means an institution located in Kentucky which:

(a) Offers an eligible course of study;

(b) Enrolls as regular students only persons having either a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate, or persons who are beyond the age of compulsory school attendance in the Commonwealth of Kentucky and have the ability to benefit from the training offered by the institution;

(c) Has entered into an administrative agreement with the authority; and

(d) For purposes of the State Student Incentive Grant Program, a business school, college, school of nursing or vocational school, as defined in KRS 164.740(3), (4), (17), and (18) respectively and meets the requirements of the federal act; or

(e) For purposes of the Kentucky Tuition Grant Program, a private, nonprofit college accredited by the Southern Association of Colleges and Schools, Commission on Colleges, and whose institutional programs are not comprised solely of sectarian instruction.

(2) "Eligible course of study" means a program offered by an educational institution which:

(a) Is of at least two (2) academic years duration; and

(b) Leads to a degree in a field other than theology, divinity or religious education at the institution at which the student is enrolled.

Section 2. In order to receive KHEAA grant program benefits for the 1990-91 [1989-90] academic year, the 1990-91 [1989-90] Kentucky Financial Aid Form shall be completed and

submitted in accordance with the instructions provided by the authority. The application and instructions[, herein incorporated by reference,] are available from the authority at its office at 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky. An applicant shall indicate the choice of an educational institution on the application to be considered for the KHEAA grant. The educational institution listed first shall be used in the determination of a KHEAA grant program award.

Section 3. If the student provides written notification of change of first choice educational institution, on or before August 1, or December 1 [July 15 or November 15], prior to the commencement of the respective fall or spring semester for which a KHEAA grant is sought, grant program eligibility shall be redetermined and award determination shall be recomputed by the authority based upon the new choice of educational institution. If the student changes his/her choice of educational institution after August 1 [July 15], any KHEAA grant award for the succeeding fall academic term shall be revoked, and grant program eligibility shall be recomputed for the spring academic term. If the student changes his/her choice of educational institution after December 1 [November 15], any KHEAA grant award for the succeeding spring term shall be revoked.

WAYNE STRATTON, Chairman

APPROVED BY AGENCY: May 15, 1990

FILED WITH LRC: May 15, 1990 at noon

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Tuesday, June 26, 1990 at 10 a.m. at U.S. 127 South, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 21, 1990, five days prior to 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: Mr. Paul P. Borden, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Paul P. Borden

(1) Type and number of entities affected: This regulation affects approximately 60,000 students who process the Kentucky financial aid form in order to be considered for state student incentive grants.

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

1. First year: KHEAA grant applicants are required to file the Kentucky financial aid form each year. The annual cost to applicants is a minimum of \$11.25 payable to the processor.

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: There are no additional paperwork requirements resulting from this amendment. This amendment merely updates the version of the financial aid form required.

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: There are no costs or savings. Only a change in that an up-to-date form is required.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: There are no reporting or paperwork requirements.

(3) Assessment of anticipated effect on state and local revenues: There is no effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The adopted form is universally accepted by the financial aid community in Kentucky.

(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: This amendment merely updates the financial analysis requirement to adopt the current version of the form.

TIERING: Was tiering applied? No. All applicants must demonstrate financial need based on specific information items required under federal law and regulation. Therefore, all applicants must complete the same form under an approved need analysis system.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 34 CFR 692.41 requires the use of an approved financial need analysis system.

2. State compliance standards. This regulation merely selects a financial need analysis system, as required by federal mandate. It is the same analysis system that has been utilized in the past.

3. Minimum or uniform standards contained in the federal mandate. The federal mandate merely mandates the utilization of an approved need analysis system.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Not applicable.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY
(Proposed Amendment)

11 KAR 5:140. Award determination procedure.

RELATES TO: KRS 164.740 to 164.764, 164.780, 164.785

STATUTORY AUTHORITY: KRS 13A.100, 164.748(4)

NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority administers grant programs to provide financial assistance to students to attend Kentucky educational institutions. This regulation sets forth the award determination procedures for the KHEAA Grant programs. This amendment is necessary to change the maximum state grant award.

Section 1. Definitions. The terms "authority" and "grant" shall have the meanings defined in KRS 164.740. For purposes of this regulation, the terms listed below shall have the following meanings:

(1) "Academic year" means a period of time, usually eight (8) or nine (9) months, during which a full-time student would normally be expected to complete the equivalent of two (2) semesters, two (2) trimesters, three (3) quarters, 900 clock hours, twenty-four (24) semester hours, or thirty-six (36) quarter hours of instruction.

(2) "Application date" means the date that the application is processed by the College Scholarship Service.

(3) "CAP grant" means an award by the authority under the college access program administered pursuant to 11 KAR 11:010, et seq.

(4) [(3)] "Educational expenses" means tuition and fees, books and supplies, room and board or reasonable living expenses, reasonable miscellaneous personal expenses and reasonable transportation costs for the academic period of the grant application.

(5) [(4)] "Educational institution" means a participating institution located in Kentucky which:

(a) Offers an eligible course of study;

(b) Enrolls as regular students only persons having either a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate, or persons who are beyond the age of compulsory school attendance in the Commonwealth of Kentucky and have the ability to benefit from the training offered by the institution;

(c) Has entered into an administrative agreement with the authority; and

(d) For purposes of the State Student Incentive Grant Program, a business school, college, school of nursing or vocational school, as defined in KRS 164.740(3), (4), (17), and (18) respectively and meets the requirements of the federal act; or

(e) For purposes of the Kentucky Tuition Grant Program, a private, nonprofit college accredited by the Southern Association of Colleges and Schools, Commission on Colleges, and whose institutional programs are not comprised solely of sectarian instruction.

(6) [(5)] "Eligible course of study" means a program offered by an educational institution which:

(a) Is of at least two (2) academic years duration; and

(b) Leads to a degree in a field other than theology, divinity or religious education at the

institution at which the student is enrolled.

(7) [(6)] "Full-time student" means a student who is carrying a full-time academic workload, other than by correspondence, measured in terms of:

(a) Course work or other required activities as determined by the institution in which the student is enrolled, including any combination of courses, work experience, research or special studies which the institution requires of the student to consider him as being engaged in full-time study, and which amounts to the equivalent of a minimum of twelve (12) semester hours or twelve (12) quarter hours per academic term for institutions utilizing trimesters, semesters or quarter hour systems or which consists of a program requiring the minimum of twenty-five (25) clock hours per week for those institutions that do not utilize such systems; and

(b) The tuition and fees customary for full-time study at that institution.

(8) [(7)] "KHEAA grant program officer" or "KGPO" means the official designated on the administrative agreement, pursuant to KRS 164.748(5), to serve as the authority's on-campus agent to certify all institutional transactions and activities with respect to the KHEAA grant programs.

(9) [(8)] "Overaward" means provision through any and all sources of financial assistance to meet educational expenses in excess of a student's need.

(10) [(9)] "Pell grant" means an award under the Pell Grant Program operated by the United States Government under the provision of 20 U.S.C. 1070a.

(11) [(10)] "Total cost of education 'or' (TCE)" for an academic year means an amount determined for each applicant by the following formula: normal tuition and fees for a full-time student at the institution chosen by the applicant plus maximum board contract amount plus minimum room contract amount. [For institutions which do not have room and board charges, a maintenance allowance of \$1,100 for the year or \$550 for a semester or such other allowances as may be agreed to between the authority and any educational institution will be allowed.]

Section 2. State Student Incentive Grant (SSIG) Program Awards. Each application shall be reviewed for determination that all eligibility requirements set forth in 11 KAR 5:030 for SSIG are met. To qualify for an SSIG award based on financial need, the applicant's family contribution using Congressional methodology, prescribed in Title IV, Part F of the federal act (20 U.S.C. §1087kk through §1087vv) shall be \$2,000 or less. SSIG awards shall be offered, [in ascending order] based on the application date, until funds are depleted [to the extent that funds are available].

Section 3. Kentucky Tuition Grant (KTG) Program Awards. Whether or not the applicant is eligible for an SSIG award, the application shall be reviewed for determination of eligibility for a KTG.

Section 4. KTG Need. For each KTG eligible applicant, the KTG need shall be computed according to the following formula: KTG need equals total cost of education minus the sum of:

- (1) Expected Pell grant;
- (2) Congressional methodology family contribution; and
- (3) CAP grant or SSIG.

Section 5. KTG Award. (1) If an applicant does not qualify for a CAP grant or SSIG award, and the KTG need is an amount equal to or greater than \$200, the KTG shall be the lesser of the KTG need or the maximum grant authorized by KRS 164.785(3), except that KTG awards shall be offered only to the extent funds are available.

(2) If an applicant does not qualify for a CAP grant or SSIG award, and the KTG need is an amount less than \$200, no award shall be made.

(3) If an applicant has received a CAP or SSIG award and KTG need is an amount equal to or greater than fifty (50) dollars, the KTG award shall be the lesser of the KTG need or the maximum grant established by the authority pursuant to KRS 164.785(3), except that KTG awards shall be offered only to the extent that funds are available.

Section 6. Minimum KHEAA Grant. The minimum KHEAA grant awarded to any recipient for a given academic year shall be \$200.

Section 7. SSIG and KTG shall be awarded as a KHEAA grant.

Section 8. The combination of a CAP grant and a KHEAA grant shall not exceed the cost of tuition and fees charged to the student during the academic year of the award. A KHEAA grant awarded to an incarcerated individual shall be considered an overaward to the extent that the KHEAA grant, in combination with financial assistance received from other sources, exceeds the student's actual cost for tuition, fees, and books. An SSIG shall not exceed \$640 for an academic year and \$320 for a semester [500]. A KTG shall not exceed \$1,200 for an academic year. A semester award shall not exceed tuition and fee charges for that semester. No KHEAA grant award shall be made for a summer academic term.

Section 9. The authority shall reduce or revoke a KHEAA grant upon receipt of documentation that financial assistance from other sources in combination with the KHEAA grant exceeds the educational institution's determination of financial need for that student. The KHEAA grant program officer (KGPO) and the grant recipient shall make every reasonable effort to provide the authority the information needed to prevent an overaward.

Section 10. If the authority receives revised data that, upon recomputation, results in the student becoming ineligible for a KHEAA grant that has already been offered, but not disbursed, the grant shall be revoked. If the student is determined to be ineligible after the KHEAA grant has been disbursed, the student shall repay to the authority the entire amount of the KHEAA grant.

Section 11. If the authority receives revised data that, upon recomputation, necessitates reduction of the KHEAA grant and the grant has not yet been disbursed, the reduction shall be made to both the fall and spring disbursements, and the student shall be notified of the

reduction. If the grant for the fall academic term has already been disbursed, then the reduction shall be made to the spring disbursement. If both the fall and spring disbursements have been made, the student shall be notified that he or she must repay the overaward to the authority.

Section 12. Students requested, by the institution, to provide verification of data for any financial assistance program shall provide the verification before receiving disbursement of a KHEAA grant. Any student who is awarded a KHEAA grant who fails to provide verification requested by the educational institution shall be deemed ineligible, and the grant shall be revoked.

WAYNE STRATTON, Chairman

APPROVED BY AGENCY: May 15, 1990

FILED WITH LRC: May 15, 1990 at noon

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Tuesday, June 26, 1990 at 10 a.m. at 1050 U.S. 127 South, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 21, 1990, five days prior to 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: Mr. Paul P. Borden, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Paul P. Borden

(1) Type and number of entities affected: Approximately 5400 recipients of state student incentive grants and approximately 6400 recipients of Kentucky Tuition Grants.

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

1. First year: The maximum award for state student incentive grants is increased from \$500 to \$640 per year. The maximum award for Kentucky Tuition Grants remains at \$1200.

2. Continuing costs or savings: The maximum awards will continue to be \$640 and \$1200 respectively.

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

(b) Reporting and paperwork requirements: There are no additional reporting and paperwork requirements.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: There are no costs or savings.

1. First year: The maximum award for state student incentive grants is increased from \$500 to \$640 per year. The maximum award for Kentucky Tuition Grants remains at \$1200.

2. Continuing costs or savings: The maximum awards will continue to be \$640 and \$1200 respectively.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: There are no such requirements.

(3) Assessment of anticipated effect on state and local revenues: There is no effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The maximum stipends were determined by considering the available funds and the anticipated number of applicants. The maximum state student incentive grant for juniors and seniors is identical to the maximum college access program grant.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no statutes, administrative policy, or government policies which conflict with, overlap, or duplicate this regulation.

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? No. This amendment establishes maximum award amounts based upon financial need.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 20 U.S.C. §1070c-2(b)(4), 34 CFR 692.21(d) and 34 CFR 692.40(b). In order to be eligible for state student incentive grants, a student must have a substantial financial need as determined annually based on criteria established by the state and approved by the U.S. Secretary of Education.

2. State compliance standards. The Kentucky Higher Education Assistance Authority has adopted as the needs assessment vehicle the Congressional Methodology prescribed in Title IV, Part F of the federal act (20 U.S.C. §1087kk through 1087vv).

3. Minimum or uniform standards contained in the federal mandate. The federal mandate requires demonstration of a substantial financial need for SSIG awards. (See #1 above.)

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? The requirements are the same as those imposed by the federal mandate.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The requirements are the same.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY (Proposed Amendment)

11 KAR 5:160. Disbursement procedures.

RELATES TO: KRS 164.740 to 164.764, 164.780, 164.785

STATUTORY AUTHORITY: KRS 13A.100, 164.748(4)

NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority administers grant

programs to provide financial assistance to students to attend Kentucky educational institutions. This regulation sets forth the disbursement procedures for KHEAA grant programs. This amendment is necessary to change the disbursement procedure to consist of a transfer of funds to the institution on behalf of all student grant recipients and reduce the number of registers to be completed by the institution.

Section 1. Definitions. The terms "authority", "business school", "college", "federal act", "grant", "school of nursing", and "vocational school" shall have the meanings defined in KRS 164.740. For purposes of this regulation, the terms listed below shall have the following meanings:

(1) "Educational institution" means an institution located in Kentucky which:

(a) Offers an eligible course of study;

(b) Enrolls as regular students only persons having either a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate, or persons who are beyond the age of compulsory school attendance in the Commonwealth of Kentucky and have the ability to benefit from the training offered by the institution;

(c) Has entered into an administrative agreement with the authority; and

(d) For purposes of the State Student Incentive Grant Program, a business school, college, school of nursing or vocational school, as defined in KRS 164.740(3), (4), (17), and (18) respectively and meets the requirements of the federal act; or

(e) For purposes of the Kentucky Tuition Grant Program, a private, nonprofit college accredited by the Southern Association of Colleges and Schools, Commission on Colleges, and whose institutional programs are not comprised solely of sectarian instruction.

(2) "Eligible course of study" means a program offered by an educational institution which:

(a) Is of at least two (2) academic years duration; and

(b) Leads to a degree in a field other than theology, divinity or religious education at the institution at which the student is enrolled.

(3) "KHEAA grant program officer" or "KGPO" means the official designated on the administrative agreement, pursuant to KRS 164.748(5), to serve as the authority's on-campus agent to certify all institutional transactions and activities with respect to the KHEAA grant programs.

Section 2. Eligibility Verification. (1) The KHEAA grant program eligibility verification roster will be forwarded to the KGPO at each educational institution prior to the beginning of each semester.

(2) The KGPO shall certify the eligibility of KHEAA grant recipients according to instructions attached to the roster and return it to the authority not later than three (3) weeks after the last date for students to enroll for that semester [at least three (3) weeks prior to the date on which receipt of the KHEAA grant checks is requested].

Section 3. Disbursement of Funds. [Checks, Check Register.] (1) The authority shall transfer funds to the KGPO at the time the

eligibility verification roster is transmitted. Upon receipt of the properly certified eligibility verification roster, the authority will transfer additional funds, if necessary, [issue] to the KGPO [individual checks made payable to each award recipient].

(2) [The checks shall be accompanied by two (2) copies of a KHEAA grant check register, one (1) copy of which shall be retained by the institution and the other shall be returned to the authority in accordance with instructions attached thereto.] The instructions accompanying the eligibility verification roster shall [will] specify:

(a) Conditions under which a KHEAA grant [check] shall be disbursed to the benefit of the KHEAA grant recipient;

(b) Conditions under which KHEAA grant funds [a check] shall be returned to the authority; and

(c) The date on which the roster [register] and any undisbursed funds [checks] shall be returned to the authority.

(3) An institution which has not returned an eligibility verification roster [a previous check register] or completed it according to instructions shall not receive [another check register and] additional KHEAA grant funds [checks] until it has satisfied the requirements in subsection (2) of this section.

Section 4. Alternative Disbursement. In lieu of the processes respecting the disbursement of KHEAA grant funds [checks] pursuant to Section 2 of this regulation, the authority, in its sole discretion, may enter agreements on such terms as the authority deems appropriate to provide alternative methods for economical and efficient disbursement of KHEAA grants.

Section 5. If the student submits to the authority a written request that is received by the authority not later than August 1 [July 15] preceding the fall academic term for which a KTG is awarded, the entire amount of the KTG, up to the amount of tuition and fees charged for the fall academic term, may be disbursed for that academic term. Otherwise, a KTG shall be disbursed in the amount of one-half (1/2) for the fall academic term and one-half (1/2) for the spring academic term. An SSIG shall always be disbursed in the amount of one-half (1/2) for the fall academic term and one-half (1/2) for the spring academic term.

Section 6. KHEAA grants shall be disbursed to eligible students enrolled at an educational institution using the quarter system so that the first disbursement shall be in the fall quarter beginning in August, September, or October, and the second disbursement shall be in the winter quarter beginning in January, February, or March. Enrollment during a spring quarter beginning in April or later shall not qualify a student for KHEAA grant assistance.

Section 7. KHEAA grants shall be disbursed to eligible students enrolled at an educational institution using a short winter term in combination with longer fall and winter terms so that the first disbursement shall be in the fall academic term and the second disbursement shall be in the spring academic term. Enrollment during the shorter winter academic term shall not qualify a student for KHEAA grant assistance.

Section 8. The educational institution shall be responsible for proper disbursement of KHEAA grants. The institution shall be liable for disbursement to the wrong individual or to an ineligible student, and shall make restitution to the authority of any amount improperly disbursed. Failure of the institution to make restitution when required shall, without precluding other remedies, be deemed cause for [may result in] limitation, suspension or termination of the participation of the institution in accordance with 11 KAR 4:020.

Section 9. Undisbursed KHEAA grant funds [checks] shall be returned to the authority [without any alteration, except an endorsement of "for deposit to State Treasury only"].

WAYNE STRATTON, Chairman

APPROVED BY AGENCY: May 15, 1990

FILED WITH LRC: May 15, 1990 at noon

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Tuesday, June 26, 1990 at 10 a.m. at 1050 U.S. 127 South, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 21, 1990, five days prior to 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: Mr. Paul P. Borden, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Paul P. Borden

(1) Type and number of entities affected: The 56 Kentucky institutions of higher education which participate in the grant program.

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

1. First year: No cost or savings.

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

3. Additional factors increasing or decreasing costs (note any effects upon competition): There will be an undetermined, minor cost savings resulting from the handling of a single check rather than individual checks for each grant recipient.

(b) Reporting and paperwork requirements: Reporting and paperwork burden will be reduced by elimination of the check disbursement register.

(2) Effects on the promulgating administrative body: The promulgating body will disburse all student grants for recipients at each school in a single check sent to the school rather than individual checks for each student. The grant proceeds will be sent to the schools in two installments; the first based on preliminary estimates, and the second based on a final

reconciliation.

(a) Direct and indirect costs or savings:

1. First year: The savings of an undetermined amount would be the result of replacing thousands of individual checks to students by only two checks each term to the school.

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

3. Additional factors increasing or decreasing costs: The savings will remain fairly constant, varying only as the result of a substantial change in the number of recipients or the number of participating schools.

(b) Reporting and paperwork requirements: No additional reporting and paperwork requirements result from this amendment. Some reduction of paperwork will result from elimination of a check register and from elimination of individual checks for each student.

(3) Assessment of anticipated effect on state and local revenues: There is no effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Any alternatives would have been less efficient and more costly and time-consuming.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: The thrust of the amendment is to reduce the administrative burden of excessive paperwork.

TIERING: Was tiering applied? No. The concept of tiering is not applicable to effects of this amendment. All entities affected are afforded equal consideration.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY (Proposed Amendment)

11 KAR 5:180. Records and reports.

RELATES TO: KRS 164.740 to 164.764, 164.780, 164.785

STATUTORY AUTHORITY: KRS 13A.100, 164.748(4)

NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority administers grant programs to provide financial assistance to students to attend Kentucky educational institutions. This regulation requires that educational institutions provide records and reports to the authority. This amendment is necessary to add a specific record retention period previously omitted.

Section 1. Definitions. The terms "authority", "business school", "college", "federal act", "grant", "school of nursing", and "vocational school" shall have the meanings defined in KRS 164.740. For purposes of this regulation, the terms listed below shall have the following meanings:

(1) "Educational institution" means an institution located in Kentucky which:

(a) Offers an eligible course of study;

(b) Enrolls as regular students only persons

having either a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate, or persons who are beyond the age of compulsory school attendance in the Commonwealth of Kentucky and have the ability to benefit from the training offered by the institution;

(c) Has entered into an administrative agreement with the authority; and

(d) For purposes of the State Student Incentive Grant Program, a business school, college, school of nursing or vocational school, as defined in KRS 164.740(3), (4), (17), and (18) respectively and meets the requirements of the federal act; or

(e) For purposes of the Kentucky Tuition Grant Program, a private, nonprofit college accredited by the Southern Association of Colleges and Schools, Commission on Colleges, and whose institutional programs are not comprised solely of sectarian instruction.

(2) "Eligible course of study" means a program offered by an educational institution which:

(a) Is of at least two (2) academic years duration; and

(b) Leads to a degree in a field other than theology, divinity or religious education at the institution at which the student is enrolled.

Section 2. Records and Reports. An [Any] educational institution shall establish an organized system of records pertaining to KHEAA grant recipients, maintain these records for a period of not less than five (5) years after the award year in which the recipient ceased enrollment, and, upon written request, make available to the authority:

(1) All records relied upon by that institution to certify that any recipient of funds from the authority is an eligible student pursuing an eligible course of study; and

(2) Information necessary to verify that the institution has complied with 11 KAR Chapter 5, and the federal act, and representations and requirements contained in its agreement with the authority.

Section 3. [(2)] Any educational institution which requires a student to execute a contract providing for payment of tuition and fees shall include on the face of that contract:

(a) Date the student signed the contract;

(b) Date student began or will begin classes;

(c) Expected graduation date;

(d) Major field of study;

(e) Minor field of study;

(f) Full or part-time enrollment status; and

(g) All degrees previously earned.

A copy of the contract for the academic period for which the KHEAA grant is awarded for each applicant certified as eligible shall be submitted with the eligibility verification roster.

WAYNE STRATTON, Chairman

APPROVED BY AGENCY: May 15, 1990

FILED WITH LRC: May 15, 1990 at noon

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Tuesday, June 26, 1990 at 10 a.m. at 1050 U.S. 127 South, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 21, 1990, five days prior to 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: Mr. Paul P. Borden, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Paul P. Borden

(1) Type and number of entities affected: 56 Kentucky colleges and universities offering junior and senior levels are affected.

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

1. First year: No additional costs result from this amendment because the institutions must maintain identical records for other student financial assistance programs.

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: The colleges and universities will, upon request, provide reports and records to the authority.

(2) Effects on the promulgating administrative body: The regulation has no effect on the promulgating 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: This regulation has no effect on state and local revenue.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Federal regulation mandates the keeping of records for five years for other student financial aid programs. This regulation sets five years as the minimal period for which records must be kept, conforming with other programs.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: This regulation does not conflict with, overlap, or duplicate any statute, administrative regulation or government policy.

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: The five year minimum requirement for maintaining records is almost universally adopted by the student financial assistance community.

TIERING: Was tiering applied? No. The concept of tiering is not applicable to requirements for recordkeeping. All entities are treated equally.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 34 CFR 668.23(a) and (f) require participating universities and colleges to maintain records of certain specified data with respect to the administration of this grant program.

2. State compliance standards. This regulation sets five years as the minimum period for these records to be maintained.

3. Minimum or uniform standards contained in the federal mandate. The federal mandate does not specify a period of time. However, five years is the designated record retention period for other federally funded student financial aid programs.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This regulation merely sets five years as the minimum period for required recordkeeping. Five years is the period generally adopted or approved by the student financial assistance community.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This regulation makes recordkeeping requirements for this program the same as is implemented in most other financial aid programs.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY
(Proposed Amendment)

11 KAR 6:010. Commonwealth Work Study Program.

RELATES TO: KRS 164.744(2), 164.748(4), 164.753(6)

STATUTORY AUTHORITY: KRS 13A.100, 13A.110, 164.748(4)

NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority ("Authority") is empowered to administer student financial assistance programs in the form of work-study. The purpose of this regulation is to name the authority's program, and set forth the procedures under which it will be administered. The purpose of this amendment is to replace requirements formerly contained in the Commonwealth Work Study Program Manual of Procedures and Guidelines with specific regulatory requirements and rename the program.

Section 1. Definitions. (1) "Alternate work plan" means a work-study arrangement in which a participating student alternates a school term with a work term. For example, a participating student attends school full time one (1) term, works full time the next term, and returns to school full time the following term. Participating students employed during the summer who are not enrolled at least half time during that term shall be considered alternate for the summer term. Any academic credits earned as a direct result of the KWSP employment shall not be considered in the determination of alternate status.

(2) "Career-related work experience" means a job which has a correlation with the participating student's career direction determined by the participating institution and evidenced by the student's major course of study.

(3) "Cost of education" means those expenses

commonly related to obtaining an education at the participating institution plus those costs directly related to the participating student's KWSP work experience, including any required dues and travel (at the rate of twenty-two (22) cents per mile) from the school to the place of employment or, under an alternate work plan, from the student's residence to the place of employment.

(4) "Eligible program of study" means a program not leading to a certificate, diploma, or degree in theology, divinity, or religious education.

(5) "Financial need" means the total cost of education less financial assistance received from all sources, other than KWSP employment, including grants, loans, and scholarships.

(6) "Full-time enrollment" means the number of credit hours determined by the participating institution to constitute full-time enrollment, which is generally twelve (12) semester hours, twenty-four (24) clock hours, or six (6) summer school hours. Any academic credits earned as a direct result of KWSP employment shall not be considered in the determination of full-time status.

(7) "Prevailing wage rate" means a base rate of pay per hour for KWSP participating students who are or would be performing equal job tasks as other employees, plus benefits paid to other employees having the same status as the KWSP employee.

(8) "School term" means the equivalent of one (1) semester, one (1) quarter, or one (1) summer school term.

(9) "Wage reimbursement" means a payment made to participating employers by participating institutions as reimbursement for wages paid participating students. The rate of reimbursement shall be specified in an agreement between the participating employer and the participating institution.

Section 2. [1.] There is hereby established a program of student financial assistance known as the [Commonwealth] Work Study Program, which may be cited as the KWSP [KHEAA-CWSP or merely as CWSP].

Section 3. Institutional Eligibility. To participate in the KWSP, an educational institution shall:

(1) Be a college, business school, vocational school, or school of nursing, as defined in KRS 164.740, located within Kentucky;

(2) Offer an eligible program of study;

(3) Have in force an administrative agreement with the authority pursuant to 11 KAR 4:040;

(4) Submit a request for funding in accordance with instructions specified by the authority; and

(5) Execute any supplemental contractual arrangements with the authority and participating employers required to administer the KWSP.

Section 4. Employer Eligibility. To participate in the KWSP, an employer shall:

(1) Provide a bona fide career related work experience for participating students as determined by the participating institution in which the student is enrolled and submit a descriptive position analysis to the participating institution;

(2) Execute a KWSP employer agreement with each participating institution from which

participating students are hired;

(3) Provide a Kentucky worksite for all participating students employed by the employer;

(4) Not be a postsecondary educational institution;

(5) Not be a business entity formed substantially for the purpose or intention of participating in the KWSP;

(6) Not utilize participating students in a work environment that is sectarian in nature or that involves any political activity.

Section 5. Student Eligibility. To participate in the KWSP, a student shall:

(1) Be a citizen of the United States;

(2) Be a Kentucky resident, as determined by the participating institution in accordance with 13 KAR 2:040;

(3) Be enrolled or accepted for enrollment on at least a half-time basis at a participating institution;

(4) Demonstrate financial need;

(5) Be in good standing and making satisfactory academic progress toward completion of his or her educational program, as determined by the participating institution, and have a cumulative grade point average of not less than the equivalent of a "C" (inclusive of all postsecondary courses attempted for postsecondary students or secondary school grade point average for entering freshmen);

(6) Not be participating in other work programs administered by the participating institution;

(7) Not be enrolled in a major course of study in religion, theology, or divinity;

(8) Submit a KWSP application to the participating institution, properly completed in accordance with instructions, and be approved for participation by the participating institution;

(9) Not be in default on any financial obligation to the authority under any program administered by the authority pursuant to KRS 164.740 through 164.785, except that ineligibility for this reason may be waived by the executive director of the authority, at the recommendation of a designated staff review committee, for cause; and

(10) Execute any employment agreements required by the participating institution.

Section 6. Employer Responsibilities. To receive wage reimbursement a participating employer shall:

(1) Immediately notify the participating institution in writing if a participating student's employment is terminated, stating the reason for and effective date of termination;

(2) Report promptly to the participating institution all significant changes of the position analysis or the student's work assignment;

(3) Submit to the participating institution on a regular basis a certified, accurate proof of wages paid to participating students;

(4) Pay participating students the prevailing wage rate, which shall not be less than the federal minimum wage;

(5) Comply with all federal and state employment, safety and civil rights laws applicable to the positions filled;

(6) Not, without prior consent of the participating institution, permit or require participating students to work in excess of;

(a) Thirty (30) hours per week for students currently enrolled less than full time;

(b) Twenty (20) hours per week for students currently enrolled full time; and

(c) Forty (40) hours per week for students employed under an alternate work plan;

(7) Permit on-site inspection and review of records by representatives of the participating institution and the authority during normal business hours; and

(8) Ensure that regular employees are not displaced by KWSP participating students.

Section 7. Student Responsibilities. Participating students shall:

(1) Participate in all screening or preplacement activities required by the participating institution;

(2) Maintain eligibility pursuant to Section 5 of this regulation, and immediately notify the participating institution in writing of all changes that affect the student's continued eligibility;

(3) Be available for a job interview if requested by a participating employer; and

(4) Perform all reasonable employment obligations and comply with all reasonable policies and requirements of the participating employer.

Section 8. Appeals regarding student or employer participation shall be directed to the participating institution and shall be reviewed, settled or determined by an appeal committee consisting of no fewer than three (3) individuals. Appeals regarding institutional eligibility or participation shall be determined by the authority in accordance with 11 KAR 4:020.

Section 9. Forms and Agreements. All forms and agreements utilized in the administration of the KWSP shall be provided or approved by the authority. No alteration of any forms or agreements used in the administration of the KWSP shall be binding against the authority without the prior consent of the authority. The KWSP application is available to students at participating institutions or from the authority at 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

[Section 2. The Commonwealth Work Study Program is operated under provisions of Kentucky Revised Statutes 164.740 to 164.765 and Title 11 of the Kentucky Administrative Regulations.]

[Section 3. Participants in the Commonwealth Work Study Program shall comply with procedures and requirements established by the Authority, delineated in the "Commonwealth Work Study Program Manual of Procedures and Guidelines, 1986-87 Edition" incorporated herein by reference. A current copy of this manual shall be maintained on file with the Legislative Research Commission. Copies of the manual may be obtained upon request to the Authority. Participating educational institutions shall maintain a current copy on file and, upon request, make a copy of the manual available for review by students and employers.]

WAYNE STRATTON, Chairman

APPROVED BY AGENCY: May 15, 1990

FILED WITH LRC: May 15, 1990 at noon

PUBLIC HEARING: A public hearing on this

administrative regulation shall be held on Tuesday, June 26, 1990 at 10 a.m. at 1050 U.S. 127 South, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 21, 1990, five days prior to 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: Mr. Paul P. Borden, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Paul P. Borden

(1) Type and number of entities affected: Approximately 1150 students, 29 postsecondary educational institutions, and an estimated 735 employers are affected.

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

1. First year: The students will be provided employment at not less than the minimum wage rate, related to their fields of study, employers will be reimbursed a portion of the payroll cost, and the schools will provide more expansive financial aid programs to their students.

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: This is a need-based program. Students must submit documentation substantiating financial need. Employers maintain employment records and bill the appropriate participating schools. Schools submit quarterly and annual reports to the authority.

(2) Effects on the promulgating administrative body: The promulgating body provides overall monitoring of the program, maintains records submitted by the educational institutions and disburses funds to the institutions.

(a) Direct and indirect costs or savings:

1. First year: The costs of administering the program are borne by the authority. The authority pays \$1.50 per hour to educational institutions for student wage reimbursement to employers. The authority also pays an administrative fee to participating institutions at the rate of \$15,000 or 8% total gross wages earned by students, whichever is less.

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

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: The authority must maintain adequate records to administer the program and ensure compliance.

(3) Assessment of anticipated effect on state and local revenues: There is no effect on state or local revenue.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The alternative would be centralized administration by the authority with discreet disbursement to employers by the authority. The promulgated procedures are more cost effective, time efficient and equitable.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There are no statutes, administrative regulations, or government policies in conflict, overlapping, or duplication.

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: This regulation addresses a cooperative undertaking by educational institutions, the business community, and state government to provide a broader access to higher education to the residents of the Commonwealth.

TIERING: Was tiering applied? No. The concept of tiering is not applicable to the provisions of this regulation. All qualified entities are given the same benefits.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY (Proposed Amendment)

11 KAR 8:010. Teacher loan [scholarship] program.

RELATES TO: KRS 164.770 [156.613]

STATUTORY AUTHORITY: KRS [156.613,] 164.748(4), 164.770

NECESSITY AND FUNCTION: KRS 164.770 [156.613] established the Teacher Loan [Scholarship] Program to encourage academically talented students to become teachers in the public schools of the Commonwealth. This regulation prescribes rules for the administration of the Teacher Loan [Scholarship] Program. 11 KAR 8:030 establishes a new program of teacher scholarships pursuant to House Bill 799 (1990 RS), Part I, F., 46., p. 52 and the corresponding budget memorandum. This amendment is necessary to rename the program established pursuant to KRS 164.770 to avoid confusion.

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

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

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

(3) "Qualified teaching service" means

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

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

Section 2. The Kentucky Higher Education Assistance Authority (authority) shall, to the extent of appropriations for such purpose, award teacher loans to persons enrolled or accepted for enrollment on a full-time basis at participating institutions of higher education, approved by the State Board of Education to offer teacher education programs, who declare an intention to enter the teaching profession in the public schools of the Commonwealth, and who meet the eligibility requirements set forth herein.

Section 3. Eligibility Criteria. Graduates of a high school, located in Kentucky, who rank academically in the top ten (10) percent of their graduating class, or who score at or above the 80th percentile on a test required for admission to the Commonwealth's public institutions of higher education, and who have not previously received a baccalaureate degree, shall be eligible to apply for a teacher loan [scholarship]. An individual who owes repayment of a grant or work-study award, or who is in default in repayment of any loan owed to the authority, is not eligible to receive a teacher loan [scholarship] until all such financial obligations to the authority are satisfied, provided, however, that ineligibility for this reason may be waived, at the recommendation of a designated staff review committee for cause.

Section 4. Selection Criteria. Recipient selection will be made on the basis of the following weighted criteria: rank in class (thirty (30) percent), grade point average (forty (40) percent), percentile score on the test required for admission to the Commonwealth's public institutions of higher education (thirty (30) percent). (Test scores of applicants from minority population groups will be measured relative to the scores of such minority population groups.) If funds are insufficient to award all applicants, the loans [scholarships] shall first be awarded to those qualifying applicants who previously received scholarships. If funds are insufficient to award all prior recipients who are qualified applicants, then loans [scholarships] shall be prorated in accordance with the cumulative amount previously received by such applicants. If funds are sufficient to award new applicants, an award shall be made first to the applicant with the highest score on the selection criteria and, thereafter, in a descending order to persons having lower scores until all available funds are awarded. Once all the criteria have been evaluated and two (2) or more applicants are equally ranked, selection between the applicants will be made on the basis of the date the application is received by the authority.

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

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

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

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

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

Section 9. Withdrawals. Loan [Scholarship] recipients who, prior to completion, cease to be enrolled on a full-time basis in a teacher education program at a participating institution, shall immediately become liable for the repayment to the authority of the sum of all teacher loan [scholarship] funds received plus interest accrued thereon unless such recipient has an approved deferment pursuant to 11 KAR 8:020.

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

Section 11. Repayment Schedule. Written notification of demand for repayment shall be sent by the authority to the loan [scholarship] recipient's last known address and shall be effective upon mailing. The authority may agree,

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

Section 12. Cancellation. (1) In order to receive cancellation of a promissory note and the interest accrued thereon, a loan [scholarship] recipient must render qualified teaching service in a public school during a semester. One (1) such promissory note shall be cancelled for each semester during which qualified teaching service is verified to the authority. Such cancellations of promissory notes shall be in sequential order beginning with the earliest promissory note.

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

(3) Verification of qualified teaching service shall be submitted to the authority in writing, signed by the local school district superintendent or building principal, within thirty (30) days of the date a scholarship recipient completes such qualified teaching service.

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

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

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

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

WAYNE STRATTON, Chairman

APPROVED BY AGENCY: May 15, 1990

FILED WITH LRC: May 15, 1990 at noon

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Tuesday, June 26, 1990 at 10 a.m. at 1050 U.S. 127 South, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 21, 1990, five days prior to 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: Mr. Paul P. Borden, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Paul P. Borden

(1) Type and number of entities affected: No entities are affected. This amendment merely changes the name of the award from scholarship to loan.

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

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body: This amendment has no effect 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: There is no effect on state or local revenue.

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

merely effects a name change.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: The statutory citation is updated and corrected from KRS 156.613 to KRS 164.770.

TIERING: Was tiering applied? No. The concept of tiering is not applicable.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY (Proposed Amendment)

11 KAR 8:020. Deferment of teacher loans.

RELATES TO: KRS 164.770 [156.613]

STATUTORY AUTHORITY: KRS [156.613,] 164.748(4), 164.770

NECESSITY AND FUNCTION: KRS 164.770 [156.613] establishes the Teacher Loan [Scholarship] Program and provides that the Kentucky Higher Education Assistance Authority (authority) may permit deferment of repayment for cause. This regulation defines "deferment" and establishes conditions under which specified types of deferments may be approved by the authority. 11 KAR 8:030 establishes a new program of teacher scholarships pursuant to House Bill 799 (1990 RS), Part I, F., 46., p. 52 and the corresponding budget memorandum. This amendment is necessary to rename the program established pursuant to KRS 164.770 to avoid confusion.

Section 1. Definitions. Unless otherwise specified, the words and phrases used herein shall have the same meaning as set forth in 11 KAR 8:010. "Deferment" means a temporary waiver of the obligation of a teacher loan [scholarship] recipient to make payments to the authority, pursuant to one or more promissory notes executed between the recipient and the authority, which is granted by the authority, for a specified period of time, upon a showing of cause by the recipient.

Section 2. Request for Deferment. The recipient must request a deferment in writing by submitting complete and accurate information on a form prescribed by the authority. The recipient's submission of a request for deferment shall constitute authorization for the authority to request and receive such verification of facts represented by the recipient as may be deemed necessary by the authority.

Section 3. Effect on Repayments. During a deferment, no principal or interest repayments shall be required but interest shall continue to accrue on the unpaid principal balance owed by the recipient. Nothing contained herein shall require the authority to grant a deferment if such deferment would legally impair the ultimate recovery of the principal and accrued interest otherwise owed by the recipient. If, during a deferment, the recipient resumes full-time

enrollment in a teacher education program at a participating institution or renders qualified teaching service, then the deferment shall nullify the commencement of repayment, such that any promissory note so deferred may be subsequently cancelled in accordance with KRS 164.770 [156.613] and 11 KAR 8:010.

Section 4. Types of Deferments. The following deferments may be granted by the authority:

(1) Enrollment deferment. A deferment granted to a recipient who is enrolled on at least a half-time basis at a business school, college, vocational school or school of nursing (as those terms are defined in KRS 164.740) in the United States. The recipient must provide to the authority, at least annually, evidence of such enrollment on properly completed forms provided by the authority.

(2) Disability deferment. A deferment granted to a recipient who is temporarily totally disabled and, therefore, unable to obtain any full-time employment or to attend school; or, a deferment granted to a recipient who is unable to obtain any full-time employment or attend school due to the temporary total disability of the recipient's spouse who requires continuous (twenty-four (24) hour) nursing or similar care by the recipient. For purposes of this deferment, a recipient, or the spouse of a recipient, is temporarily totally disabled if he/she suffers an injury or illness which necessitates an extended or indefinite period of recovery which can be expected to preclude gainful employment or school attendance and, in the case of a recipient's spouse, he/she is not confined to a hospital, nursing home, intermediate care facility, or similar institution. The recipient must provide to the authority a statement from a licensed physician certifying that the recipient or spouse is temporarily totally disabled in accordance with the preceding terms and conditions. The recipient is solely responsible for securing the physician's certifications. This deferment may, at the authority's discretion, be granted for a period not to exceed three (3) years, subject to annual review of a physician's certification. After the third year of any deferment, pursuant to this subsection, the authority may, in its sole discretion, cancel the debt.

(3) Unemployment deferment.

(a) A recipient seeking, but unable to obtain, a qualified teaching service position within six (6) months following completion of a teacher education program at a participating institution may be granted a single deferment for a period not to exceed one (1) year. The recipient must have applied for a qualified teaching service position with at least three (3) public school districts and must not have refused an offer of employment in a qualified teaching service position in such public school districts or in any other public school districts to which the recipient may have applied, and must provide the authority a signed statement which sets forth:

1. The recipient's current address;
2. The names of public school districts to which the recipient has applied for qualified teaching service employment; and
3. The recipient's agreement to notify the authority when he/she obtains full-time employment in a qualified teaching service position; or

(b) A recipient seeking, but unable to obtain,

any full-time (at least thirty (30) hours per week) employment may be granted a single deferment for a period not to exceed one (1) year. The recipient must provide, on the form prescribed by the authority, a signed statement which sets forth:

1. The recipient's current address;
2. Certification that the recipient has registered with a public or private employment agency, if one is accessible, specifying the name and address of such agency; and
3. The borrower's agreement to notify the authority within thirty (30) days of a date upon which he/she obtains full-time employment.

If full-time employment is obtained at any time during the period of a deferment approved pursuant to this section, such deferment shall be immediately terminated.

(c) The immediately preceding subsections of this section are alternative ways to qualify for a single deferment for a period not to exceed one (1) year. Pursuant to paragraph (a) of this subsection, a recipient, who is seeking, but unable to obtain, a qualified teaching service position, may receive a deferment even if employed full-time in another type of position. Pursuant to paragraph (b) of this subsection, a recipient, who is not actively seeking a qualified teaching service position, may receive a deferment only if actively seeking and unable to obtain any type of full-time employment.

(4) Parenting deferment. A deferment may be granted by the authority when a recipient interrupts qualified teaching service or enrollment in a teacher education program at a participating institution under an approved leave of absence for purposes of rearing a preschool age child. The borrower must provide to the authority a statement, signed by an authorized representative of the public school district or participating institution, evidencing that such a leave of absence has been approved for the recipient. This deferment shall remain in effect during the period of the leave of absence not to exceed two (2) years. The recipient is solely responsible for securing, at least annually, the required verification of an approved leave of absence.

(5) Hardship deferment. If enrollment in a teacher education program or employment in a qualified teaching service position is temporarily interrupted due to circumstances beyond the recipient's control, including, but not limited to, illness, accident or death in the family, after which the recipient intends to resume such enrollment or qualified teaching service position, then the authority may determine that a hardship exists and may grant a single deferment of a period not in excess of one (1) year.

(6) Qualified teaching service deferment.

(a) Deferments may be granted, from time to time, to a recipient who, due to current employment in a qualified teaching service position, may reasonably be expected, solely with the passage of six (6) months or less time, to qualify for cancellation benefits pursuant to 11 KAR 8:010.

(b) In the event that a recipient has received loans or scholarships from more than one (1) program administered by the authority, which require a period of qualified teaching service for repayment or cancellation, and the recipient is either:

1. Obligated to concurrently make cash

payments on the teacher loan [scholarship] and another such program; or

2. Performing qualified teaching service to fulfill the requirement of another such program; then a deferment of repayment of the teacher loan [scholarship] may be granted during the period in which the recipient is making payments or performing qualified teaching service in accordance with the requirements of the other program.

WAYNE STRATTON, Chairman

APPROVED BY AGENCY: May 15, 1990

FILED WITH LRC: May 15, 1990 at noon

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Tuesday, June 26, 1990 at 10 a.m. at 1050 U.S. 127 South, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 21, 1990, five days prior to 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: Mr. Paul P. Borden, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Paul P. Borden

(1) Type and number of entities affected: No entities are affected. In addressing the question of deferments, the name of the award is changed from scholarship to loan.

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

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body: This amendment has no effect 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: There is no effect on state or local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: There are no alternative methods. The amendment merely refers to the awards as loans rather than scholarships.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: The statutory citation for this regulation is changed from KRS 156.613 to KRS 164.770.

TIERING: Was tiering applied? No. The concept of tiering is not applicable.

REVENUE CABINET

Department of Administrative Services
(Proposed Amendment)

103 KAR 18:110. Withholding methods.

RELATES TO: KRS 141.310, 141.370

STATUTORY AUTHORITY: KRS Chapter 13A, 141.370

NECESSITY AND FUNCTION: KRS 141.370 requires the cabinet to establish individual income tax withholding tables by regulation. This regulation establishes [such] withholding tables and describes procedure for supplemental and mechanical withholding. KRS 141.310 requires the cabinet to revise the tables to compensate for substantial changes in the deductible federal income tax. These tables are revised to reflect repeal of the federal income tax deduction beginning with federal income tax paid on 1990 income [decreases in the federal tax rates made by the 1981 Economic Recovery Tax Act].

Section 1. General. The Revenue Cabinet is required by KRS 141.370 to prescribe tables for withholding Kentucky individual income tax from salaries and wages of employees. These tables withhold the tax levied by KRS 141.020 and reflect the standard deduction[s] (\$650) prescribed by KRS 141.081[, and the deductible federal income tax referred to in KRS 141.310]. The tables referred to in Section 4 of this regulation are hereby prescribed by the Revenue Cabinet.

Section 2. Supplemental Withholding. In addition to tax required to be withheld by the tables in Section 4 of this regulation, an employee may authorize his employer to withhold additional Kentucky income tax. An employee may authorize additional withholding by filing an amended Withholding Exemption Certificate (Revenue Form K-4) with his employer. The amended certificate may claim fewer personal exemptions than he is allowed, authorize the employer to withhold a specific amount of additional tax, or both.

Section 3. Mechanical Withholding. The cabinet provides a computer formula for withholding Kentucky income tax, and any employer with suitable equipment may use the formula in lieu of the tables referred to in Section 4 of this regulation. No other formula or withholding method may be used unless specific written approval is granted by the cabinet.

Section 4. Withholding Tables. Employers shall withhold Kentucky individual income tax from wages and salaries, paid between May 1, 1990 and December 31, 1990 [on and after July 1, 1982], in accordance with the tables filed herein by reference [and] which are obtainable without charge from the Revenue Cabinet, Frankfort, Kentucky, 40601. This material incorporated by reference may be inspected and copied at the

Frankfort office of the Revenue Cabinet located on the fourth floor of the Capitol Annex Building. Inspections may be made at this office and the Taxpayer Service Centers listed below between the hours of 8 a.m. and 4:30 p.m. (local time).

Revenue Cabinet Taxpayer Service Centers

Ashland
1422 Winchester Avenue
P. O. Box 687
Ashland, KY 41105-0687
(606) 329-9982

Bowling Green
1502 Westen Avenue
Bowling Green, KY 42102-2040
(502) 843-5470

Corbin
1707 18th Street, Suite 5
Falls Road Plaza
P.O. Box 1298
Corbin, KY 40702-3298
(606) 528-3322

Frankfort
Capitol Annex Building
Fourth Floor, Room 405
Frankfort, KY 40620
(502) 564-4580

Hazard
233 Birch Street
P. O. Box 419
Hazard, KY 41701-4194
(606) 439-2388

Hopkinsville
Hammond Plaza
P. O. Box 695
Hopkinsville, KY 42241-0695
(502) 887-2521

Lexington
301 E. Main Street, Suite 500
Lexington, KY 40507-1556
(606) 233-3837

Louisville
620 S. Third Street, Suite 102
Louisville, KY 40202-2402
(502) 588-4512

Northern Kentucky
Kentucky Executive Building
2055 Dixie Highway, Room 210
Ft. Mitchell, KY 41011-2648
(606) 292-6603

Owensboro
311 W. Second Street
P. O. Box 628
Owensboro, KY 42302-0628
(502) 686-3301

Paducah
555 Jefferson Street
P. O. Box 2336
Paducah, KY 42002-2336
(502) 444-8148

Pikeville
1279 N. Mayo Trail
Pikeville, KY 41501-8230
(606) 437-4075

C. EMMETT CALVERT, Secretary

APPROVED BY AGENCY: April 20, 1990

FILED WITH LRC: April 20, 1990 at 4:30 p.m.

PUBLIC HEARING: A public hearing on this regulation will be held on June 27, 1990 at 10 a.m. in Room 403 of the Capitol Annex, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 22, 1990, five days prior to 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: Scott Akers, Revenue Cabinet, Division of Tax Policy and Legal Services, New Capitol Annex Building, Frankfort, Kentucky 40620.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Scott Akers

(1) Type and number of entities affected: This income tax withholding regulation impacts on employers whose income tax withholding is calculated either from the withholding tax tables or the prescribed computer formula. There are 86,848 Kentucky income tax withholding agents and it is estimated that 30,000 calculate income tax withholding from the prescribed tables with the remainder employing computers.

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

1. First year: Nominal increase from the first revision in withholding tables and formula since 1982.

2. Continuing costs or savings: None

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

(b) Reporting and paperwork requirements: No additional.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Initial printing and distribution of revised tax table and instruction booklet will cost an estimated \$30,000.

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: No additional.

(3) Assessment of anticipated effect on state and local revenues: There is no effect on local revenue and no increase in employee or employer Kentucky tax liability. Additional 1990 tax withheld under revised tables and computer formula during calendar year 1990 is estimated at \$225,000,000.

(4) Assessment of alternative methods; reasons

why alternatives were rejected: There is no alternative method. KRS 141.370 requires revised tables to be established by regulation.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? Yes

TOURISM CABINET

Department of Fish and Wildlife Resources (Proposed Amendment)

301 KAR 2:111. Deer and turkey hunting on special areas.

RELATES TO: KRS 150.010, 150.025, 150.170, 150.175, 150.305, 150.330, 150.340, 150.360, 150.370, 150.390, 150.990

STATUTORY AUTHORITY: KRS 13A.350, 150.025

NECESSITY AND FUNCTION: This regulation pertains to the deer gun and archery season and the turkey season on special deer areas. This regulation is necessary for the continued protection of the species listed herein, and to insure a permanent and continued supply of the wildlife resource for present and future residents of the state. The function of this regulation is to provide for the prudent taking of deer and turkey within reasonable limits based upon an adequate supply. This amendment is necessary to establish current season dates and hunting rules.

Section 1. Deer and turkey Season on Special Deer Areas. Unless otherwise stated, the provisions of [herein, statewide deer gun and archery season regulations as stated in] 301 KAR 2:170 and 301 KAR 2:140 apply. These areas are open only on the dates specified below for deer or turkey hunters. Except on the Westvaco hunting area, hunters on these areas shall produce the signature portion of a valid deer permit and shall be issued a special purpose tag to place on the deer [as specified below. Either the state white, yellow or special purpose tag is valid on these areas].

(1) Land Between the Lakes Wildlife Management Area (LBL) located in Trigg and Lyon Counties.

(a) Deer archery hunts (any deer): white-tailed or fallow deer [as specified in the LBL Hunting and Angling Guide]. The last [fourth] Saturday in September through October 25 [26], October 30 through November 8 [9] and December 15 [16] through December 31.

(b) Quota deer hunts.

1. Quota gun hunts: white-tailed or fallow deer and sex as specified on permit. November 17-18, 20-21, and 24-25 [18-19, 21-22, and 25-26].

2. Quota archery hunts: any white-tailed or fallow deer [and sex as specified on permit,] in that portion of the Environmental Education Area designated as hunt area 17. October 27-28 [28-29], November 17-18 [18-19] and 24-25 [25-26].

(c) Turkey archery hunts: one (1) turkey of either sex during the deer archery hunts as

specified in subsection (1)(a) of this section. Each hunter shall have a valid wild turkey permit in possession, and when a turkey is taken, it shall be tagged with the yellow portion of the state permit. [Turkey hunting shall be allowed only by hunters with a valid unfilled deer tag.]

(d) Quota deer gun hunt for youths only: one (1) white-tailed deer or fallow of either sex as specified on permit on October 27-28 [28-29]. Hunting is restricted to persons at least ten (10) years of age but who have not reached their 16th birthday. Each youth shall be accompanied by an adult and shall have a valid Kentucky hunting license, a state deer permit, an LBL Youth Hunt Permit and a state approved Hunter Safety Certificate.

(e) Bag limits. The deer bag limit for the Kentucky portion of LBL is two (2) deer; except that no more than [provided only] one (1) deer shall be [is] taken during any quota gun or quota archery hunt at LBL.

(f) Areas open and closed to hunting. State line to Barkley Canal is open to hunting except for developed public use areas (unless posted as open), safety zones and areas posted as closed.

(g) Youth and quota hunt applications. Hunters shall be selected by a drawing. Application forms are available from, and shall be submitted to, Quota Deer Hunt, Land Between the Lakes, Golden Pond, Kentucky 42231. Completed applications shall be received by the wildlife staff at the Land Between the Lakes Administrative Office no later than 3:30 p.m. on the last Wednesday in July. If unfilled quotas exist after the regular drawing, quotas shall be filled by issuing permits on a first-come, first-served basis at the Land Between the Lakes administrative office.

(h) Checking in and out.

1. Quota gun hunters. All hunters, including those camping in LBL, shall check in prior to hunting, but shall not be required to check out unless a deer is harvested. Hunters shall check in between 8 [9] a.m. and 6 p.m. the day before the hunt, or after 4 a.m. on hunt days. Check stations will be open from 4 a.m. to 6:30 p.m. (CST) on hunt days.

2. Archery hunters. Archery hunters are not required to check in or out except on quota hunts. All deer and turkey harvested shall be checked out.

(i) Permits and tagging requirements.

1. Permits. An LBL hunter use permit shall be [is] required for each hunter participating in the deer and turkey archery season and an LBL computer card permit is required for each hunter participating in the quota gun or quota archery deer hunts.

2. Tags. All harvested deer and turkey shall be tagged with an LBL permanent game tag before being removed from the area. Permanent LBL game tags shall be attached to all harvested deer and turkey at LBL check stations. The LBL permanent game tag shall be used in place of the Kentucky Department of Fish and Wildlife Resources official game check card as proof of check in and for taxidermy purposes.

(j) Prohibited weapons. Crossbows are prohibited [not permitted].

(k) The taking of coyotes. Hunters participating in the quota gun hunts may take coyotes if hunters [provided they] have not yet taken their deer and have a valid deer tag.

(l) For LBL general hunting rules refer to 301

KAR 2:050.

(2) Fort Campbell Wildlife Management Area located in Christian and Trigg Counties. There will be no hunting on Tuesdays and Wednesdays except when Tuesday or Wednesday is a federal holiday or as follows: December 18-19 [22-23] and 26 [29-30], then hunting shall be permitted. There will be no hunting on December 25 and January 1.

(a) Deer archery and muzzle-loading rifles season. Any deer: September 22 [23] through October 5 [6].

(b) Youth deer shotgun season: September 22 [23] through October 5 [6] on selected areas. Any deer. For persons aged ten (10) through sixteen (16) who shall be accompanied by an adult. Each youth shall have a valid hunter safety certificate. Shotguns twenty (20) gauge or [and] larger shall be used.

(c) Deer gun and archery season. Any deer: October 6 [7] through November 19 [October 30, November 2-20,] and December 8 [9] through December 31 on selected areas.

(d) Wild turkey archery season: Any turkey. Statewide season limits apply. September 22 [24] through October 5 [7]. Only those turkey hunters who possess valid unfilled deer and turkey hunting permits may [shall] hunt turkey at this time. [Turkey hunting shall be permitted only by hunters with a valid unfilled deer tag.]

(e) Wild turkey shotgun only season: any turkey. October 27 through November 9 [September 17-19 and 22-23].

(f) White turkey season: any white turkeys. The post bag limit is one (1) white turkey per deer gun season. Statewide and post season limits and tagging requirements on white turkey do not apply to the taking of other turkey. White turkey may be taken during any open hunting season on Ft. Campbell. Only those turkey hunters who possess valid unfilled deer tags and turkey hunting permits are permitted to hunt turkey at this time.

(g) Bag limits. The bag limit for Kentucky license holders hunting on Fort Campbell shall be two (2) antlered or antlerless deer taken by either gun or bow. Prior to November 24, once a hunter has taken his first deer on Fort Campbell, he shall be ineligible [is not eligible] for weekend drawings (i.e., he may only hunt on Mondays, Thursdays, or Fridays or on weekend standby) until the reopening of deer hunting on December 8. Then [9. At that time] if he has not harvested his limit he shall be [is] eligible for the weekend drawing until he has taken his limit.

(h) Permits and tagging requirements.

1. Deer hunters shall purchase a fifteen (15) dollar post hunting and fishing permit which includes a Fort Campbell deer tag, at building #6645. All Fort Campbell deer hunters shall also have the signature portion of a valid Kentucky deer permit. Persons sixty-five (65) years of age or older are not required to purchase a post hunting and fishing permit.

2. All deer taken on post by Kentucky hunters shall have a valid special purpose Kentucky deer tag attached to the carcass. All successful hunters shall fill out an official game check card to be kept in possession until the deer is processed.

(i) Prohibited and permitted weapons. Handguns and crossbows are prohibited. Rifles shall be permitted only in areas west of Palmyra Road. All rifles shall be equipped with telescopic

sights. Hunting arrows shall be not less than twenty-four (24) inches in length, equipped with broadhead barbed blades not less than seven-eighths (7/8) inch nor more than two (2) inches wide for single two (2) edged blades, or not more than three (3) or more blades. The minimum weight for all broadheads is 100 grains. [Explosive heads are prohibited on arrows.]

(j) Hunter safety certificate. All deer hunters between the ages of ten (10) and eighteen (18) shall possess a valid hunter safety certificate.

(3) Fort Knox Wildlife Management Area located in Hardin, Bullitt and Meade Counties.

(a) Deer archery hunt (any deer): first Saturday in October through November 18 [15 and December 18 through December 31].

(b) Deer gun hunt (any deer): November 24-25 [25-26], December 1-2, December 8-9 [2-3] and December 15-16 [16-17].

(c) Bag limits. The post bag limit is two (2) [one (1)] deer of either sex, only one (1) deer shall be taken by gun and one (1) taken by bow.

(d) Applications. Separate applications are required for archery and gun hunts.

1. Archery hunts. Civilians not working on post shall apply for weekend archery hunts by mail. No more than five (5) hunters shall apply on any one (1) application. Applications shall not be postmarked earlier than the third [second] Saturday in August or later than August 31 to be considered for the drawing for weekend archery hunts. Applicants drawn shall be assigned one (1) weekend of archery hunting. Weekday archery hunting shall be on a first come, first served basis. Sign-up for weekday hunts shall be made at least forty-eight (48) hours in advance at Hunt Control Headquarters Building 1060.

2. Gun hunts. Civilians not working on post shall apply by mail for a two (2) day gun hunt [by mail]. No more than five (5) hunters shall apply on any one (1) application. Applications shall not be postmarked earlier than the third [second] Saturday in August or later than August 31 to be considered for a random drawing. Hunters shall be assigned one (1), two (2) day hunting period.

3. Application procedure. All applications shall contain the type of hunt (gun or bow), names and addresses of each hunter, a self-addressed stamped envelope and a twenty-two [22] [twenty-five (25)] dollar money order, certified check or cashier's check for each hunter, made payable to Treasurer of the United States. Mail applications to Community Recreation Division, Hunt Control Office, Fort Knox, Kentucky 40121-5000.

(e) Check station. All deer taken during the archery season shall be checked in at Building 1060. Deer taken during the gun hunts shall be checked in at Building 7331 on 9th Avenue. [Successful hunters shall have their completed hunter portion of the game check card in their possession for their deer to be legal.]

(f) Hunting hours: one-half (1/2) hour before sunrise until 5 p.m. local prevailing time. Hunters shall clear hunt control by 7 p.m.

(g) [Prohibited and permitted] Weapons. Only breech-loading and muzzle-loading shotguns of twelve (12) gauge maximum and twenty (20) gauge minimum firing a single projectile, and muzzle-loading rifles of .38 caliber to .58 caliber firing a single projectile shall be permitted. Magazined shotguns shall be plugged

to a three-shot capacity. Hunters shall have no more than ten (10) rounds of ammunition in possession for any one (1) hunting day. Crossbows are prohibited.

(h) Hunter safety certificates. All deer hunters under the age of thirty-seven (37) [thirty-five (35)] shall possess a valid hunter safety certificate.

(i) Special clothing requirements. Gun hunters shall wear a solid hunter orange vest, jacket or coveralls and a hunter orange hat.

(j) Special equipment. All hunters shall possess a Fort Knox special hunting and fishing map and a flashlight.

(k) Intoxicants. Intoxicants are prohibited in vehicles and hunting areas.

(4) Blue Grass Ordnance Depot Activity located in Madison County.

(a) Deer archery hunts: during the month of October and November.

(b) Deer gun hunts: during the month of November and December.

(c) Bag limits. The post bag limit is one (1) deer of the sex announced on the day of the hunt.

(d) Applications. Hunters may submit applications for archery or gun hunts, but not for both. Applications for the drawings shall be made on a postcard with only one (1) hunter allowed per card. More than one (1) postcard per individual shall disqualify the applicant. When a maximum of two (2) people desire to hunt together, the required information shall [may] be written on individual three (3) inch by five (5) inch cards, stapled together, and mailed in one (1) envelope. The upper right corner of each card shall state the name of the person the applicant desires to hunt with. Each applicant shall furnish name and address (including zip code), social security number, date of birth, telephone number and specify whether gun or archery hunting is desired. Hunters, their hunting dates and areas shall be selected by a drawing. All cards or envelopes shall be postmarked no earlier than July 1 or later than August 1 to be eligible for the drawing. Improper applications shall be discarded. A fifteen (15) dollars per person fee shall be charged for hunting payable on the assigned hunting date. Mail all applications to: Lexington-Blue Grass Depot, Attention: Land Manager, Lexington, Kentucky 40511-5010.

(e) Age limit. No one under the age of fourteen (14) shall be allowed to hunt.

(f) [Prohibited and permitted] Weapons. Only breech-loading shotguns are permitted. Only longbows, recurve and compound bows having a pull weight of forty (40) pounds or greater are permitted. Crossbows are prohibited.

(g) Harvest quota. Hunting shall be discontinued whenever the designated deer harvest quota is reached or upon the direction of the Activity Commander.

(h) Hunter safety certificates. All deer hunters born after January 1, 1970 shall possess a valid hunter safety certificate.

(5) Reelfoot National Wildlife Refuge located in Fulton county.

(a) Deer quota hunts: any deer beginning the last Saturday in October and the first and second Saturday in November and lasting for two (2) consecutive days each.

(b) Drawing. Only those persons selected by a drawing may participate in the quota hunts [shall be allowed to gun hunt]. Hunters shall hunt for a maximum of one (1) day only.

(c) Deer archery hunt: any deer October 16-26 [27].

(d) Bag limits. The refuge bag limit is two (2) deer of either sex. Only one (1) deer shall be taken by gun.

(e) Check stations. All gun deer hunters shall [are required to] check in and out at designated check stations.

(6) Westvaco public hunting areas. All persons hunting shall possess a valid Westvaco hunting permit.

DON R. McCORMICK, Commissioner

MARY RAY OAKEN, Secretary

DAVID GODBY, Chairman

APPROVED BY AGENCY: March 5, 1990

FILED WITH LRC: May 14, 1990 at 9 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 27, 1990 at 10 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 22, 1990, five days prior to 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, and an estimated 3,000 persons will participate in wild turkey hunting in 1988. An unknown portion of these will avail themselves of the hunting opportunities offered on the federal installations spoken to in this regulation.

(a) Direct and indirect costs or savings to those affected: Involve the purchase of a state hunting license, one deer permit, and special hunting permits required by the administration of the federal installations. Indirect costs are determined by the individual hunter, depending on his level of participation.

1. First year: Persons participating in the deer 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. Those participating in turkey hunting would be required to also purchase a turkey permit (\$15).

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

3. Additional factors increasing or decreasing costs (note any effects upon competition): An additional hunting fee is charged by Fort Knox, Blue Grass Ordnance Depot Activity, LBL,

Westvaco, and Fort Campbell.

(b) Reporting and paperwork requirements: Hunters will be asked to check their deer and turkey at a check station and fill out a tag denoting specific information about the deer and turkey taken. Hunters must complete applications for drawing hunts.

(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 promulgation and enforcement of the regulation.

1. First year: The estimated department cost associated with establishing and carrying out the provisions of this regulation is \$2,500.

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

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: Deer and turkey hunters may be expected to expend money for equipment, transportation, food and lodging. The annual expenditure for these items averages \$25 per day of hunting according to the 1980 National Hunting and Fishing Survey. State and local revenues can be expected to be positively affected due to the necessary expenditures for the required licenses and taxes levied upon items purchased by hunters.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The only alternative to regulated hunting is closure of the season. This alternative was rejected as contrary to the conservation ethic which is based on the wise use of renewable resources and the fact that white-tailed deer and turkey populations are at levels which can sustain a regulated harvest by Kentucky sportsmen.

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

(a) Necessity of proposed regulation if in conflict: 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 Clerk's 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 the sale of hunting licenses and deer tags. This office receives a \$.75 fee for selling licenses and deer or turkey tags. 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.

GENERAL GOVERNMENT CABINET Department of Agriculture (Proposed Amendment)

302 KAR 1:020. Burley tobacco.

RELATES TO: KRS 247.710 to 247.785

STATUTORY AUTHORITY: KRS 247.555, 247.710 to 247.785

NECESSITY AND FUNCTION: KRS 247.755 authorizes the commissioner to establish and determine the rules and regulations to conduct a referendum among producers of burley tobacco for the purpose of promoting and stimulating by research, market development and education, the increased production, use and sale, domestic and foreign, of burley tobacco and burley tobacco products. House Bill 441 of the 1990 Regular Session amended KRS 247.570 to permit burley tobacco producers to increase the maximum producer assessment.

Section 1. Definitions. As used in these rules and regulations, unless the context otherwise requires:

(1) "Commissioner" means the Commissioner of Agriculture;

(2) "Board" means the State Board of Agriculture;

(3) "Producer" means every person who produces burley tobacco and thereafter causes the same to be marketed;

(4) "New producer" means a producer who was not engaged in the business of producing burley tobacco at the time a referendum was conducted in accordance with the provisions in these rules and regulations;

(5) "Person" means any individual, corporation, partnership, association, cooperative, or other business entity;

(6) "Referendum agent" means an employee of the State Department of Agriculture under the direct control of the Commissioner of Agriculture;

(7) "County referendum agent" an appointed person by the Commissioner of Agriculture, in a county where the burley tobacco referendum is held, as his agent for the conduct of said referendum;

(8) "Council for Burley Tobacco, Inc." means an existing association, representative of the burley tobacco producers of Kentucky;

(9) "Marketing quota" means each burley tobacco quota for which a marketing card is issued by the county agricultural stabilization conservation service office;

(10) "Association" means any commission, council, board, or other body.

Section 2. Counties in which Referendum will be Conducted. The burley tobacco referendum will be conducted in all of the 120 counties in Kentucky.

Section 3. Who May Vote. (1) Each person engaged in the production of burley tobacco on a

commercial basis, including the owners of farms on which burley tobacco is [are] produced, tenants and sharecroppers sharing in the proceeds of the sale of burley tobacco shall be entitled to cast one (1) vote in the referendum, provided the producer is eighteen (18) years of age or older.

(2) Without limiting subsection (1) of this section, each person whose name regularly appears on checks issued in payment for the sale of burley tobacco is eligible to cast one (1) vote in the referendum regardless of the ownership of the farm upon which burley tobacco was [were] produced. No person who certifies to the county referendum agent that he is a producer of burley tobacco shall be refused a ballot but such person shall be required to furnish the county referendum agent with information specific enough for the commissioner to verify the person's voting eligibility before such ballot is counted in the referendum.

Section 4. Voting Place. The commissioner shall establish a voting place in each county within the state where producers of burley tobacco reside. Such voting place will be in the county extension service office in each county where the referendum is conducted. The voting place must provide an area where each voter can mark his ballot in privacy. Only one (1) voter shall be permitted in the voting area at any one time. One (1) or more county referendum agents shall be permitted in each voting place for the purpose of conducting the referendum. The county referendum agent shall be in charge of and be responsible for the voting area. Campaigning for or against said referendum will not be permitted in the county extension service office during voting hours.

Section 5. Hours for Voting. The voting places will be open from 9 a.m. to 3 p.m. local time and eligible voters will be permitted to vote only during such period of time or by absentee ballot as set forth in Section 6 of this regulation. Voters will be permitted to vote only in the county of their residence or in the case of a corporate producer in the county where its principal place of business is located.

Section 6. Absentee Voting. Voting by absentee ballot will be permissible; provided, the request for an absentee ballot is made in writing to the commissioner at least ten (10) days in advance of the referendum voting date [September 21, 1976]. The absentee ballot must be signed and returned to the commissioner on or before the referendum voting date [September 21, 1976], before the [such] ballot is counted in the referendum.

Section 7. Referendum Voting Date. The burley tobacco referendum voting date shall [will] be set by the commissioner after certification of the referendum. The [September 21, 1976. This] date determined for the referendum, hours and polling places, effective date of the assessment, if adopted, the amount and basis of the assessment proposed to be collected, the means by which the assessment shall be collected and the general purposes to which the assessment shall be applied will be published by the commissioner through the medium of the public press in the Commonwealth of Kentucky at least thirty (30) days before the holding of the

[such] referendum. Notice of the referendum shall be published in accordance with the provisions of KRS Chapter 424 at least once, provided that the publication occurs not less than seven (7) nor more than twenty-one (21) days from the date of the referendum, and direct written notice thereof shall likewise be given to each county cooperative extension agent in any county covered by such referendum.

Section 8. Supervision of Referendum and Duties of the County Referendum Agent. The commissioner shall provide the county referendum agent with a copy of these rules and regulations [to conduct said referendum]. Each county referendum agent shall have in his possession and under his control a ballot box and the approved ballot forms, indelible marking pens, and other supplies sufficient to operate each voting place as established in Section 4 of this regulation. Each prospective voter must identify himself to the county referendum agent; and the voter [such person] will be required to sign a registration book giving his name, complete mailing address, and telephone number. The registration book shall be maintained by the county referendum agent. Upon signing the registration book, each prospective voter will receive an approved ballot form from the county referendum agent. The official ballot, after it has been completed by each eligible voter, shall be placed in the ballot box by said voter.

Section 9. Approved Ballot Forms. The commissioner shall furnish each county referendum agent in advance with official ballot[s] forms. The official ballot forms shall state the question to be presented to the voters. The question presented shall show that the burley tobacco producer is voting on whether or not to adopt and amend the burley tobacco producer assessment to provide that a producer shall have one-tenth (1/10) of a cent per pound deducted on their burley tobacco marketing quota, with a minimum of fifty (50) cents in any marketing year. The funds collected by the warehouse owners, tobacco dealers, and tobacco warehouse will be sent to the Council for Burley Tobacco to be used as provided in KRS 247.755. The effective date of the assessment, if adopted, will be November 1, 1990.

Section 10. Custody of Ballot Box and Referendum Material. Each county referendum agent shall provide a ballot box large enough to enclose all ballots cast in the referendum and to protect the ballots to insure that the information on the ballots is held in confidence. The county referendum agent shall mail all marked ballots and the registration book the day following the voting in the burley tobacco referendum to the Department of Agriculture in a properly secured manila envelope or folder.

Section 11. Confidential Information. All ballots cast, the identity of any person who voted, or the manner in which any person voted, and all information furnished to, compiled by, or in the possession of the commissioner, the referendum agent, and the county referendum agent shall be regarded as confidential. The commissioner shall retain the records, the ballots, the result of the referendum, and all other information furnished to or compiled by

the commissioner in regard to the referendum for a period of twelve (12) months.

Section 12. Counting of Votes. Within five (5) days after the referendum, the commissioner shall designate an area within the department's offices to be used for counting the votes cast in the referendum. The vote count shall be conducted by employees of the department, but the Council for Burley Tobacco, Inc. and any organization actively engaged in the production of burley tobacco in Kentucky may each have one (1) representative present during the counting of the votes. Such organization must establish, to the satisfaction of the commissioner, that its desire to observe the counting of the ballots is for a legitimate purpose.

Section 13. Announcement of the Referendum Results. Announcement of the results of the referendum will be made only by the commissioner. The referendum agent or others who assist in the referendum shall not disclose any information in regard to the referendum. The commissioner will announce the results within ten (10) days after the referendum.

Section 14. Referendum Costs. All costs and expenses incurred by the commissioner in connection with the referendum shall be borne by the association conducting the referendum. The commissioner shall notify the association of all documented costs and expenses incurred in conducting the referendum including mailing and transportation costs, within ninety (90) days of the date the results of the referendum are announced by the commissioner.

Section 15. Affirmative Vote. An assessment approved by an affirmative vote as defined by KRS 247.765 shall be collected in the manner determined and announced by the association conducting the referendum.

WARD "BUTCH" BURNETTE, Commissioner

APPROVED BY AGENCY: May 4, 1990

FILED WITH LRC: May 10, 1990 at 1 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 22, 1990 at 10 a.m. at the Department of Agriculture Conference Room, 7th Floor, Capital Plaza Tower, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 18, 1990, five days prior to 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: J. Michael Noyes, General Counsel, Department of Agriculture, Capital Plaza Tower, 7th Floor, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: J. Michael Noyes

(1) Type and number of entities affected:

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

1. First year: This regulation is promulgated as required by KRS 247.755 to provide the rules governing a referendum to be conducted by the Council for Burley Tobacco pursuant to KRS 247.730. The Commissioner of Agriculture is required to provide rules governing and the conduct and management of the referendum. There will be no direct or indirect expense occurred by the department as any expenses associated with conducting, managing or supervising the referendum may be reimbursed by the Council for Burley Tobacco as required by KRS 247.745. This amendment is required because HB 441 of the 1990 Regular Session amended KRS 247.475 to allow producers to increase the maximum burley tobacco producers assessment. A separate regulation governing the burley tobacco producers referendum is required because the commissioner is directed to promulgate and provide notice of the rules for conducting the referendum and KRS 247.710 to KRS 247.785 sets out a distinct statutory scheme and method for conducting the referendum.

2. Continuing costs or savings: Pursuant to KRS 247.745, no continuing costs or savings will be incurred.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no factors increasing or decreasing costs and the regulation has no effect on competition.

(b) Reporting and paperwork requirements: Any paperwork or reporting requirements in conducting, supervising and managing the referendum are specific requirements set out by statute at KRS 247.715 et seq.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: See discussion above.

2. Continuing costs or savings: See discussion above.

3. Additional factors increasing or decreasing costs: See discussion above.

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: This regulation will have no direct impact upon state or local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternative method exists. This regulation is a specific requirement of KRS 247.755.

(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. The statutes governing the referendum require uniformity and, therefore, prohibit tiering.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. The Council for Burley Tobacco is authorized to conduct a producers

referendum pursuant to KRS 247.715 et seq. Pursuant to KRS 247.755, the commissioner is required to promulgate rules and regulations governing the hours, voting places and area within which the referendum will be conducted. This regulation is promulgated pursuant to the statutory requirement set out in KRS Chapter 247 and has no impact upon the federal mandate.

2. State compliance standards. No. This regulation is promulgated in direct compliance with a Kentucky statute. There is no applicable federal jurisdiction or standard.

3. Minimum or uniform standards contained in the federal mandate. Not applicable.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate?

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.

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 May [February] 15, 1990 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 or may be reviewed at the Office of General Counsel weekdays from 8 a.m. to 4:30 p.m.

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 2/15/90)]
KSR 02-00-03 Screening Disbursements from Inmate Personal Accounts
KSR 02-00-11 Inmate Personal Accounts
KSR 02-00-12 Institutional Funds and Issuance of Checks
KSR 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
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 07-00-07 Discharge Monitoring Report (DMR) (Added 5/15/90)
KSR 08-00-07 Inmate Family Emergency - Life Threatening Illness or Death in Inmate's Immediate Family [(Amended 2/15/90)]
KSR 08-00-08 Death of an Inmate/Notification of Inmate Family in Case of Serious Injury, Critical Medical Emergency, Major Surgery [(Amended 2/15/90)]
KSR 08-00-10 Hazardous Chemicals and Material Safety Data Sheet
KSR 09-00-04 Horizontal Gates/Box 1 Entry and Exit Procedure [(Amended 2/15/90)]
KSR 09-00-05 Gate I Entrance and Exit Procedure [(Amended 2/15/90)]
KSR 09-00-09 Contraband, Dangerous Contraband and Search Policy [(Amended 2/15/90)]
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 [(Amended 2/15/90)]
KSR 09-00-25 Inmate Motor Vehicle Operator's License [(Amended 2/15/90)]
KSR 09-00-26 Contraband Outside Institutional Perimeter
KSR 09-00-27 Construction Crew Entry/Exit
KSR 09-00-28 Restricted Areas [(Amended 2/15/90)]
KSR 09-00-29 Transportation of Inmates
KSR 09-00-30 Parole Board [(Added 2/15/90)]
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 [(Amended 2/15/90)]
KSR 10-00-03 Unit D - Inmate Tracking System and Records System
KSR 10-00-04 Unit D - Administrative Segregation [(Amended 2/15/90)]
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 [(Amended 2/15/90)]
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
KSR 11-00-07 Early Chow Line Passes for Medically Designated Inmates

ADMINISTRATIVE REGISTER - 2707

KSR 12-00-01	Inmate Summer Dress Regulations (Amended 5/15/90)	KSR 17-00-03	Notifying Inmates' Families of Admission and Procedures for Mail and Visiting
KSR 12-00-02	Sanitation and General Living Conditions	KSR 17-00-04	Assessment/Classification Center Operations, Rules and Regulations
KSR 12-00-03	State Items Issued to Inmates	KSR 17-00-05	Dormitory 10 Operations
KSR 12-00-07	Regulations for Inmate Barbershop	KSR 17-00-06	Identification Department Admission and Discharge Procedures
KSR 13-00-01	Identification of Mentally Retarded Inmates	KSR 17-00-07	Inmate Personal Property
KSR 13-00-02	Hospital Operations, Rules and Regulations	KSR 17-00-08	Repair of Inmate Owned Appliances by Outside Dealers
KSR 13-00-03	Medication for Inmates Leaving Institution Grounds	KSR 18-00-04	Returns from Other Institutions
KSR 13-00-04	Medical and Dental Care	KSR 18-00-05	Transfer of Residents to Kentucky Correctional Psychiatric Center, and Referral Procedure for Residents Adjudicated Guilty but Mentally Ill
KSR 13-00-06	Infection Control	KSR 18-00-06	Classification and Special Notice Form
KSR 13-00-07	Referral of Inmates Considered to Have Severe Emotional Disturbances	KSR 19-00-01	Inmate Work Incentives
KSR 13-00-08	Institutional Laboratory Procedures	KSR 19-00-02	On-the-job Training Program [(Amended 2/15/90)]
KSR 13-00-09	Institutional Pharmacy Procedures [(Amended 2/15/90)]	KSR 19-00-03	Safety Inspections of Inmate Work Assignment Locations
KSR 13-00-10	Requirements for Medical Personnel	KSR 20-00-01	Vocational School Referral and Release Process
KSR 13-00-11	Preliminary Health Evaluation and Establishment of Inmate Medical Record	KSR 20-00-03	Academic School Programs (Amended 5/15/90)
KSR 13-00-12	Vision Care/Optomety Services	KSR 20-00-04	Criteria for Participation in Jefferson Community College Program
KSR 13-00-14	Periodic Health Examinations for Inmates	KSR 20-00-08	Integration of Vocational and Academic Education Programs
KSR 13-00-15	Medical Alert System	KSR 21-00-01	Legal Aide Office and Law Library Services and Supervision
KSR 13-00-16	Suicide Prevention and Intervention Program	KSR 21-00-02	Inmate Library Services (Amended 5/15/90)
KSR 14-00-01	Inmate Rights	KSR 21-00-03	Library Services for Unit D
KSR 14-00-02	A/C Center and Unit D Inmate Access to Legal Aide Services	KSR 22-00-03	Inmate Organizations
KSR 14-00-04	Inmate Grievance Procedure	KSR 22-00-07	Inmate News Magazine
KSR 14-00-05	Inmate Marriages	KSR 23-00-02	Chaplain's Responsibility and Inmate Access to Religious Representatives
KSR 14-00-06	Inmate Legal Aides	KSR 23-00-03	Religious Programming
KSR 15-00-02	Regulations Prohibiting Inmate Control or Authority Over Other Inmate(s)	KSR 25-00-01	Discharge of Residents to Hospital or Nursing Home
KSR 15-00-04	Restoration of Forfeited Good Time [(Amended 2/15/90)]	KSR 25-00-02	Violations of Law or Code of Conduct by Inmates on Parole Furlough
KSR 15-00-05	Differential Status for SU (QUIT) Inmates	KSR 25-00-03	Preparole Progress Report
KSR 15-00-06	Inmate I.D. Cards		
KSR 15-00-07	Inmate Rules and Discipline - Adjustment Committee Procedures [(Amended 2/15/90)]		
KSR 15-00-08	Firehouse Living Area [(Amended 2/15/90)]		
KSR 15-00-10	Program Services for Special Housing Placement		
KSR 15-01-01	Operational Procedures and Rules and Regulations for Unit A, B & C: Functions of Assigned Personnel		
KSR 15-01-02	Operational Procedures and Rules and Regulations for Unit A, B, & C: Staff Operational Procedures [(Amended 2/15/90)]		
KSR 15-01-03	Inmate Rules and Regulations		
KSR 15-01-04	Institutional Medical and Fire Safety Service: Unit Application		
KSR 15-01-05	Institutional Inmate Services		
KSR 15-01-06	Operational Procedures and Rules and Regulations for Unit A, B & C: Inmate Housing Criteria and Regulations, Honor Status and General Population [(Amended 2/15/90)]		
KSR 16-00-01	Visiting Regulations		
KSR 16-00-02	Inmate Correspondence and Mailroom Operations		
KSR 16-00-03	Inmate Access to Telephones		
KSR 17-00-01	Housing Unit Assignment - Assessment/Classification Center		

JOHN T. WIGGINTON, Secretary
 APPROVED BY AGENCY: May 15, 1990
 FILED WITH LRC: May 15, 1990 at 9 a.m.
 PUBLIC HEARING: A public hearing on this regulation has been scheduled for June 21, 1990 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: 539 employees of the Kentucky State Reformatory, 1399 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 6:060. 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 May [March] 15, 1990 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 or may be reviewed at the Office of General Counsel weekdays from 8 a.m. to 4:30 p.m.

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

NTC 02-10-01 Insurance Coverage
NTC 02-12-01 Inmate Personal Accounts
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) (Amended 5/15/90)
NTC 10-02-01 Security Guidelines for Special Management Inmates
NTC 10-03-01 Protective Custody
NTC 11-03-01 Food Services: General Guidelines [(Amended 3/15/90)]
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 [(Amended 3/15/90)]
NTC 11-07-01 Purchasing, Storage and Farm Products
NTC 12-01-01 Institutional Inspections [(Amended 3/15/90)]
NTC 12-02-01 Personal Hygiene for Inmates; Clothing and Linens [(Amended 3/15/90)]
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
NTC 13-11-01 Inmate Health Screening and Evaluation
NTC 13-12-01 Special Health Care Programs
NTC 13-17-01 Inmates Assigned to Health Services
NTC 13-19-01 Mental Health Care Program
NTC 13-19-03 Suicide Prevention and Intervention Program
NTC 13-20-01 Infectious Disease
NTC 13-20-02 Infection Control [(Added 3/15/90)]
NTC 13-21-01 Vision Care/Optomety Services
NTC 13-22-01 Informed Consent
NTC 13-23-01 Special Needs Inmates
NTC 14-01-01 Legal Services Program
NTC 14-01-02 Receiving and Viewing of Video Tapes
NTC 14-02-01 Inmate Grievance Procedure
NTC 14-03-01 Inmate Rights and Responsibilities
NTC 14-03-02 Board of Claims
NTC 14-04-01 Inmate Search Policy
NTC 15-01-01 Restoration of Forfeited Good Time
NTC 15-02-01 Due Process/Disciplinary Procedures (Amended 5/15/90)
NTC 15-02-02 Extra Duty Assignments
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 [(Amended 3/15/90)]
 NTC 16-02-01 Visiting
 NTC 16-02-02 Extended and Special Visits
 NTC 16-02-03 Honor Dorm Visiting
 NTC 16-03-01 Inmate Furloughs
 NTC 16-05-01 Telephone Use and Control
 NTC 17-01-01 Personal Property Control
 NTC 17-01-02 Authorized Inmate Personal Property
 NTC 17-01-03 Unauthorized Inmate Property
 NTC 17-01-04 Disposition of Unauthorized Property
 NTC 17-03-01 Assessment/Orientation
 NTC 18-01-01 Parole Progress Report
 NTC 18-02-01 Classification
 NTC 18-02-02 Classification - 48 Hour Notification
 NTC 18-03-01 Special Notice Form
 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
 NTC 23-01-01 Religious Services [(Amended 3/15/90)]
 NTC 24-04-01 Honor Status [(Amended 3/15/90)]
 NTC 24-05-01 Unit Management [(Amended 3/15/90)]
 NTC 25-01-01 Release Preparation Program [(Amended 3/15/90)]
 NTC 25-01-02 Temporary Release/Community Center Release
 NTC 25-01-03 Graduated Release
 NTC 25-02-01 Funeral Trips and Bedside Visits
 NTC 25-03-01 Inmate Release Procedure [(Amended 3/15/90)]
 NTC 26-01-01 Citizen Involvement and Volunteer Services Program

JOHN T. WIGGINTON, Secretary

APPROVED BY AGENCY: May 15, 1990

FILED WITH LRC: May 15, 1990 at 9 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for June 21, 1990 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: 291 employees of the Northpoint Training Center, 887 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 6:110. Roederer Farm 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 May [February] 15, 1990 and hereinafter should be referred to as Roederer Farm Center Policies and Procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Corrections Cabinet, State Office Building, Frankfort, Kentucky 40601 or may be reviewed at the Office of General Counsel weekdays from 8 a.m. to 4:30 p.m.

RFC 01-04-02 Extraordinary Occurrence Procedure [(Amended 2/15/90)]

RFC 01-06-01 Inmate Access to and Communication with RFC Staff [(Amended 2/15/90)]

RFC 01-07-01 Institutional Legal Assistance [(Amended 2/15/90)]

RFC 01-08-01 Public Information and News Media Access

RFC 01-09-01 Staff Participation in Professional Organization and Conferences; Provisions for Leave and Reimbursement for Expenses

ADMINISTRATIVE REGISTER - 2710

RFC 01-10-01	RFC Cooperation with Outside Bodies Including Courts, Governmental Legislative, Executive, and Community Agencies	RFC 11-04-01	Food Service: Meals
RFC 01-12-01	Institutional Duty Officer - Responsibilities <u>(Amended 5/15/90)</u>	RFC 11-04-02	Food Service: Menu, Nutrition and Special Diets
RFC 02-01-01	Fiscal Management: Organization <u>[(Amended 2/15/90)]</u>	RFC 11-05-01	Food Service: Kitchen and Dining Room Inmate Work Responsibilities
RFC 02-01-02	Fiscal Management: Accounting Procedures <u>[(Amended 2/15/90)]</u>	RFC 11-05-02	Medical Screening of Food Handlers
RFC 02-01-03	Fiscal Management: Agency Funds <u>[(Amended 2/15/90)]</u>	RFC 11-06-01	Food Service: Inspections and Sanitation
RFC 02-01-04	Fiscal Management: Insurance <u>[(Amended 2/15/90)]</u>	RFC 11-07-01	Food Service: Purchasing, Storage and Farm Products
RFC 02-02-01	Fiscal Management: Budget <u>[(Amended 2/15/90)]</u>	[RFC 11-08-01	Staff/Visitor Meals (Deleted 5/15/90)]
RFC 02-02-02	Inmate Control of Personal Funds <u>[(Amended 2/15/90)]</u>	RFC 12-01-01	Sanitation, Living Conditions Standards, Clothing Issues <u>[(Amended 2/15/90)]</u>
RFC 02-02-03	Storage and Disposition of Monies received on Weekends, Holidays, and Between 4 p.m. and 8 a.m. Weekdays <u>[(Amended 2/15/90)]</u>	RFC 12-01-02	Bed Areas <u>[(Amended 2/15/90)]</u>
RFC 02-02-05	Inmate Canteen Services <u>[(Added 2/15/90)]</u>	RFC 12-02-01	Issuance of Clean Laundry and Receiving of Dirty Laundry <u>(Amended 5/15/90)</u>
RFC 02-03-01	Fiscal Management: Audits <u>[(Amended 2/15/90)]</u>	RFC 12-03-01	Personal Hygiene Items: Issuance and Placement Schedule <u>[(Amended 2/15/90)]</u>
RFC 02-04-01	Purchase Orders <u>[(Amended 2/15/90)]</u>	RFC 12-03-02	Barber Shop Services and Equipment Control <u>[(Amended 2/15/90)]</u>
RFC 02-04-02	Processing of Invoices <u>[(Amended 2/15/90)]</u>	RFC 12-04-01	Institutional Inspections <u>(Amended 5/15/90)</u> <u>[(Amended 2/15/90)]</u>
RFC 02-06-01	Property Inventory <u>[(Amended 2/15/90)]</u>	RFC 12-05-01	Fire Safety <u>[(Amended 2/15/90)]</u>
RFC 03-13-01	Staff/Visitor Meals	RFC 12-05-02	Use of Noncombustible Receptacle <u>[(Amended 2/15/90)]</u>
RFC 04-01-01	Employee Training and Development <u>(Amended 5/15/90)</u> <u>[(Amended 2/15/90)]</u>	RFC 12-06-01	Insect and Vermin Control <u>[(Amended 2/15/90)]</u>
RFC 05-01-01	Information System <u>[(Amended 2/15/90)]</u>	RFC 13-01-01	Organization of Health Services <u>(Amended 5/15/90)</u> <u>[(Amended 2/15/90)]</u>
RFC 06-01-01	Offender Records <u>(Amended 5/15/90)</u> <u>[(Amended 2/15/90)]</u>	RFC 13-02-01	Health Maintenance Services: Sick Call and Pill Call <u>[(Amended 2/15/90)]</u>
RFC 06-02-01	Use of Inmate Records/Security of Inmate Records	RFC 13-03-01	Dental Policy/Sick Call <u>(Amended 5/15/90)</u> <u>[(Amended 2/15/90)]</u>
RFC 06-03-01	Records Release of Information	RFC 13-04-01	<u>Preliminary Health Evaluation and Establishment of Inmate Medical (Amended 5/15/90)</u> <u>[(Inmate Medical Screenings and Health Evaluations (Amended 2/15/90))]</u>
RFC 06-03-02	Storage of Expunged Records	RFC 13-05-02	Licensure and Training Standards for Medical Department <u>(Amended 5/15/90)</u> <u>[(Amended 2/15/90)]</u>
RFC 06-03-04	Access to Psychological and Psychiatric Reports	RFC 13-06-01	Suicide Prevention and Intervention Program
RFC 06-04-01	Court Trips	RFC 13-06-02	First Aid and CPR Training Program <u>(Amended 5/15/90)</u>
RFC 06-04-02	Receipt of Order of Appearance	RFC 13-06-03	Emergency Medical and Dental Care Services <u>[(Amended 2/15/90)]</u>
RFC 08-01-01	Fire Prevention	RFC 13-06-04	First Aid/CPR Training Program
RFC 08-02-01	Fire Procedures <u>[(Amended 2/15/90)]</u>	RFC 13-07-01	Health Records <u>(Amended 5/15/90)</u>
RFC 08-02-02	Fire Extinguishers and Their Use	RFC 13-07-03	Use of Pharmaceutical Products
RFC 08-08-01	Hazardous Communication Program <u>[(Amended 2/15/90)]</u>	[RFC 13-08-01	Special Diets (Deleted 5/15/90)] <u>[(Amended 2/15/90)]</u>
RFC 09-04-03	Duties and Responsibilities of the Fire Safety Officer	RFC 13-09-01	Notification of Inmate Family in the Event of Serious Illness, Surgery, or Inmate Death
RFC 09-06-01	Search Policy/Disposition of Contraband <u>[(Amended 2/15/90)]</u>	RFC 13-10-01	Health Education/Special Health Programs <u>(Amended 5/15/90)</u> <u>[(Amended 2/15/90)]</u>
RFC 09-09-02	Drug Abuse Testing <u>[(Amended 2/15/90)]</u>	RFC 13-11-01	Informed Consent
RFC 09-09-03	Breathalyzer <u>[(Amended 2/15/90)]</u>	RFC 13-12-01	Mental Health/Provision of Psychiatric Services by KCPC
RFC 09-14-01	Restricted Areas <u>[(Amended 2/15/90)]</u>	RFC 13-12-02	Transfer of Inmates to Kentucky Correctional Psychiatric Center
RFC 09-22-01	Use of Force <u>(Amended 5/15/90)</u> <u>[(Amended 2/15/90)]</u>	RFC 13-13-01	Identification of Special Needs Inmates <u>[(Amended 2/15/90)]</u>
RFC 09-24-01	Informants <u>[(Amended 2/15/90)]</u>	RFC 13-15-01	Medical Restraints
RFC 10-01-01	Special Management Inmates <u>(Amended 5/15/90)</u> <u>[(Amended 2/15/90)]</u>	RFC 13-16-01	Specialized Health Services <u>[(Amended 2/15/90)]</u>
RFC 10-01-02	Temporary Holding Cell Guidelines <u>[(Added 2/15/90)]</u>		
RFC 11-01-01	Food Services: General Guidelines <u>[(Amended 2/15/90)]</u>		
RFC 11-02-01	Food Service: Security <u>[(Amended 2/15/90)]</u>		
RFC 11-03-01	Dining Room Guidelines <u>[(Amended 2/15/90)]</u>		

ADMINISTRATIVE REGISTER - 2711

RFC 13-17-01 Vision Care and Optometry Services [(Amended 2/15/90)]

RFC 13-18-01 Infection Control (Amended 5/15/90) [Serious and Infectious Diseases]

RFC 14-01-01 Inmate Rights and Responsibilities

RFC 14-02-01 Legal Services Program [(Amended 2/15/90)]

RFC 14-03-01 Inmate Grievance Procedure

RFC 14-04-01 Inmate Participation in Authorized Research

RFC 15-01-01 Adjustment Procedures (Amended 5/15/90) [(Amended 2/15/90)]

[RFC 15-02-01 Prehearing Detention and Protective Custody (Deleted 5/15/90)]

RFC 16-01-01 Inmate Visiting [(Amended 2/15/90)]

RFC 16-02-01 Telephone Communications [(Amended 2/15/90)]

RFC 16-03-01 Mail Regulations [(Amended 2/15/90)]

RFC 16-03-02 Christmas Packages [(Amended 2/15/90)]

RFC 17-01-01 Assessment/Orientation Procedure for Intrasystem Transfers [(Amended 2/15/90)]

RFC 17-02-01 Inmate Reception Process [(Amended 2/15/90)]

RFC 17-03-01 Inmate Personal Property and Property Control [(Amended 2/15/90)]

RFC 17-04-01 Unauthorized Items

RFC 17-05-02 Housing Unit Assignment Assessment/Classification Center [(Added 2/15/90)]

RFC 17-05-03 Notifying Inmate's Families of Admission and Procedures for Mail and Visiting [(Added 2/15/90)]

RFC 17-05-04 Assessment Center Operations Rules and Regulations [(Added 2/15/90)]

RFC 17-05-05 Assessment Center Operations and Reception Programs [(Added 2/15/90)]

RFC 18-01-01 Institutional Classification Committee [(Amended 2/15/90)]

RFC 18-03-01 Classification Process [(Amended 2/15/90)]

RFC 18-03-02 Classification Program Planning [(Amended 2/15/90)]

RFC 18-04-01 Instructions for Case Reviews [(Amended 2/15/90)]

RFC 18-05-01 Transfers to Other Institutions [(Amended 2/15/90)]

RFC 18-06-01 Classification Document [(Amended 2/15/90)]

RFC 19-01-01 Job Assignments [(Amended 2/15/90)]

RFC 19-02-01 Government Service Details [(Amended 2/15/90)]

RFC 20-01-01 Academic Education Program [(Amended 2/15/90)]

RFC 20-01-02 Testing and Verification Procedure [(Amended 2/15/90)]

RFC 21-01-01 Library Services (Amended 5/15/90) [(Amended 2/15/90)]

RFC 22-01-01 Recreation and Inmate Activities [(Amended 2/15/90)]

RFC 22-01-02 Recreational Equipment Check-in/Check-out Procedure [(Amended 2/15/90)]

RFC 22-03-01 Inmate Clubs and Organizations [(Amended 2/15/90)]

RFC 22-03-02 Privilege Trips

RFC 22-04-01 Conducting Inmate Organizational Meetings and Programs

RFC 23-01-01 Religious Services [(Amended 2/15/90)]

RFC 23-03-01 Visitors for Religious Programs [(Amended 2/15/90)]

RFC 23-04-01 Marriage of Inmates [(Amended 2/15/90)]

RFC 24-01-01 Social Services and Counseling Program [(Amended 2/15/90)]

RFC 25-01-01 Expedient and Prerelease Preparation Program Description

RFC 25-02-01 Temporary Release or Community Center Release

RFC 25-03-01 Furloughs [(Amended 2/15/90)]

RFC 25-04-01 Parole Progress Report

RFC 25-04-02 Parole Eligibility Dates

RFC 25-05-01 Inmate Discharge Procedure

RFC 26-01-01 Citizen Involvement and Volunteer Services Program (Amended 5/15/90) [(Amended 2/15/90)]

JOHN T. WIGGINTON, Secretary

APPROVED BY AGENCY: May 15, 1990

FILED WITH LRC: May 15, 1990 at 9 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for June 21, 1990 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: 152 employees of the Roederer Farm Center, 425 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 6:130. Western Kentucky Farm 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 authorizes the secretary to adopt, amend or rescind regulations necessary and suitable for the proper administration of the cabinet or any division therein. This regulation is in conformity with those provisions.

Section 1. Pursuant to the authority vested in the Corrections Cabinet the following policies and procedures are incorporated by reference on May [February] 15, 1990 and hereinafter should be referred to as Western Kentucky Farm Center Policies and Procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Corrections Cabinet, State Office Building, Frankfort, Kentucky 40601 or may be reviewed at the Office of General Counsel weekdays from 8 a.m. to 4:30 p.m.

WKFC 01-09-01 Duty Officers, External and Internal Inspections, and Staff Tours

WKFC 02-01-01 Inmate Funds (Amended 5/15/90)

WKFC 02-00-03 Invoice/Voucher Processing

WKFC 02-00-04 Monetary Receipts During Nonbusiness Hours (Added 5/15/90)

WKFC 02-00-06 Purchasing Procedures

WKFC 02-01-01 Inmate Funds

WKFC 02-02-01 Agency Funds and Accounting Procedures

WKFC 02-08-01 Property Receipt and Inventory Procedures

WKFC 04-01-01 Travel Reimbursement for Official Business in Attendance at Professional Meetings

WKFC 04-02-01 Employee Training and Development (Amended 5/15/90)

WKFC 04-04-01 Educational Assistance Program

WKFC 05-01-01 Research, Consultants, and Student Interns

WKFC 06-00-01 Offender Records and Information Access

WKFC 06-00-02 Court Orders, Orders of Appearance, Warrants, Detainers, Etc.

WKFC 09-00-01 Drug Abuse Testing [(Amended 2/15/90)]

WKFC 10-02-01 Special Management Inmates [(Amended 2/15/90)]

WKFC 11-00-02 Food Service Inmate Work Responsibilities, Evaluations, and Health Requirements

WKFC 11-00-03 Food Service Inspections, Sanitation, Purchasing, Storage, and Corrections Cabinet Farm Products

WKFC 11-02-01 Food Service General Guidelines

WKFC 11-02-02 Food Service Security

WKFC 11-03-01 Food Service Meals, Menus, Nutrition and Special Diets

WKFC 12-01-01 Inmate Clothing

WKFC 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 [(Amended 2/15/90)]

WKFC 14-06-01 Inmate Grievance Procedure

WKFC 15-01-01 Hair and Grooming Standards

WKFC 15-02-01 Inmate Offenses and Penalties [(Added 2/15/90)]

WKFC 15-03-01 Meritorious Good Time

WKFC 15-05-01 Restoration of Forfeited Good Time

WKFC 15-06-01 Adjustment Procedures and Programs [(Added 2/15/90)]

WKFC 16-01-01 Visiting Policy and Procedures

WKFC 16-02-01 Inmate Correspondence

WKFC 16-03-01 Inmate Access to Telephones

WKFC 16-04-01 Inmate Packages (Amended 5/15/90)

WKFC 17-01-01 Inmate Personal Property (Amended 5/15/90)

WKFC 17-02-01 Inmate Reception and Orientation [(Amended 2/15/90)]

WKFC 18-01-01 Structure, Guidelines, and Functions of the Classification Committee

WKFC 19-03-01 Inmate Wage Program

WKFC 19-04-01 Work/Program Assignments

WKFC 20-04-01 Academic Education Program(s)

WKFC 20-03-01 Vocational Education Program(s)

WKFC 22-00-01 Inmate Recreation and Leisure Time Activities

WKFC 22-00-02 Inmate Clubs & Organizations

WKFC 23-00-01 Religious Services (Amended 5/15/90) [(Amended 2/15/90)]

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: May 15, 1990

FILED WITH LRC: May 15, 1990 at 9 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for June 21, 1990 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: 156 employees of the Western Kentucky Farm Center, 328 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 6:150. Eastern Kentucky 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 May [February] 15, 1990, hereinafter should be referred to as the Eastern Kentucky Correctional Complex Policies and Procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Corrections Cabinet, State Office Building, Frankfort, Kentucky 40601 or may be reviewed at the Office of General Counsel weekdays from 8 a.m. to 4:30 p.m.

EKCC 01-01-01 Institutional Legal Assistance

EKCC 01-02-01 Public Information and News Media Access

EKCC 01-06-01 Inmate Death

EKCC 01-06-02 Crime Scene Camera

EKCC 01-07-01 Institutional Tours of EKCC

EKCC 01-07-02 EKCC Cooperation with Outside Bodies Including Courts, Governmental, Legislative, Executive, and Community Agencies

EKCC 01-07-03 Outside Consultation and Research

EKCC 01-08-01 Monthly Reports

EKCC 01-09-01 Duty Officer Responsibilities [(Added 2/15/90)]

EKCC 01-10-01 Annual Planning Document and Conference

EKCC 01-10-02 Organization and Assignment of Responsibility

EKCC 01-10-03 Institutional Planning

EKCC 01-13-01 Organization of Operations Manual

EKCC 01-13-02 Monitoring of Operations, Policies and Procedures

EKCC 01-13-03 Formulation and Revision of EKCC Operating Procedures

EKCC 01-13-04 Meetings Conducted and Their Purpose

EKCC 02-01-01 Canteen Cards: Issuance and Distribution

EKCC 02-01-02 Inmate Canteen

EKCC 02-02-01 Fiscal Management: Agency Funds

EKCC 02-05-01 Fiscal Management: Budget

EKCC 02-08-01 Property Inventory

EKCC 02-08-02 Warehouse Operation and Inventory Control

EKCC 02-11-01 Purchase and Supply Requisition

EKCC 02-12-01 Fiscal Management: Audits

EKCC 02-13-01 Fiscal Management: Accounting Procedures

EKCC 02-14-01 Screening Disbursements from Inmate Personal Accounts

EKCC 03-01-01 Construction Crew Entry/Exit

EKCC 03-08-01 Replacement of Damaged or Destroyed Personal Property

EKCC 03-09-01 Use of Interns and Students

EKCC 03-18-01 Fiscal Management: Insurance

EKCC 04-01-01 Staff Participation in Professional Organizations and Conferences; Provision for Leave and Reimbursement for Expenses

EKCC 04-02-01 Emergency Preparedness Training

EKCC 05-01-01 Inmate Participation in Authorized Research

EKCC 05-02-01 Information System

EKCC 06-01-01 Confidentiality of Information, Roles and Services of Consultants, Contract Personnel and Volunteers

EKCC 06-03-01 Offender Records

EKCC 08-02-01 Fire Safety

EKCC 08-02-02 Fire Procedures [(Added 2/15/90)]

EKCC 08-02-03 Fire Prevention (Added 5/15/90)

EKCC 08-03-01 Emergency Preparedness Manual

EKCC 08-03-03 Emergency Medical Transportation (Added 5/15/90)

EKCC 08-05-01 Emergency Squad: Selection, Training and Evaluation

EKCC 09-04-01 Inmates Immediate Family, Bedside Visits; and Funeral Trips

EKCC 09-06-01 Unauthorized Items [(Added 2/15/90)]

EKCC 09-08-01 Unit Searches/Control of Excess Property

EKCC 09-08-02 Contraband, Dangerous Contraband, Search Policy

EKCC 09-09-01 Transportation of Inmates

EKCC 09-10-01 Institutional Inspections

EKCC 09-12-01 Key Control

EKCC 09-13-01 Institutional Post Orders

EKCC 09-14-01 Count Procedures [(Added 2/15/90)]

EKCC 09-15-01 Standards for Maintaining Perimeter Safety

EKCC 09-15-02 Lobby/Reception: Entry and Exit Procedure [(Added 2/15/90)]

EKCC 09-19-01 Contraband Outside Institutional Perimeter

EKCC 09-20-01 Drug Abuse/Intoxicants Testing

EKCC 09-21-01 Collection, Preservation of Evidence

EKCC 09-22-01 Restricted Areas

EKCC 09-23-01 Regulation of Inmate Movement

EKCC 09-24-01 Guidelines for Unit Staff

EKCC 09-25-01 Procedures for Prohibiting Inmate Authority over Other Inmates

EKCC 09-26-01 Security Activity Logs [(Added 2/15/90)]

EKCC 10-02-01 Special Management Unit: Operating Procedures and Living Conditions [(Added 2/15/90)]

EKCC 10-02-02 Special Management Inmates: Assignment, Classification, Reviews and Release [(Added 2/15/90)]

EKCC 10-02-03 Grooming Standards for Special Management (Added 5/15/90)

EKCC 11-02-01 Meal Planning for General Population (Added 5-15-90)

EKCC 11-02-02 Food Service: Purchasing, Storage and Farm Products (Added 5/15/90)
 EKCC 11-03-01 Food Service: Menu, Nutrition and Special Diets (Added 5/15/90)
 EKCC 11-04-01 Food Service: Inspections and Sanitation (Added 5/15/90)
 EKCC 11-04-02 Medical Screening of Food Handlers (Added 5/15/90)
 EKCC 11-05-01 Food Service: Security (Added 5/15/90)
 EKCC 11-06-01 Food Service: Kitchen and Dining Room Inmate Worker Responsibilities (Added 5/15/90)
 EKCC 11-07-01 Dining Room Guidelines (Added 5/15/90)
 EKCC 11-08-01 OJT Food Service Training Placement (Added 5/15/90)
 EKCC 12-01-01 Vermin and Insect Control
 EKCC 12-02-01 Inmate Dress and Use of Access Areas (Amended 5/15/90) [(Added 2/15/90)]
 EKCC 13-02-01 Emergency Medical Procedure (Added 5/15/90)
 EKCC 13-02-02 Disaster and Mass Casualty Plan (Added 5/15/90)
 EKCC 14-02-01 Personal Hygiene Items: Issuance and Replacement Schedule
 EKCC 14-04-01 Inmate Legal Services
 EKCC 14-06-01 Inmate Grievance Procedure
 EKCC 15-05-01 Restoration of Forfeited Good Time
 EKCC 15-06-01 Due Process/Disciplinary Procedure [(Added 2/15/90)]
 EKCC 16-01-01 Inmate Visiting [(Added 2/15/90)]
 EKCC 16-02-01 Inmate Correspondence
 EKCC 16-05-01 Inmate Access to and Communication with EKCC Staff
 EKCC 16-05-02 Unit Bulletin Boards
 EKCC 17-01-01 Authorized Inmate Personal Property [(Added 2/15/90)]
 EKCC 17-01-02 Personal Property Control [(Added 2/15/90)]
 EKCC 17-02-01 Assessment/Orientation
 EKCC 17-04-01 Inmate Reception Process at the EKCC
 EKCC 18-01-01 Inmate Classification
 EKCC 18-10-01 Parole Progress Report
 EKCC 19-04-01 Inmate Work Program
 EKCC 21-01-01 Library Services
 EKCC 23-01-01 Religious Services
 EKCC 23-01-02 Muslim Services - Ramadan (Added 5/15/90)
 EKCC 25-02-01 Inmate Discharge Procedure
 EKCC 25-03-01 Prerelease Preparation
 EKCC 25-04-01 Extended Visits (Furlough)
 EKCC 25-06-01 Community Center Program [(Added 2/15/90)]
 EKCC 26-01-01 Citizens Involvement and Volunteers

JOHN T. WIGGINTON, Secretary

APPROVED BY AGENCY: May 15, 1990

FILED WITH LRC: May 15, 1990 at 9 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for June 21, 1990 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: 221 employees of the Eastern Kentucky Correctional Complex, 516 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.

TRANSPORTATION CABINET (Proposed Amendment)

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

RELATES TO: KRS 56.610 to 56.760, 49 C.F.R. Part 24

STATUTORY AUTHORITY: KRS 56.690, 174.080, 183.024, 49 C.F.R. 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. Definitions. (1) "Average annual net earnings" means one-half (1/2) of the net earnings of the business or farm operation before federal, state, and local income taxes during the two (2) taxable years immediately prior to the taxable year in which it was displaced. If the business or farm operation was not in operation for the full two (2) taxable years prior to displacement, net earnings shall be based on the actual period of operation at the displacement site during the two (2) taxable years prior to displacement, projected to an annual rate. Average annual net earnings may be based upon a different period of time when it is determined by the Transportation Cabinet to be more equitable.

(2) "Business" means any lawful activity, except a farm operation, conducted:

(a) Primarily for the purchase, sale, lease, or rental of personal or real property, or for the manufacture, processing, or marketing of products, commodities, or any other personal property; or

(b) Primarily for the sale of services to the public; or

(c) Primarily for outdoor advertising display purposes, when the display is required to be moved as a result of the project; or

(d) By a nonprofit organization.

(3) "Comparable replacement dwelling" means a dwelling which is:

(a) Decent, safe and sanitary;

(b) Functionally equivalent to the displacement dwelling;

(c) Adequate in size to accommodate the occupants;

(d) In an area not subject to unreasonable adverse environmental conditions, and is not generally less desirable than the location of the displaced person's dwelling with respect to public utilities and commercial and public facilities and reasonably accessible to the person's place of employment;

(e) On a site that is typical in size for residential development with normal site improvements, including customary landscaping. The site need not include special improvements such as outbuildings, swimming pools, or greenhouses;

(f) Currently available to the displaced person on the private market; and

(g) Within the financial means of the displaced person.

(4) "Contributes materially" means that during the two (2) taxable years prior to the taxable year in which displacement occurs the business or farm operation:

(a) Had average annual gross receipts of not less than \$5,000; or

(b) Had average annual net earnings of not less than \$1,000; or

(c) Contributed at least one-third (1/3) of the owner's or operator's average annual gross income from all sources.

(5) "Control of the property" means that the Transportation Cabinet has paid the owner for the property to be acquired or if acquisition is by condemnation, the Transportation Cabinet has posted the purchase price of the property with the circuit court.

(6) "Decent, safe and sanitary dwelling" means a dwelling which meets local housing and occupancy codes, but at a minimum shall:

(a) Be structurally sound, weathertight and in good repair;

(b) Contain a safe, electrical wiring system adequate for lights and other electrical devices;

(c) Contain a heating system capable of sustaining a healthful temperature of approximately seventy (70) degrees for a displaced person;

(d) Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person. There shall be a separate, well-lighted and ventilated bathroom that provides privacy to the user and contains a sink and a toilet, all in good working order and properly connected to a source of water and to a sewage drainage system. In the case of a housekeeping dwelling, there shall be a kitchen area that contains a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system and

adequate space and utility service connections for a stove and refrigerator;

(e) Contain unobstructed egress to safe, open space at ground level. If the replacement dwelling unit is on the second story or above, with access directly from or through a common corridor, the common corridor shall have at least two (2) means of egress; and

(f) If the displaced person is handicapped, be free of any barriers which would preclude reasonable ingress, egress, or use of the dwelling by the displaced person.

(7) "Displaced person" means a person who moves from the real property or moves his personal property from the real property, including a person who occupies the real property prior to its acquisition but who does not meet the length of occupancy requirements:

(a) As a direct result of a written notice of intent of the Transportation Cabinet to acquire, or the initiation of negotiations for, or the acquisition of, the real property in whole or in part; or

(b) As a direct result of a written notice of intent of the Transportation Cabinet to acquire, or the acquisition of, in whole or in part, other real property on which the person conducts a business or farm operation. However, eligibility under this subsection applies only for the purpose of obtaining relocation assistance advisory services and moving expenses.

(8) "Dwelling" means the place of permanent or customary and usual residence of a person including a single-family house; a single-family unit in a two (2) family, multifamily, or multipurpose property; a unit of a condominium or cooperative housing project; a nonhousekeeping unit; a mobile home; or any other residential unit.

(9) "Fair market value" means the amount at which property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or sell and both having reasonable knowledge of the relevant facts.

(10) "Family" means two (2) or more individuals living together in a single-family dwelling unit who:

(a) Are related by blood, adoption, marriage, or legal guardianship who live together as a family unit, plus all other individuals regardless of blood or legal ties who live with and are considered a part of the family unit; or

(b) Are not related by blood or legal ties but live together by mutual consent.

(11) "Farm operation" means any activity conducted solely or primarily for the production of one (1) or more agricultural products or commodities, including timber, for sale or home use, and customarily producing the products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(12) "Furnished dwelling unit" means a unit in which the furnishings are owned by someone other than the displaced person.

(13) "Initiation of negotiations" means the delivery of the initial written offer of compensation to purchase the real property by the Transportation Cabinet to the owner or the owner's representative. If the Transportation Cabinet issues a notice of its intent to acquire the real property, and a person moves after that notice, but before delivery of the initial written purchase offer, the date of "initiation

of negotiations" is the date of the actual move of the person from the property.

(14) "Mortgage" means the classes of liens that are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of the Commonwealth of Kentucky together with the credit instrument, if any, secured thereby.

(15) "Net earnings" means any compensation obtained from the business or farm operation by its owner or the owner's spouse and dependents.

(16) "No duplication of payment" means that no person shall receive any payment under this administrative regulation if that person receives a payment under federal, state or local law which is determined to have the same purpose and effect as the payment under this administrative regulation.

(17) "Nonprofit organization" means an organization incorporated in the Commonwealth of Kentucky as a nonprofit organization under the provisions of KRS Chapter 273 and which is exempt from paying federal income taxes under the Internal Revenue Code (26 U.S.C. 501).

(18) "Notice of intent to acquire" or "notice of eligibility for relocation assistance" means written notice furnished to a person who is to be displaced, which establishes eligibility for relocation benefits prior to initiation of negotiations.

(19) "Owner of a dwelling" means a person who has purchased or holds any of the following interest in the real property:

(a) Fee title, a life estate, a ninety-nine (99) year lease, or a lease including any options, for extension with at least fifty (50) years to run from the date of acquisition; or

(b) An interest in a cooperative housing project which includes the right to occupy a dwelling; or

(c) A contract to purchase any of the interests or estates described in paragraph (a) or (b) of this subsection; or

(d) Any other interest, including a partial interest, which warrants consideration as ownership.

(20) "Person" means any individual, family, partnership, corporation, or association.

(21) "Persons not displaced" means but is not limited to the following:

(a) One who moves before the initiation of negotiations, unless the Transportation Cabinet determines that the person was displaced as a direct result of the project; or

(b) One who initially occupies the property after the date of its acquisition by the Transportation Cabinet; or

(c) One who occupies the property for the purpose of obtaining assistance under this administrative regulation; or

(d) One who the Transportation Cabinet determines is not displaced as a direct result of partial acquisition of the property; or

(e) An owner-occupant who voluntarily conveys his property, after being informed in writing that if a mutually satisfactory agreement on terms of the conveyance cannot be reached, the Transportation Cabinet does not intend to acquire the property. In these cases, however, any resulting displacement of a tenant is subject to the provisions of this administrative regulation; or

(f) A person who is determined to be in unlawful occupancy prior to the initiation of negotiations, or a person who has been evicted

for cause, under applicable law; or

(g) A person determined by the Transportation Cabinet to not be displaced because of another special condition.

(22) "Purchases a dwelling" means, in addition to actually buying a dwelling, the following:

(a) Purchases and rehabilitates a substandard dwelling; or

(b) Relocates a dwelling which he owns or purchases; or

(c) Constructs a dwelling on a site he owns or purchases; or

(d) Contracts for the purchase or construction of a dwelling on a site provided by a builder or on a site the person owns or purchases; or

(e) Currently owns a previously purchased dwelling and site, valuation of which shall be on the basis of current fair market value.

(23) "Real property" means land, and generally whatever is erected or growing upon or affixed to land.

(24) "Salvage value" means the probable sale price of an item if offered for sale on the condition that it is to be removed from the property at the buyer's expense, allowing a reasonable period of time to find a person buying with knowledge of the uses and purposes for which the item is adaptable and capable of being used, including separate use of serviceable components and scrap when there is no reasonable prospect of sale except on that basis.

(25) "Small business" means a business having at least one (1) but not more than 500 employees working at the site being acquired or displaced by the project.

(26) "Subsequent occupant" means any person who did not occupy the property at the time negotiations began for acquisition of the property and who is in occupancy at the time the property is acquired and who subsequently moves from the real property. Relocation assistance payments made to a subsequent occupant shall be through the provisions of Last Resort Housing in Section 29 of this regulation.

(27) "Tenant" means a person who has the temporary use and occupancy of real property owned by another.

(28) "Uneconomic remnant" means a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property, and which the Transportation Cabinet has determined has little or no value or utility to the owner.

(29) "Unlawful occupancy" means that a person has been ordered to move by a court of competent jurisdiction prior to the initiation of negotiations or is determined by the Transportation Cabinet to be a squatter who is occupying the real property without the permission of the owner and otherwise has no legal right to occupy the property. The Transportation Cabinet may, at its discretion, consider a squatter to be in lawful occupancy.

(30) "Utility costs" means expenses for heat, light, water, and sewer.

[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. 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. Applicability. The payments and services set forth in this administrative regulation [above] which involve a Transportation Cabinet project in which a person, business, farm operation or nonprofit organization is required to relocate or discontinue operation shall be made regardless of whether federal funds are used or not used in the project. If the Transportation Cabinet acquires real property on behalf of another agency that agency may authorize the cabinet to follow the provisions of this administrative regulation.

Section 3. Relocation Notices - General. (1) Each relocation notice provided by the Transportation Cabinet shall be personally delivered or sent by certified or registered mail, return receipt requested.

(2) As soon as feasible, a person scheduled to be displaced shall be notified of the possibility of his displacement. He shall also be furnished with a general written description of the relocation program which gives at least the following information:

(a) Informs the person that he may be displaced because of the project and generally describes any relocation payment for which the person may be eligible, the basic conditions of eligibility, and the procedures for obtaining the payment;

(b) Indicates that any person displaced shall be given reasonable relocation advisory services to help the person relocate successfully including housing referrals, help in filing payment claims and other necessary assistance;

(c) Informs any displaced person lawfully occupying the property that he shall not be required to move without at least ninety (90) days advance notice except under the most unusual of circumstances;

(d) Describes the person's right to appeal the determination of eligibility for, or the amount of, any relocation payment for which the person may be eligible;

(e) Informs the person that in order to be eligible for benefits he is required to occupy the property at the time of initiation of negotiations and includes a definition of initiation of negotiations; and

(f) Informs the displaced person that he cannot be required to move permanently unless at least one (1) comparable replacement dwelling has been made available.

(3) Eligibility for relocation assistance shall begin on the date of initiation of negotiations for acquisition of the occupied property. At this time the Transportation Cabinet shall notify each occupant or family to be displaced in writing of his eligibility for relocation assistance.

(4) No lawful occupant shall be required to move unless he has received at least ninety (90) days advance written notice of the earliest date by which he may be required to move. Only in unusual circumstances, such as a substantial danger to the person's health or safety, shall an occupant be required to vacate the property on less than ninety (90) days advance written notice.

(5) At the initiation of negotiations the

Transportation Cabinet shall give the displaced person a ninety (90) day notice. Included in that notice shall be either a specific date which is the earliest date by which he shall be required to move or a statement that before the displaced person is required to move from the property, he shall be given a thirty (30) day written notice specifying the date by which the property shall be vacated.

(6) After the Transportation Cabinet gains control of the property to be acquired and after sixty (60) or more days have passed since the issuance of a ninety (90) day notice and if comparable replacement housing has been made available to the displaced person, the cabinet may issue a notice to the displaced person specifying the date by which he is required to vacate the acquired property. The required vacation date shall be at least thirty (30) days after this notice is issued.

Section 4. Notice at Initiation of Negotiations. (1) The Transportation Cabinet shall furnish an owner-occupant of 180 days or more no later than seven (7) working days after the fair market value offer for the property, the following written information:

(a) The maximum amount of replacement housing computation and eligibility requirements to receive the payment;

(b) The address of comparable housing used to compute the replacement housing payment;

(c) The possibility of his eligibility to receive an increased interest payment, or payment of incidental expenses incurred in the purchase of replacement housing;

(d) His option to rent rather than purchase replacement housing;

(e) The availability of relocation assistance advisory services and how they may be obtained;

(f) A ninety (90) day notice; and

(g) His right to appeal.

(2) The Transportation Cabinet shall furnish an owner-occupant of less than 180 days no later than seven (7) working days after the fair market value offer for the property, the following written information:

(a) The maximum amount of a rental replacement housing payment and the maximum amount of a down payment for the purchase of replacement housing, as well as the requirements to receive these payments;

(b) The address of comparable housing used to compute the replacement housing payment;

(c) The requirements to receive reimbursement for incidental expenses;

(d) The availability of relocation assistance advisory services and how they may be obtained;

(e) A ninety (90) day notice; and

(f) His right to appeal.

(3) The Transportation Cabinet shall furnish a tenant-occupant of ninety (90) days or more no later than seven (7) working days after the fair market value offer for the property, the following written information:

(a) The amount of rental and purchase replacement housing payments and the eligibility requirements to receive these payments;

(b) The address of the comparable housing used to compute the rental and replacement housing payments;

(c) The requirements to receive reimbursement for incidental expenses;

(d) The availability of relocation assistance advisory services and how they may be obtained;

- (e) A ninety (90) day notice;
- (f) His right to appeal; and
- (g) The date of the initiation of negotiations for the property.
- (4) The Transportation Cabinet shall furnish in writing to a subsequent tenant-occupant within seven (7) working days from the date the cabinet acquires the property the following information:
 - (a) His eligibility to receive moving expense payments;
 - (b) The availability of relocation advisory services and how they may be obtained;
 - (c) Assurance that comparable replacement housing is available within his financial means; and
 - (d) The ninety (90) day notice to vacate. This notice shall specify the date by which the property shall be vacated, and shall not be issued until comparable housing is available.

Section 5. Alternate Notices. (1) In some rare and unusual cases, an alternate method may be used in issuing the ninety (90) day or thirty (30) day notices. This is most likely to occur if the property has many tenant-occupied units and there are not sufficient rental units available to compute their replacement housing payments. In these cases, the requirement to make the replacement housing payment offer to the tenants within seven (7) working days could not be met. The alternate procedure used by the Transportation Cabinet shall be as follows:

- (a) Contact the owner and make the fair market value offer for the property;
- (b) Within seven (7) working days, contact the tenants and give each a written statement which shall include:
 - 1. The date of initiation of negotiations for the parcel; and
 - 2. An explanation of the eligibility requirements to receive a rental replacement housing payment, or a down payment.
- (c) At the time the replacement housing payment is computed and the written statement required in paragraph (b) of this subsection is given the tenant, the ninety (90) day notice shall be included. The cabinet shall use the procedure in issuing the thirty (30) day vacation written notice that is used in normal type displacements.
- (d) The thirty (30) day notice to vacate shall not be required if an occupant moves of his own volition prior to the date the Transportation Cabinet would have issued the notice.
- (2) A notice of intent to acquire the property shall be furnished to an owner or tenant only if it becomes necessary to establish eligibility requirements prior to negotiations on the parcel. This notice shall not be issued until acquisition has been authorized for the project. The notice of intent to acquire the property shall contain the following:
 - (a) Statement of eligibility and any restrictions on eligibility;
 - (b) The anticipated date of the initiation of negotiations for acquisition of the property; and
 - (c) How additional information regarding relocation payments and services can be obtained.
- (3) If a notice of intent to acquire the property is given to an owner, the tenant shall be issued the notice within fifteen (15) days. The owner shall be given a copy of the notice issued to the tenant.
- (4) If no property is acquired and the

occupant becomes eligible for relocation assistance because of landlocking, a ninety (90) day notice shall not be issued. In this case, the occupant shall have one (1) year from the date the Transportation Cabinet makes payment for damages to the property, either by successful negotiations with the owner, or posting the money in court, in which to obtain and occupy decent, safe and sanitary replacement housing. A letter outlining the eligibility requirements to receive relocation assistance payments shall be given to the displaced person when the damage payment is made to the nonresident owner of the property.

Section 6. Availability of Comparable Replacement Dwelling Prior to Displacement.

(1) No person to be displaced shall be required to move from his dwelling unless at least one (1) comparable replacement dwelling has been made available to the person. When possible, three (3) or more comparable replacement dwellings shall be made available. A comparable replacement dwelling shall be considered to have been made available to a person if:

- (a) The person is informed of its location;
 - (b) The person has sufficient time to negotiate and enter into a purchase agreement or lease for the property; and
 - (c) The person is assured of receiving the relocation assistance and acquisition compensation, subject to reasonable safeguards, to which the person is entitled in sufficient time to complete the purchase or lease of the property.
- (2) The requirements of subsection (1) of this section may be waived if the person is required to move in an emergency situation such as a major disaster as described in Section 102(c) of the National Disaster Relief Act of 1974, a presidentially declared national emergency, highway slides or floods or when continued occupancy would constitute a substantial danger to the health or safety or the occupants or the public.

(3) If a person is required by the Transportation Cabinet to relocate for a temporary period due to an emergency, the Transportation Cabinet shall do the following:

- (a) Take the necessary steps to assure the person is temporarily relocated to decent, safe and sanitary housing;
- (b) Pay actual reasonable out-of-pocket moving expenses and any reasonable increases in rent and utility costs incurred in connection with the temporary relocation; and
- (c) Make available to the displaced person as soon as feasible at least one (1) comparable replacement dwelling. (For purposes of filing a claim and meeting the eligibility requirements for a relocation payment, the date of displacement is the date the person moves from the temporarily occupied dwelling).

Section 7. Relocation Advisory Services. (1) The Transportation Cabinet Advisory Services Program shall include the measures, facilities, and services that may be necessary or appropriate in order to:

- (a) Personally interview each family or person to be displaced, determine the person's relocation needs and preferences, and explain the relocation payments and other assistance for which the person may be eligible, including

requirements for obtaining the assistance:

(b) Provide current and continuing information on the availability, price and rental cost of comparable replacement dwellings, and explain that the person cannot be required to move unless at least one (1) comparable replacement dwelling is made available:

(c) Inform the displaced person, in writing, of the specific comparable replacement dwelling and the price and rent used as a basis for establishing the upper limit of the replacement housing payment and the basis for the determination in order that the displaced person is made aware of the amount of the replacement housing payment to which he may be entitled:

(d) If feasible, inspect the comparable housing prior to its being made available to assure that it is decent, safe and sanitary:

(e) If possible, give a minority displaced person an opportunity to relocate to a decent, safe and sanitary replacement dwelling which is not located in an area of minority concentration and that is within his financial means. This policy, however, shall not mandate that the Transportation Cabinet provide a person a larger payment than is required to enable him to relocate to a comparable replacement dwelling:

(f) Offer the displaced person transportation to inspect housing to which he is referred:

(g) Provide current and continuing information on the availability, location purchase price, and rental cost of comparable and suitable commercial and farm properties. Assist any person displaced from a business, farm operation, or nonprofit organization to obtain and become established in a suitable replacement location:

(h) Minimize hardships to persons in adjusting to relocation by providing counseling, advice about other sources of assistance that may be available, and other help that may be appropriate:

(i) Supply persons to be displaced with information concerning federal and state housing programs, disaster loans and other programs administered by the Small Business Administration, and other federal and state programs offering assistance to persons to be displaced:

(j) Advise a displaced person that no payments received under the relocation assistance program shall be considered as income for the purposes of the federal Internal Revenue Code or for the purposes of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other federal or state law; and

(k) Maintain contact with other governmental agencies to determine the extent of other programs which might affect the Transportation Cabinet relocation program and the availability of housing resources.

(2) The amount and extent of the relocation advisory services rendered shall be determined by the needs of the displaced person.

(3) The Transportation Cabinet may offer relocation advisory services to a person occupying property adjacent to the real property acquired if that person is caused substantial economic injury because of the cabinet's acquisition of the real property.

(4) The Transportation Cabinet shall coordinate relocation activities with project work and other displacement-causing activities to ensure that persons displaced receive

consistent treatment and duplication of functions is minimized.

Section 8. Claims for Relocation Assistance Payments. (1) Any claim for relocation assistance payment shall be accompanied by documentation to support expenses incurred. A displaced person shall be provided reasonable assistance in completing and filing a claim for payment. The Transportation Cabinet shall review claims in an expeditious manner and promptly notify the claimant if additional documentation is required. Payment for a relocation assistance claim shall ordinarily be made only after the displaced person has moved or after closing and as soon as feasible following receipt of sufficient documentation to support the claim. The payment for a claim may be processed in advance of a move or closing but shall not be made until it can be reasonably expected that the objective of the payment has been or is to be accomplished.

(2) All claims for a relocation payment shall be filed based on the following unless the time limits have been waived for good cause by the Transportation Cabinet:

(a) For tenants, within eighteen (18) months after the date of displacement; or

(b) For owners, within eighteen (18) months of the date of displacement or the date of the final payment for the acquisition of the real property, whichever is later.

(3) If two (2) or more occupants of one (1) household of the displacement dwelling move to separate replacement dwellings, each occupant is entitled to a prorated share of all relocation payments that would have been made if the occupants had moved together to a comparable replacement dwelling. However, if it is determined that two (2) or more occupants maintained separate households within the same dwelling, the occupants shall have separate entitlements to relocation payments.

(4) If a person to be displaced owes rent to the Transportation Cabinet, the amount owed may be deducted from his relocation assistance payment unless the deduction would prevent the displaced person from obtaining comparable replacement housing. The Transportation Cabinet shall not withhold any part of a relocation assistance payment to a displaced person to satisfy an obligation to any other creditor.

(5) By written agreement between the displaced person, the mover and the Transportation Cabinet, the displaced person may present an unpaid moving bill to the Transportation Cabinet for direct payment to the mover. The displaced person shall initially make this request on forms prescribed and furnished by the Transportation Cabinet.

(6) If the Transportation Cabinet denies a claim of eligibility for or the amount of a payment, the claimant shall be promptly notified in writing of the reason for denying the claim and his right to appeal.

Section 9. Moving and Related Expense Payments-General. Moving and related expense payments are types of relocation assistance payments. Any eligible individual, family, business, farm operation or nonprofit organization displaced by a Transportation Cabinet project and who qualifies as a displaced person is entitled to payment of his actual moving and related expenses as the

Transportation Cabinet determines to be reasonable and necessary.

(1) To be eligible for moving and related expense payments the displaced person shall:

(a) Be in legal occupancy at the initiation of negotiations for the real property or at the time the property is acquired, in whole or in part by the Transportation Cabinet or at the time he is given a written notice by the Transportation Cabinet of intent to acquire the real property; and

(b) Move from the real property, or move his personal property from the real property subsequent to the dates established in paragraph (a) of this subsection.

(2) If the acquisition of real property used for a business, farm operation, or nonprofit organization causes a person to vacate a dwelling or other real property not acquired by the Transportation Cabinet, the additional moving cost shall be eligible for reimbursement. Also, if it is necessary to move personal property that is legally located within the acquired property, the cost shall be eligible for reimbursement.

(3) A second move for a displaced person shall not be automatically authorized, nor generally eligible for payment. However, under exceptional circumstances, a second moving payment may be made. Prior to authorizing a second move, the Transportation Cabinet shall consider all special circumstances.

(4) The displaced person shall be informed in writing as soon as possible after the initiation of negotiations of the following requirements:

(a) The displaced person shall provide the Transportation Cabinet reasonable advance notice of the approximate date of the start of the move or disposition of his personal property and a list of the items to be moved; and

(b) The displaced person shall allow the Transportation Cabinet to make reasonable and timely inspections of the personal property at both the displacement and replacement sites and allow the cabinet to monitor the move.

Section 10. Moving and Related Expense Payments for Residential Moves. A displaced person, owner-occupant or tenant of a dwelling who qualifies as a displaced person is entitled to receive payment for the actual, reasonable and necessary moving expenses of his personal property, himself, and his family. He has the option to receive reimbursement on the basis of actual, reasonable expenses, or from the fixed-rate schedule listed in subsection (5) of this section which is based on the number of rooms of personal property. An owner-occupant of a multiple-family dwelling may be entitled to a moving payment for a residential move for himself and moving payments for his personal property located in other units.

(1) In order to determine that more than one (1) household exists in a single dwelling unit, each family unit shall have separate baths, kitchen areas and bedrooms.

(a) Two (2) or more families occupying the same dwelling unit, who are required to relocate into separate dwelling units because a single comparable dwelling unit is not available, may elect to be reimbursed either on an actual cost basis or from the fixed-rate schedule.

(b) Two (2) or more families occupying the same dwelling unit, who relocate into separate dwelling units on a voluntary basis when a

single comparable dwelling unit is available, may elect to be reimbursed either on an actual cost basis or from the fixed-rate schedule. A fixed-rate schedule move payment shall be based on the number of rooms actually occupied by each family, plus community rooms utilized by each family.

(c) Two (2) or more individuals who occupy the same dwelling unit are considered to be a single family and payments shall be made accordingly.

(2) When an owner retains his dwelling, the cost of moving it onto a different site is not eligible for reimbursement as a part of the cost of moving personal property. However, if he chooses to use his dwelling as a means of moving personal property, the cost of moving the personal property may be considered eligible for reimbursement. Payments in these cases shall be from the fixed-rate schedule.

(3) If the displaced person elects to move on an actual cost basis, the following expenses are eligible for payment:

(a) Transportation of the displaced person and personal property. Transportation costs for a distance beyond fifty (50) miles are not eligible, unless it is determined by the Transportation Cabinet that relocation beyond fifty (50) miles is justified;

(b) Packing, crating, unpacking, and uncrating of the personal property;

(c) Disconnecting, dismantling, removing, reassembling and reinstalling relocated household appliances and other personal property;

(d) Storage of the personal property for a period not to exceed twelve (12) months, unless it is determined by the Transportation Cabinet that a longer period of time is necessary. For the storage costs to be eligible the Transportation Cabinet shall determine that storage is reasonable and necessary and that the personal property is not stored on property being acquired or property owned or leased by the displaced person;

(e) Insurance for the replacement value of the property in connection with the move and necessary storage;

(f) The replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his agent, or employee) where insurance covering such loss, theft, or damage is not reasonably available; and

(g) Other moving related expenses not listed as ineligible in Section 13 of this regulation but which are determined by the Transportation Cabinet to be reasonable and necessary.

(4) The displaced person may elect to move by the use of a licensed commercial mover and receive reimbursement for the actual, reasonable expenses. These expenses shall be supported by receipted bills. The Transportation Cabinet may furnish the displaced person a list of licensed movers in the area. The displaced person shall select one (1) mover and the Transportation Cabinet shall select one (1). The Transportation Cabinet shall obtain from both movers an estimate of the moving costs. The estimates shall include any necessary utility service connections. The Transportation Cabinet shall base payment on the lower estimate. However, the displaced person may hire either company.

(5) The displaced person, including a person displaced from a seasonal residence, may elect to move his personal property according to the fixed-rate schedule. The separate items

authorized under commercial and self moves have been included in establishing the fixed-rate schedule and no additional moving payments shall be authorized. The room count of furniture shall be based on the actual number of furnished rooms, plus basements, attics, garages and out buildings if such spaces contain sufficient personality as to constitute a room. Payment shall be based on the following schedule:

1 Room = \$250	5 Rooms = \$ 750
2 Rooms = \$400	6 Rooms = \$ 850
3 Rooms = \$550	7 Rooms = \$ 950
4 Rooms = \$650	8 Rooms = \$1050

Each Additional Room = \$100

(6) If the displaced person lives in a furnished dwelling unit, he shall be paid moving costs for moving his personal property according to the following schedule:

First Room = \$225

Each Additional Room = \$35

(7) The moving expenses of a person with minimal personal possessions who occupies a dormitory style room shared by two (2) or more other unrelated persons or a person whose residential move is performed by an agency at no cost to the person shall be limited to fifty (50) dollars.

Section 11. Moving and Related Expense Payments for Business, Farm Operations or Nonprofit Organizations. The owner of a displaced business, farm operation or nonprofit organization is entitled to receive a payment for moving and related expenses.

(1) Any business, farm operation or nonprofit organization which qualifies as a displaced person is entitled to payment for the actual moving and related expenses as the Transportation Cabinet determines to be reasonable and necessary, including expenses for the following:

(a) Transportation of personal property. Transportation costs for a distance beyond fifty (50) miles are ineligible, unless it is determined by the Transportation Cabinet that the relocation beyond fifty (50) miles is justified;

(b) Packing, crating, unpacking and uncrating of the personal property;

(c) Disconnecting, dismantling, removing, reassembling and reinstalling relocated machinery, equipment and other personal property including substitute personal property and including connection to utilities available nearby. Also, included are modifications to the personal property necessary to adapt it to the replacement structure, the replacement site, or the utilities at the replacement site and modifications necessary to adapt the utilities at the replacement site to the personal property. (Expenses for providing utilities from the right-of-way to the building or improvement are excluded);

(d) Storage of the personal property for a period not to exceed twelve (12) months unless it is determined by the Transportation Cabinet that a longer period of time is necessary. For the storage costs to be eligible the Transportation Cabinet shall determine that storage is reasonable and necessary and that the personal property is not stored on property being acquired or property owned or leased by the displaced person;

(e) Insurance for the replacement value of the personal property in connection with the move

and necessary storage;

(f) Any license, permit, or certification required of the displaced person at the replacement location. However, the payment may be prorated, based on the remaining useful life of the existing license, permit or certification;

(g) The replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his agent, or employee), where insurance covering the loss, theft, or damage is not reasonably available; and

(h) Professional services necessary for planning the move of the personal property; moving the personal property; and installing the relocated personal property at the replacement location.

(2) The owner of a business, farm operation or nonprofit organization, may be paid the actual reasonable cost of moving his personal property as determined to be reasonable and necessary by using a qualified commercial mover. These expenses shall be supported by receipted bills. Prior to authorizing the move, the Transportation Cabinet shall:

(a) Obtain a certified inventory of the personal property to be moved. The displaced person shall certify that the items are to actually be moved to the replacement site. If there is any significant deviation from the list of items actually relocated the amount to be paid shall be revised accordingly. If the business, farm operation or nonprofit organization has a fluctuating inventory, the cabinet may require a reinventory just prior to authorizing the move; and

(b) Obtain two (2) bids from qualified movers when a replacement property has been found. The payment of moving expenses shall be authorized only on the basis of the lower of the bids.

(3) The owner of the business, farm operation or nonprofit organization, may elect to move himself. Under this circumstance the Transportation Cabinet shall:

(a) Obtain a certified inventory of the personal property to be moved. The displaced person shall certify that the items actually are to be moved to the replacement site. If there is any significant deviation from the list of items actually relocated the amount to be paid shall be revised accordingly. If the business, farm operation or nonprofit organization has a fluctuating inventory, the cabinet may require a reinventory just prior to authorizing the move; and

(b) Obtain two (2) bids from qualified movers after a replacement property has been found. The move may be authorized only on the basis of the lower of the bids. The Transportation Cabinet shall pay to the displaced person the amount of the lower bid once it is determined that all property was moved to the new location.

(4) If the cost of the move is not likely to exceed \$5,000, a single estimate may be prepared by a qualified staff employee of the Transportation Cabinet other than the person preparing the claim.

(5) When the Transportation Cabinet obtains bids for a business, farm operation or nonprofit organization move, the bidder shall be instructed in writing that the amount of his bid shall be the property of the Transportation Cabinet and shall be considered confidential information. The bidder shall state in his letter transmitting his bid to the cabinet that

he shall not divulge the amount of his bid to any other person, including the displaced person. Any bidder who does not adhere to these requirements shall not be permitted to submit future bids.

(6) If it is necessary to reprint available stationery because the business, farm operation or nonprofit organization has been relocated, the Transportation Cabinet shall pay the actual cost for reprinting the number and type of item to be replaced. Payment shall be made for only the number of each item approved in advance of the reprinting by the Transportation Cabinet. The claim for payment shall be documented by receipted bills from the provider.

(7) If it is necessary to reletter a sign that has been made obsolete as a result of the move, if possible, only that portion of the sign which changes shall be eligible to be relettered. However, if necessary, the cost of relettering the complete sign shall be an eligible expense. The payment request shall be documented by receipted bills from the provider. Approval of the relettering shall be obtained from the Transportation Cabinet in advance of work being performed.

(8) The Transportation Cabinet shall reimburse the displaced business, farm operation, or nonprofit organization actual and reasonable expenses in searching for a new location. Payment shall be limited to \$1,000. The items for which an invoice may be submitted are transportation; lodging and meals away from home; time spent in searching, based on reasonable salary or earnings, of the person conducting the search; and fees paid to a real estate agent or broker to locate a replacement site, exclusive of any fees or commissions related to the purchase of such site. The claim for payment shall be documented by receipted bills for meals and lodging when away from home and an affidavit shall be required for mileage and time. The affidavit shall show persons contacted, places visited, activity involved and basis for the hourly rate charged for time.

(9)(a) Payment of actual direct losses of tangible personal property may be made when the business, farm operation or nonprofit organization owner moves or discontinues his operation. Payment for actual direct losses of tangible personal property may be made only after a bona fide effort has been made by the owner to sell the items involved. The payment shall consist of the lesser of:

1. The fair market value of the item for continued use at the displacement site less the proceeds from its sale. (The claimant shall make a good faith effort to sell the personal property, unless the Transportation Cabinet determines that the effort is not necessary. When payment for property loss is claimed for goods held for sale, the fair market value shall be based on the cost of the goods to the business, not the potential selling price); or

2. The estimated cost of moving the item, with no allowance for storage. If the business, farm operation, or nonprofit organization is discontinued, the estimate shall be based on a move of fifty (50) miles;

(b) The prompt purchase of substitute personal property to replace an item not to be moved in a business, farm operation or nonprofit organization move, yet which performs a comparable function at the replacement site. Payment shall be the lesser of:

1. The cost of the substitute item, including installation costs at the replacement site, less any proceeds from the sale or trade-in of the replaced item; or

2. The estimated cost of moving and reinstalling the replaced item, with no allowance for storage. If the estimated cost for the move is \$5,000 or less, the estimated cost may be based on a single estimate prepared by a qualified Transportation Cabinet employee.

(c) If no offers are received for the property at the sale and the property is abandoned, payment for the actual direct loss of that item shall not be more than the fair market value of the item for continued use at its location prior to displacement or the estimated cost of moving the item fifty (50) miles, whichever is less, plus the reasonable costs of the attempted sale, irrespective of the cost to the Transportation Cabinet of removing the item.

(d) If personal property is abandoned with no effort made by the owner to dispose of the property by sale, the owner shall not be entitled to moving expenses, or losses, for the item involved.

(e) The cost of removal by the Transportation Cabinet of personal property shall not be considered as an offsetting charge against other payments to the displaced person.

(f) The sale price, if any, and the actual reasonable costs of advertising and conducting the sale shall be supported by a copy of the bill of sale or similar documents, and by copies of any advertisements, offers to sell, auction records, and other data which support the sale.

(g) The direct loss payment for an advertising sign which is personal property shall be the lesser of the depreciated reproduction cost of the sign less the proceeds from its sale; or the estimated cost of moving the sign as determined by the Transportation Cabinet but with no allowance for storage.

(10) An owner of a discontinued or relocated business otherwise eligible for payment of moving expenses may choose to receive a fixed payment in lieu of the payments for actual moving and related expenses and actual reasonable reestablishment expenses.

(a) The fixed payment shall not be less than \$1,000 nor more than \$20,000.

(b) For an owner of a business to be entitled to this payment, it shall be determined that:

1. The business owns or rents personal property which has to be moved in connection with the displacement and for which an expense would be incurred in the move and the business vacates or relocates from the displacement site;

2. The business cannot be relocated without a substantial loss of patronage (clientele or net earnings). A business is assumed to meet this test unless it is determined by the Transportation Cabinet that it will not suffer a substantial loss of its existing patronage;

3. The business is not part of a commercial enterprise having more than three (3) other entities which are not being acquired, and which are under the same ownership and engaged in the same or similar business activities;

4. The business is not operated at a displacement dwelling solely for the purpose of renting the dwelling to others; and

5. The business contributed materially to the income of the displaced person during the two (2) taxable years prior to displacement. The displaced person shall furnish the

Transportation Cabinet copies of his income tax returns and other proof of net earnings.

(c) In determining whether two (2) or more displaced legal entities constitute a single business which is entitled to only one (1) fixed payment, all pertinent factors shall be considered, including the extent to which:

1. The same premises and equipment are shared;
2. Substantially identical or interrelated business functions are carried out and business and financial affairs are commingled;
3. The entities are held out to the public, to those customarily dealing with them, as one (1) business; and
4. The same person or closely related persons own, control, or manage the affairs of the entities.

(11) An owner of a displaced farm operation may choose to apply for a fixed payment in lieu of the payments for actual moving and related expenses and actual reasonable reestablishment expenses. This payment shall not be less than \$1,000 nor more than \$20,000. In the case of partial acquisition of land which was a farm operation before the acquisition, a fixed payment may be made only if the Transportation Cabinet determines that:

(a) The farm operation contributed materially to the income of the displaced person during the two (2) taxable years prior to displacement;

(b) Acquisition of part of the land caused the operator to be displaced from the farm operation on the remaining land; or

(c) The partial acquisition caused a substantial change in the nature of the farm operation.

(12) A displaced nonprofit organization may choose to apply for a fixed payment in lieu of the payments for actual moving and related expenses and actual reasonable reestablishment expenses. The payment shall not be less than \$1,000 nor more than \$20,000. Any request for payment in excess of \$1,000 shall be supported with financial statements for the two (2) twelve (12) month periods prior to the acquisition. The amount to be used in determining the payment is the average of two (2) years annual gross revenues less administrative expenses. Gross revenues may include membership fees, class fees, cash donations, tithes, receipts from sales or other fund raising activities. Administrative expenses include rent, utilities, salaries, advertising and fund raising expenses. Operating expenses for carrying out the purpose of the nonprofit organization are not included in administrative expenses. Monetary receipts and expense amounts may be verified with certified financial statements or financial documents required by public agencies.

Section 12. Miscellaneous Moves. There are entities to be relocated that meet none of the definitions of a business, a farm operation or a nonprofit organization. The moving expenses in these instances shall usually be paid as a self-move. Examples of moves of this type are:

(1) Partial taking of a farm or residential lot on which only a shed, barn or garage contains personal property;

(2) Acquisition of a tenant-occupied residence if the owner has some personal property in the building; or

(3) Acquisition of a tenant-occupied service station where the owner or distributor has personal property to be moved.

Section 13. Ineligible Moving and Related Expenses. A displaced person shall not be entitled to payment for the following:

(1) The cost of moving any structure or other real property improvement in which the displaced person reserved ownership;

(2) Interest on a loan to cover moving expenses;

(3) Loss of good will;

(4) Loss of profits;

(5) Loss of trained employees;

(6) Any additional operating expenses of a business or farm operation incurred because of operating in a new location (except as provided for under reestablishment expenses);

(7) Personal injury;

(8) Any legal fee or other cost for preparing a claim for a relocation payment or for representing the claimant before the Transportation Cabinet;

(9) Expenses for searching for a replacement dwelling;

(10) Physical changes to the real property at the replacement location of a business, farm, or nonprofit organization except as provided for under actual reasonable moving expenses and reestablishment expenses; or

(11) Costs for storage of personal property on real property already owned or leased by the displaced person.

Section 14. Reestablishment Expenses of Businesses, Farm Operations or Nonprofit Organizations. A small business, farm or nonprofit organization may be eligible to receive a payment not to exceed \$10,000 for expenses actually incurred in relocating and reestablishing the small business, farm operation or nonprofit organization at the replacement site.

(1) Eligible expenses shall be reasonable and necessary as determined by the Transportation Cabinet and may include, but are not limited to the following:

(a) Repairs or improvements to the replacement real property as required by federal, state, or local law, code, regulation or ordinance;

(b) Modification to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business;

(c) Construction and installation costs not to exceed \$1,500 for exterior signing to advertise the business;

(d) Provision of utilities from the right-of-way to improvements on the replacement site;

(e) Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, panelling, or carpeting;

(f) Licenses, fees and permits when not paid as a part of moving expenses;

(g) Feasibility surveys, soil testing and marketing studies;

(h) Advertisement of the replacement location not to exceed \$1,500;

(i) Professional services in connection with the purchase or lease of a replacement site;

(j) Increased cost of operation during the first two (2) years at the replacement site not to exceed \$5,000 for items such as lease or rental charges, personal or real property taxes, insurance premiums, and utility charges, excluding impact fees;

(k) Impact fees or one (1) time assessments

for anticipated heavy utility usage; and

(1) Other items determined by the Transportation Cabinet to be essential to the reestablishment of the business.

(2) Expenses in excess of the maximums set forth in subsection (1)(c), (h) and (j) of this section may be considered eligible if large and legitimate disparities exist between the cost of operation at the displacement site and cost of operation at an otherwise similar replacement site. In these cases, the limitations for reimbursement of the cost may be waived by the Transportation Cabinet, but in no case shall the total costs payable for reestablishment expenses exceed the \$10,000 maximum.

(3) A representative of the Transportation Cabinet and the displaced person shall meet at the replacement site prior to any work being done in order to determine what repair or changes are necessary. After the move has been completed, the displaced person shall submit to the Transportation Cabinet the itemized paid receipts for those reestablishment expenses he has incurred.

(4) The following is a nonexclusive listing of reestablishment expenditures not considered to be reasonable, necessary, or otherwise eligible:

(a) Purchase of capital assets, such as, office furniture, filing cabinets, machinery or trade fixtures;

(b) Purchase of manufacturing materials, production supplies, product inventory or other items used in the normal course of the business operations;

(c) Interior or exterior refurbishments at the replacement site which are for aesthetic purposes, except as provided in subsection (1)(e) of this section;

(d) Interest on money borrowed to make the move or purchase the replacement property;

(e) Payment to a part-time business in the home which does not contribute materially to the household income; or

(f) Payment to a person whose sole business at a displacement dwelling is the rental of the dwelling to others.

Section 15. Replacement Housing Payments - General. (1) In addition to other payments authorized by this administrative regulation, individuals and families displaced from dwellings, including condominium or cooperative apartments, acquired by the Transportation Cabinet are eligible for replacement housing payments. Recognizing that it is impossible to foresee every possible replacement housing situation which may arise, the Transportation Cabinet shall strive for consistency with the provisions of this administrative regulation when a situation not specifically set forth is encountered.

(2) The displaced individual or family shall not be required to relocate to the same occupancy (owner or tenant) status in order to receive the replacement housing payment, but has other options based on his ownership status and tenure of occupancy.

(3) The Transportation Cabinet shall not participate in more than one (1) replacement housing payment for each dwelling unit, except in the case of multifamily occupancy of a single family dwelling as described in Section 17 of this regulation. The claim for payment shall be filed with the cabinet no more than eighteen (18) months after the date of displacement for

tenants. For owners, the claim for payment shall be filed no more than eighteen (18) months after the date of displacement or the date of the final payment for the acquisition of real property, whichever is later. Before the payment is made to the displaced person, the Transportation Cabinet shall determine that the replacement dwelling is decent, safe and sanitary.

(5) If a displaced person otherwise qualifies for a replacement housing payment, except that he has not yet purchased or occupied a suitable replacement dwelling, the Transportation Cabinet after inspecting the proposed dwelling and finding that it is a decent, safe and sanitary dwelling shall, upon request of the displaced person who is purchasing the dwelling, state to any interested party, financial institution or lending agency that the displaced person is eligible for the payment of a specific amount, provided he purchases and occupies the inspected dwelling within the one (1) year time limit. This statement shall include the address of the property inspected and the amount of money the displaced person is required to spend for the replacement property in order to receive the full amount of his replacement housing payment.

(6) Replacement housing payments may be made directly to the relocated individual or family, or upon written instructions from the displaced person, directly to the lessor for rent or the seller for use toward the purchase of a dwelling. This written instruction from the displaced person shall be submitted with the application for payment. In cases where an applicant otherwise qualifies for a replacement housing payment, and upon his specific request in the application, the Transportation Cabinet may make the payment into escrow prior to the displaced person's moving.

(7) The Transportation Cabinet shall determine the probable selling price of a comparable dwelling by analyzing at least three (3) comparable dwellings representative of the dwelling unit to be acquired which are available on the private market. Less than three (3) comparable dwellings may only be used for this determination when sufficient comparable dwellings are not available. Selection of comparable dwellings and computation of payment shall be made by a qualified Transportation Cabinet employee other than the appraiser or review appraiser on the parcel involved. The selected comparable dwellings shall be the most nearly comparable available and equal to or better than the subject property.

(8) If the lapse of time between obtaining a listing of an available dwelling which is used to compute a replacement housing payment and the offer of the replacement housing payment amount to the displaced person exceeds thirty (30) days, the Transportation Cabinet shall determine that the property is still on the market. If a check of the market reveals the comparable dwelling relied upon is not available, a new comparable dwelling shall be selected and a new replacement housing payment computed.

(9) An adjustment shall be made to the asking price of the selected comparable dwelling only when the market reflects a substantial difference in the asking price and the sale price of comparable housing in the area. To determine whether an adjustment to the asking price is needed the Transportation Cabinet may contact realtors or use multiple listings books

for recent sales.

(10) If the site of the comparable replacement dwelling lacks a major exterior attribute of the displacement dwelling site (for example, the site is significantly smaller or does not contain a swimming pool), the value of the attribute shall be subtracted from the acquisition cost of the displacement dwelling for purposes of computing the replacement housing payment. If an uneconomic remnant of land remains after the Transportation Cabinet acquired only a portion of a tract of property and the owner of the remaining property refuses to sell it to the Transportation Cabinet, the fair market value of the uneconomic remnant shall be deducted from the before value of the displacement dwelling for purposes of computing the replacement housing payment.

(11) To the extent feasible, comparable replacement dwellings shall be selected from the neighborhood in which the displacement dwelling was located or, if that is not possible, in nearby or similar neighborhoods where housing costs are generally the same or higher.

(12) A person who occupies a property for less than ninety (90) days before initiation of negotiations or who occupies the property subsequent to the initiation of negotiations but before the property is acquired is entitled to moving expenses and advisory services. Any replacement housing payment if applicable shall be made under the provisions of Section 29 of this regulation.

(13) No person shall be denied eligibility for a replacement housing payment solely because the person is unable to meet the occupancy requirements set forth in this administrative regulation for a reason beyond his control, such as a disaster, an emergency, or an imminent threat to the public health or welfare as determined by the President, the federal agency funding the project, or the Transportation Cabinet; or a delay in the construction of the replacement dwelling, military reserve duty, or a hospital stay.

(14) A displaced tenant who initially rents a replacement dwelling and receives a rental assistance payment is eligible to receive a purchase or down payment assistance payment if he meets the eligibility criteria for the payments, including purchase and occupancy within the prescribed one (1) year period. Any portion of the rental assistance payment that has been disbursed shall be deducted from the payment. A displaced owner-occupant who originally rents a replacement dwelling and receives a rent supplement payment is eligible to receive a replacement housing payment, if he purchases and occupies a dwelling within the prescribed one (1) year.

(15) A replacement housing payment is personal to the displaced person and upon his death, the undisbursed portion of any payment shall not be paid to the heirs or assigns, except that the amount attributable to the displaced person's period of actual occupancy of the replacement housing shall be paid. The full payment shall be disbursed in any case in which a member of a displaced family dies and the other family members continue to occupy a decent, safe and sanitary replacement dwelling. Any portion of a replacement housing payment necessary to satisfy the legal obligation of an estate in connection with the selection of a replacement dwelling by or on behalf of a deceased person shall be

disbursed to the estate.

(16) In order to avoid duplicate compensation, the amount of any insurance proceeds received by a displaced person in connection with a loss to the displacement dwelling shall be included in the acquisition cost of the displacement dwelling when the Transportation Cabinet computes the replacement housing payment.

Section 16. Replacement Housing Payments - Partial Tract Acquisition. (1) If the acquired dwelling is located on a tract typical in size for residential use in the area and if only a portion of the tract is acquired by the Transportation Cabinet, the maximum replacement housing payment shall be the probable selling price of a comparable replacement dwelling on a tract typical in size for the area, less the difference in the before and after values of the residential property. This difference represents the acquisition price and shall include any damages to the portion of the tract not acquired by the Transportation Cabinet.

(2) If the acquired dwelling is located on a tract larger in size than typical for residential use in the area and if only a portion of the tract is acquired by the Transportation Cabinet, the cabinet shall only consider that portion of the tract which is a typical size for computation of the maximum replacement housing payment. The maximum housing payment shall be the probable selling price of a comparable replacement dwelling and tract typical in size for residential use in the area, less the difference in the before and after value of the typical size residential property which was carved out of the total tract.

(3) If the acquired dwelling is located on a farm and if only a portion of the farm is acquired by the Transportation Cabinet, the cabinet shall only consider that portion of the farm which is a typical size tract for a residential property in the area for computation of the maximum replacement housing payment. The maximum replacement housing payment shall be the probable selling price of a comparable replacement dwelling and tract typical in size for residential use in the area, less the difference in the before and after value of the typical size residential property which was carved out of the total farm.

(4) If an outbuilding is located on the tract to be acquired and if the outbuilding is used for nonresidential purposes such as corncribs or implement storage, its value shall not be included in the computation of the replacement housing payment.

(5) If the acquired dwelling is located on a tract where the fair market value is established on a use higher and better than residential and if only a portion of the tract is acquired by the Transportation Cabinet, the maximum amount payable is the probable selling price of a comparable replacement dwelling on a tract typical in size for residential use in the area, less the difference in the before and after value of the typical size homesite using the value indicated by the higher and better use, or if larger than typical, the difference in the value before and after a portion is carved out. This difference shall represent the acquisition price.

Section 17. Replacement Housing Payments - Multiple Occupancy of Same Dwelling Unit. (1) If

two (2) or more eligible families occupy the same single-family dwelling unit, and a comparable replacement dwelling is available, the occupants are entitled to only one (1) replacement housing or rent supplement payment. If a comparable replacement dwelling is not available, a replacement housing or rent supplement payment for each family shall be based on housing which is comparable to the quarters privately occupied by each family plus community rooms which have been shared with other occupants. For owner-occupants the acquisition price to be used as the basis for replacement housing payment computations is that amount each owner received from the total payment for the property to be acquired.

(2) If two (2) or more eligible individuals occupy the same single-family dwelling unit, they are considered one (1) family for replacement housing payment or rent supplement purposes. If all individuals do not relocate to decent, safe and sanitary housing, the Transportation Cabinet shall determine and pay those individuals who do relocate into decent, safe and sanitary housing a proportional share of the payment that would have been received if all individuals had relocated together in the same ownership or rental status as they had at the time of initiation of negotiations.

(3) If a displaced individual or family occupies living quarters on the same premises as a displaced business, farm or nonprofit organization, the individual or family is a separate displaced person for purposes of determining entitlement to relocation payments. The Transportation Cabinet shall compute the replacement housing payment for joint residential and business use properties as follows:

(a) If the owner occupies living quarters in the building the replacement housing payment shall be determined by establishing the difference in the before and after value of the land using the appraised value (if acquiring the entire tract the cabinet shall use the total land value) adding the value of the living quarters portion of the building and then subtracting the total from the most comparable property to the living quarters available for sale on the market.

(b) If a tenant occupies living quarters in the building to be acquired, the replacement housing payment shall be determined by subtracting the base monthly rent of the displaced tenant in the acquired dwelling as determined in Section 23(2) of this regulation from the amount the displaced person actually pays per month for a rental replacement dwelling including the estimated average monthly utilities or, if less, the amount determined by the Transportation Cabinet as necessary to rent a comparable dwelling including the estimated average monthly utilities. That amount shall be multiplied by forty-two (42) to establish the replacement housing payment.

(c) A displaced person eligible for a rental replacement housing payment under Section 23(1) of this regulation may receive a down payment assistance payment not to exceed \$5,250. In order to receive this payment, the full amount of the payment shall be applied toward the purchase price of the replacement dwelling and related incidental expenses.

(4) The procedure for computing replacement housing payment amounts to an owner of a

multifamily dwelling who occupies one (1) unit is as follows:

(a) The comparable dwellings considered in the computation shall be the same as that acquired, that is, if the property is a triplex, then the comparable dwellings shall be triplexes. If comparable dwellings are not available, structures of the next lowest density shall be used. If there are not any available comparable multifamily structures to be found, the comparison of the owner's living unit shall be to a single-family residence. A higher density structure shall never be used as a comparable structure.

(b) The value of the owner's unit shall be used as the basis for the replacement housing payment determination, not the entire fair market value of the property being acquired. The replacement housing payment determination is that difference, if any, between the value of the owner's living unit and the value of a living unit on the most comparable available property. If the comparable housing is a triplex, the replacement housing payment is based on the value of only one (1) of the three (3) units; if a duplex, the payment is based on the value of only one (1) of the two (2) units; if a single-family dwelling, the payment is based on the entire value of the dwelling. The other living units of a multifamily dwelling shall not be included in the value of a comparable unit because these are considered as income producing and not part of the owner's personal living area.

Section 18. Replacement Housing Payments - Owner-Occupants of 180 Days or More. (1) A displaced owner-occupant may receive replacement housing payments if the displaced person has actually owned and occupied the displacement dwelling for 180 days or more immediately prior to the initiation of negotiations and if he purchases and occupies a decent, safe and sanitary replacement dwelling within a one (1) year period, beginning on the later of the following dates:

(a) The date the person receives final payment from the Transportation Cabinet for the displacement dwelling; or

(b) In the case of condemnation, the date the full amount of the estimate of just compensation is deposited in court; or

(c) The date the person is advised by the Transportation Cabinet of the availability of comparable housing.

(2) The owner-occupant is eligible for a replacement housing payment when:

(a) He is in occupancy at the initiation of negotiations for the acquisition of the real property, in whole or part;

(b) He is in occupancy at the time he is given a written notice by the Transportation Cabinet of intent to acquire the property by a given date;

(c) His occupancy of the property has been for at least 180 consecutive days immediately prior to the date of vacation or initiation of negotiations, whichever is earlier; and

(d) He purchased and occupied a decent, safe and sanitary dwelling within the time period specified in subsection (1) of this section;

(3) The combined total of the replacement housing payments for an owner-occupant of 180 days shall not exceed \$22,500 for the additional costs necessary to purchase replacement housing:

for compensation to the owner for the loss of favorable financing on his existing mortgage in the financing of replacement housing; and to reimburse the owner for expenses incidental to the purchase of replacement housing which are incurred.

(4) The amount of the replacement housing payment for the sole owner of a dwelling is the amount, if any, which when added to the amount for which the Transportation Cabinet acquired his dwelling, equals the actual cost which the owner is required to pay for a decent, safe and sanitary replacement dwelling, or the amount determined by the Transportation Cabinet as necessary to purchase a comparable dwelling, whichever is less. When the displaced person obtains his decent, safe and sanitary replacement dwelling (not necessarily comparable to the dwelling from which he was displaced), his replacement housing payment shall be based on the amount spent for the replacement dwelling. If the replacement dwelling is not decent, safe and sanitary, he may be paid to correct the deficiencies if he maintains documented receipts. Any payment to correct a decent, safe and sanitary deficiency shall be counted toward the actual cost that the owner is required to pay for decent, safe and sanitary replacement dwelling.

(5) If a single-family dwelling is owned by several persons, and occupied by only part of the owners, the replacement housing payment shall be the lesser of:

(a) The difference between the owner-occupants' share of the acquisition cost of the acquired dwelling and the actual cost of the replacement dwelling; or

(b) The difference between the total acquisition cost of the acquired dwelling and the amount determined by the Transportation Cabinet as necessary to purchase a comparable dwelling.

(6) If the displaced owner-occupant of 180 days or more does not purchase and occupy a decent, safe and sanitary dwelling, he shall be entitled to receive a rent supplement payment if he rents and occupies a decent, safe and sanitary dwelling.

(7) It shall be the Transportation Cabinet's responsibility to make available a comparable replacement dwelling unit and to relocate the displaced person to his original ownership status if this is his desire. If the displaced owner-occupant desires to rent, the Transportation Cabinet shall make a reasonable effort to accomplish the request.

(8) When an owner-occupant of 180 days or more retains and moves his dwelling to another location, the Transportation Cabinet shall determine if he is eligible for a replacement housing payment. If the dwelling meets the decent, safe and sanitary standards, improvements such as room additions or remodeling shall not be allowed in determining the amount of the replacement housing payment. If the dwelling retained and moved is not decent, safe and sanitary, the cost to improve it so that it complies with adequate standards shall be allowed if documented receipts are maintained. Any payment to correct a decent, safe and sanitary deficiency shall be counted toward the actual cost that the owner is required to pay for a decent, safe and sanitary replacement dwelling.

(9) If an owner-occupant of 180 days or more

has received a rental replacement housing payment and subsequently chooses to purchase a replacement dwelling, the amount of the rental replacement housing payment shall be deducted from the amount he would have been entitled to receive if he had purchased a replacement dwelling immediately. The combined payments shall not exceed \$22,500.

(10) If the owner is allowed the option of retaining his dwelling, the replacement housing payment shall be computed in accordance with the appropriate paragraph below. The payments computed under paragraphs (a) through (c) of this subsection shall not exceed the amount the displaced person would have received if he had purchased a replacement dwelling.

(a) If the dwelling is decent, safe and sanitary, the payment, if any, shall be the amount by which the cost to relocate the retained dwelling exceeds the acquisition price of the dwelling and homesite. The cost to relocate may include the reasonable costs of acquiring a new site and other expenses incidental to retaining and moving the dwelling, and restoring it to a condition comparable to that before the move. Payment shall not exceed \$22,500.

(b) If the owner chooses to move his dwelling to a part of the tract not acquired by the Transportation Cabinet, the current fair market value for purchase of a residential site, not to exceed a typical size homesite, may be included as a cost to relocate the dwelling; or

(c) If the retained dwelling is not decent, safe and sanitary, the payment shall be computed as shown above, except the costs to correct deficiencies shall be included in the costs to relocate.

(11) An owner-occupant of 180 days or more eligible for a purchase replacement housing payment who elects to rent a replacement dwelling is eligible for a rental replacement housing payment not to exceed \$5,250. To compute the eligible payment, from the amount the displaced person actually pays for a rental replacement dwelling, including the estimated average monthly utilities, or if less, the amount determined by the cabinet as necessary to rent a comparable dwelling including the estimated average monthly utilities the Transportation Cabinet shall subtract the fair market rent including monthly utilities of the acquired dwelling as determined by the cabinet, then multiply that amount by forty-two (42).

Section 19. Replacement Housing Payments - Owner-Occupants of Less Than 180 Days. (1) A displaced owner-occupant who has owned and occupied the dwelling for less than 180 days and who elects to rent a replacement dwelling is eligible for a rental replacement housing payment not to exceed \$5,250. To compute the rental payment, from the amount the displaced person actually pays for a rental replacement dwelling including the estimated average monthly utilities, or if less, the amount determined by the cabinet as necessary to rent a comparable dwelling including the estimated average monthly utilities the Transportation Cabinet shall subtract the monthly fair market rent of the acquired dwelling as determined by the cabinet, then multiply that amount by forty-two (42).

(2) A displaced owner-occupant who has owned and occupied the dwelling for less than 180 days, may elect to receive an amount to enable

him to make a down payment on the purchase of a replacement dwelling including the actual expenses incidental to the purchase, not to exceed \$5,250, or for additional costs to relocate his retained dwelling in accordance with the following:

(a) The full amount of the payment shall be applied toward the purchase of the replacement dwelling and related incidental expenses and the displaced person shall purchase and occupy the dwelling within the time frame specified in Section 23(1) of this regulation;

(b) The displaced person may be eligible for the entire \$5,250 for a down payment including incidental expenses, when the amount of the rental replacement housing computation is less than \$5,250 or is zero, except either payment shall not exceed the amount the displaced person would receive if he were an owner-occupant of 180 days or more.

(3) If an owner-occupant of less than 180 days retains his dwelling, then the replacement housing payment, if any, shall be determined in accordance with the provisions of Section 18 (10) of this regulation, but the payment shall not exceed \$5,250. If an owner-occupant of less than 180 days has received a rental replacement housing payment, the amount of the rental payment shall be deducted from the amount to which he is entitled. The combined payments shall not exceed \$5,250.

Section 20. Revisions to Replacement Housing Payment. (1) If the comparable housing used in the Transportation Cabinet's computation is not available at the time of the relocation offer, a new replacement housing payment shall be computed based on available housing which is equal to or better than the dwelling acquired and meets the other comparable criteria. However, the new replacement housing payment amount shall not be less than the original computed amount.

(2) When an adjustment is made in the fair market value offer to the owner-occupant because of an administrative settlement, an appeal from the commissioners' award, jury award or similar reason the replacement housing payment shall be recomputed based on the new acquisition price.

Section 21. Replacement Housing Payments - Increased Interest Payments. Increased interest payments are provided to compensate a displaced person for the increased interest costs he is required to pay for financing a replacement dwelling.

(1) The increased interest payment shall be allowed only when the dwelling acquired by the Transportation Cabinet was encumbered by a mortgage which was made in good faith without fraud or deceit and which was a valid lien on the dwelling for not less than 180 days prior to initiation of negotiations for the acquisition of the real property, in whole or in part, or at the time a written notice is given of the Transportation Cabinet's intent to acquire the property and the displaced person obtains a mortgage on his replacement dwelling at a higher interest rate than the mortgage rate on the dwelling acquired by the Transportation Cabinet. All mortgages on the dwelling acquired by the Transportation Cabinet shall be considered in computing the increased interest cost portion of the replacement housing payment. In the case of a home equity loan, the unpaid balance shall be

that balance which existed 180 days prior to the initiation of negotiations or the balance on the date of acquisition, whichever is less.

(2) In determining the amount of the increased interest payment, the computation shall be based on the monthly payment of the old mortgage, the remaining term of the old mortgage or term of new mortgage, whichever is shorter, and the old and new interest rates. Most increased interest payments shall also be based on the unpaid mortgage balance on the displacement dwelling. However, if the new mortgage amount is less, the payment shall be reduced accordingly.

(3) Documentation of the terms, amount and interest rate for the existing and new mortgages shall be submitted on a form prescribed and furnished by the Transportation Cabinet. This form shall be completed for the existing and new mortgages and signed by a representative of the lending agency. When a loan is included in a land contract, a copy of the contract may be used for documentation.

(4) Payment for purchaser's points, loan origination fees or assumption fees but not seller's points, shall be paid to the extent that:

(a) They are not paid as incidental expenses;

(b) They do not exceed rates normal to real estate transactions in the area; and

(c) They are determined to be necessary; and

(d) The points and fees are based on the unpaid mortgage balance on the displacement dwelling, less the amount of the mortgage payment computed in this section. To document these charges, the Transportation Cabinet shall be provided a copy of the lending agency's closing statement.

(5) The interest rate on the mortgage for the replacement dwelling to be used in the computation shall be the actual interest rate but shall not exceed the prevailing fixed interest rate currently charged by mortgage lending institutions in the area in which the replacement dwelling is located.

(6) Increased interest payments normally shall be made directly to the displaced person. However, upon written request from the displaced person the payment may be made directly to the mortgagee of the replacement dwelling or may be paid into escrow prior to the displaced person's moving.

(7)(a) If the dwelling acquired is located on a tract normal for residential use in the area and only a portion of the tract is acquired by the Transportation Cabinet, the mortgage balance shall be reduced by the percentage ratio the acquisition price bears to the before value of the total tract. The reduction shall not apply when the mortgagee requires the entire mortgage balance to be paid because of the acquisition and it is necessary to refinance.

(b) If a dwelling is located on a tract larger than normal for residential use in the area and only a portion of the tract is acquired by the Transportation Cabinet, the total mortgage balance shall be reduced to the percentage ratio that the value of the residential portion bears to the before value. This reduction shall apply whether or not it is required that the entire mortgage balance be paid.

(8) The interest payment on multiuse properties shall be reduced to the percentage ratio the residential value of the multiuse property bears to the before value.

(9)(a) If a dwelling is located on a tract

where the fair market value is established on a higher and better than residential use, and if the mortgage is based on residential value, the interest payment shall be computed as shown in subsection (7)(b) of this section.

(b) If the mortgage interest rate is obviously based on the higher use, the interest payment shall be reduced to the percentage ratio that the estimated residential value of the parcel has to the before value of the parcel.

Section 22. Replacement Housing Payments- Incidental Relocation Expenses. The incidental expenses which may be paid are those necessary and reasonable costs actually incurred by the displaced person incidental to the purchase of a replacement dwelling and customarily paid by the buyer.

(1) The type of incidental expenses eligible for payment include, but shall not be limited to, the following:

(a) Legal, closing, and related costs, including those for title search, preparing conveyance instruments, notary fees, preparing surveys and plats and recording fees;

(b) Lender, Federal Housing Administration, or Veteran's Administration application and appraising fees;

(c) Loan origination or assumption fees that do not represent prepaid interest;

(d) Certification of structural soundness and termite inspection when required;

(e) Credit report;

(f) Owner's and mortgagee's evidence of title, e.g., title insurance, not to exceed the costs for preparation of title insurance of a comparable replacement dwelling;

(g) Escrow agent's fee;

(h) State revenue or documentary stamps, sales on transfer taxes (not to exceed the costs for a comparable replacement dwelling); and

(i) Other costs as determined by the Transportation Cabinet to be incidental to the purchase.

(2)(a) An owner-occupant of 180 days or more who has a mortgage on the dwelling acquired and who places a mortgage on his replacement dwelling shall be reimbursed for the necessary and reasonable incidental expenses incurred when obtaining a mortgage on his replacement dwelling.

(b) An owner-occupant of 180 days or more who has no mortgage on the acquired dwelling, but who places a mortgage on his replacement dwelling shall not be reimbursed for the incidental expenses of obtaining his loan.

(c) An owner-occupant of less than 180 days, or a tenant-occupant of more than ninety (90) days who chooses to purchase a replacement dwelling may be reimbursed for eligible incidental expenses if they are included in the down payment. However, the total of the down payment and incidental expenses is limited to a maximum of \$5,250.

Section 23. Replacement Housing Payments - Rental Payments. (1) A tenant or owner-occupant displaced from a dwelling is entitled to a payment not to exceed \$5,250 for rental assistance, if the displaced person:

(a) Actually and lawfully occupied the displacement dwelling for at least ninety (90) days immediately prior to the initiation of negotiations; and

(b) Has rented or purchased and occupied a decent, safe and sanitary replacement dwelling

within one (1) year after the date he moves from the displacement dwelling if he is a tenant; or

(c) In the case of an owner-occupant, has rented or purchased and occupied decent, safe and sanitary dwelling within one (1) year of the later of the date he received final payment for the displacement dwelling, or in the case of condemnation, the date the full amount of the estimate of just compensation is deposited with the court; or the date he moved from the displacement dwelling.

(2) The base monthly rental for the displacement dwelling shall be the least of the three (3) computations below:

(a) The average monthly cost for rent and utilities at the displacement dwelling for a reasonable period prior to displacement using either actual or fair market rent. For a tenant who paid little or no rent for the displacement dwelling, fair market rent shall be used unless it would result in a hardship due to his personal income or other circumstances; or

(b) Thirty (30) percent of the person's average monthly gross household income. If a person refuses to provide evidence of income or is a dependent, the base monthly rent shall be the average monthly cost for rent or utilities. A full-time student or resident of an institution may be assumed to be a dependent, unless the person demonstrates otherwise; or

(c) The total of the amount designated for shelter and utilities if receiving a welfare assistance payment from a program that designates the amount for shelter and utilities. The base monthly rental shall include any rent supplement supplied by others unless the supplement is to be discontinued upon vacation of the property.

(3) To compute the rental assistance payment, from the amount the displaced person actually pays for a rental replacement dwelling including the estimated average monthly utilities or, if less, the amount determined by the Transportation Cabinet as necessary to rent a comparable dwelling including the estimated average monthly utilities the Transportation Cabinet shall subtract the base monthly rent of the acquired dwelling as determined in subsection (2) of this section. Then the cabinet shall multiply that amount by forty-two (42) to determine the actual payment. However, for owner-occupants the cabinet shall use the actual or fair market rent instead of the base monthly rent when computing the payment amount. In determining the amount necessary to rent a comparable dwelling the Transportation Cabinet shall examine, if available, three (3) comparable rental properties. Only when the local housing market does not contain three (3) comparable rental properties may the Transportation Cabinet determine the payment based on less than three (3).

(4) The disbursement of rental replacement housing payments may be in a lump sum payment, or in installments. The full amount vests immediately, whether or not there is any later change in the person's income or rent, or in the condition or location of the person's housing.

Section 24. Replacement Housing Payments - Down Payment Assistance. Down payment assistance may be given to a tenant-occupant of ninety (90) days or more who purchases a replacement dwelling. A displaced person eligible for rental replacement housing payment under Section 23 of

this regulation may receive a down payment assistance payment not to exceed \$5,250. In order to receive this payment, the full amount of the payment shall be applied toward the purchase price of the replacement dwelling and related incidental expenses. If the rental assistance payment computed under Section 23 of this regulation would be zero dollars, the displaced person is entitled to receive the \$5,250 for a down payment. A displaced person eligible to receive a replacement housing payment as a 180 or more day owner-occupant is not eligible for this payment.

Section 25. Replacement Housing Payment - Sleeping Room Tenant. A displaced person who has occupied a sleeping room for ninety (90) days or more and who is eligible to receive a replacement housing payment, may receive an amount not to exceed \$5,250 as a rent supplement, or to enable him to make a down payment on a replacement dwelling. The provisions of Sections 23 or 24 of this regulation shall be followed.

Section 26. Mobile Homes - General. (1) The general provisions for moving expense payments to owners and tenants of conventional dwellings shall be applicable to owners or tenants of mobile homes.

(2) If it is determined that a sufficient portion of a mobile home park is taken that the remainder is not sufficient to continue the operation, and a mobile home in the remaining part of the park is required to be moved as a result of the project, the owner and any tenant shall each be considered a displaced person. A mobile home may be considered a replacement dwelling provided it is substantially a decent, safe and sanitary dwelling.

(3) The ownership or tenancy of the mobile home (not the land on which it is located) shall determine the occupant's status as an owner or a tenant. The length of ownership and occupancy of the mobile home or the mobile home site shall determine the occupant's status as a 180 day or ninety (90) day owner or tenant. The mobile home shall have been occupied on the same site (or in the same mobile home park) for the requisite 180 days or ninety (90) days to make the occupant eligible for a replacement housing payment or rent supplement.

(4) A nonoccupant-owner of a mobile home is eligible for an actual cost moving expense payment.

(5) If the person is displaced from a mobile home park, a nonreturnable mobile home park entrance fee is reimbursable provided it does not exceed the fee at a comparable park or if the Transportation Cabinet determines that it is necessary to pay the fee to effect relocation.

(6) There is no limit to the distance of the move of the displaced person. However, a relocation assistance moving expense payment shall be computed on a move of a distance of no more than fifty (50) miles, except when it is determined that the relocation cannot be accomplished within a fifty (50) mile radius. Beyond the fifty (50) mile radius, approval for a distance payment shall be limited to the nearest available mobile home site.

(7) If a comparable replacement mobile home is not available, the replacement housing payment shall be computed on the basis of the reasonable cost of a comparable conventional dwelling. If

it is determined that it would be practical to relocate the mobile home, but the owner-occupant elects not to do so, the cost of a comparable replacement dwelling shall be assumed to be the sum of the value of the mobile home, the cost of any necessary repairs or modifications, and the estimated cost of moving the mobile home to a replacement site. If a mobile home is not actually acquired, but the occupant is considered displaced under this administrative regulation, the initiation of negotiations shall be the date of the initiation of negotiations to acquire the land, or, if the land is not acquired, the date the occupant is notified in writing that he is a displaced person for the purpose of these procedures. If the owner is reimbursed for the cost of moving the mobile home under this administrative regulation, he is not eligible for a replacement housing payment to assist in purchasing or renting a replacement mobile home. The person may, however, be eligible for assistance in purchasing or renting a replacement site.

(8) There may be other combinations of ownership of occupancy relating to mobile homes not covered in these procedures. In these cases, the Transportation Cabinet shall make every effort to treat the displaced person in a manner consistent with the other provisions of this section.

Section 27. Mobile Home Moving Expense Payments. (1) The general provisions for moving expense payments to owners and tenants of conventional dwellings shall also be applicable to owners and tenants of mobile homes. Displaced individuals or families occupying a mobile home may receive payment for the actual, reasonable expense of moving their personal property. If an owner-occupied mobile home is considered personal property, the cost of moving the mobile home is reimbursable. If the owner chooses to move the mobile home, it shall be moved by a commercial mobile home carrier licensed by the Department of Vehicle Regulation. The owner may choose the mover, and receive reimbursement for the actual, reasonable expenses. Request for payment of moving expenses shall be supported by receipted bills. Prior to authorizing a move of a mobile home, the Transportation Cabinet shall determine the items of personal property to be moved, including the mobile home and any items stored in accessory buildings, and determine that the mobile home mover is a licensed commercial mobile home carrier and obtain from him an estimate of the moving costs. This estimate shall include any necessary utility service connections. If this estimate is not reasonable, the cabinet may approach another mobile home mover or renegotiate the price.

(2) If the mobile home is not acquired, but the mobile home owner-occupant obtains a replacement housing payment under one (1) of the circumstances described in Section 28 (2)(c) of this regulation, the owner shall not be eligible for payment for moving the mobile home, but may be eligible for payment for moving personal property from the mobile home.

(3) However, the following expenses shall be eligible for an actual cost moving expense payment:

(a) The reasonable cost of disassembling, moving, and reassembling any attached appurtenance, such as a porch, deck, skirting, or awning; anchoring of the unit; and utility

hook-up charges; and

(b) The reasonable cost of repairs or modifications if a mobile home requires repairs or modifications so that it can be moved or made decent, safe and sanitary, and it is determined that it would be economically feasible to incur the additional expense.

(3) Arrangements may be made between the Transportation Cabinet, the displaced person, and the mover so that the displaced person may present an unpaid moving bill to the Transportation Cabinet for direct payment to the mover.

(4) An application for moving expense payments may be submitted in advance of the move so that payment is made available immediately upon completion of the move. In some unusual circumstances, and with prior approval of the Transportation Cabinet, moving expense payments may be made prior to the actual move.

(5) If a mobile home is considered real property, acquired by the Transportation Cabinet and included in the appraised value of the site, and if the owner repurchases the mobile home from the Transportation Cabinet, the cost of moving the mobile home shall not be eligible for moving expense payments.

(6) If the landowner occupies the mobile home and the mobile home is acquired by the Transportation Cabinet or if a tenant-occupant of a mobile home is displaced, the displaced person shall move his personal property from his mobile home by one (1) of the following methods:

(a) The displaced person may elect to move his personal belongings by the use of a commercial mover as prescribed in Section 10(4) of this regulation.

(b) The displaced person may elect to move his personal property from the mobile home according to the fixed-rate schedule set out in Section 10(5) of this regulation. The room count of furniture shall be based on the actual number of furnished rooms. A small detached shed or building used to store such things as lawn mowers, lawn chairs, hoses, etc., shall be considered as an additional room, if the shed or building contains sufficient personality as to constitute a room.

Section 28. Mobile Home Replacement Housing and Rent Supplement Payments. (1) The replacement housing or rent supplement payment for a mobile home shall be computed in two (2) parts:

(a) The replacement housing or rent supplement payment for the mobile home shall be computed in accordance with the procedures set forth in Sections 15 and 18 through 25 of this regulation.

(b) The replacement housing or rent supplement payment for the mobile home site shall be computed based on comparable sites, but the total payment shall be limited to the maximums established in this administrative regulation according to the displaced person's ownership or tenancy of the land.

(c) The sum of these two (2) parts cannot exceed the \$5,250 or \$22,500 limit set for rent supplement or replacement housing payments. The total of these two (2) parts cannot exceed \$22,500.

(2) A mobile home owner-occupant who has owned and occupied the mobile home for 180 days or more shall be eligible for a replacement housing payment not to exceed \$22,500 provided:

(a) The displaced person owns the displacement

mobile home and occupied it on the displacement site at least 180 days immediately prior to the initiation of negotiations;

(b) The displaced person meets the other basic eligibility requirements in Section 18 of this regulation; and

(c) The Transportation Cabinet acquired the mobile home as real property, or the mobile home is not acquired by the Transportation Cabinet but the owner is displaced because it is determined that the mobile home:

1. Is not and cannot economically be made decent, safe and sanitary; or

2. Cannot be relocated without substantial damage or unreasonable cost; or

3. Cannot be moved because there is no available comparable replacement site; or

4. Cannot be relocated because it does not meet mobile home park entrance requirements.

If the mobile home is not actually acquired, the acquisition cost of the displacement dwelling used for the purpose of computing the price differential amount, shall include the salvage value or trade-in value of the mobile home, whichever is higher.

(3) A displaced owner-occupant of 180 days or more of a mobile home and site who meets the provisions of subsection (2) of this section:

(a) Shall be eligible for replacement housing payments for the following specific items:

1. The additional costs necessary to purchase replacement housing in accordance with Section 18 of this regulation;

2. The amount necessary to compensate him for the loss of favorable financing on his existing mortgage in the financing of replacement housing under the provisions of Section 21 of this regulation; and

3. An amount to reimburse the owner for incidental expenses incurred in the purchase of replacement housing in accordance with Section 22 of this regulation.

(b) Who is eligible for a replacement housing payment and who elects to rent is eligible for a rental replacement housing payment, not to exceed \$5,250.

(4) If the Transportation Cabinet acquires both the mobile home and site from the owner-occupant of 180 days described in subsection (2) of this section, the replacement housing payment shall be computed as follows:

(a) If the owner purchases replacement housing the amount, if any, which when added to the amount for which the Transportation Cabinet acquired his mobile home and site equals the lesser of the amount the owner is required to pay for a decent, safe and sanitary replacement mobile home and site, or if a mobile home and site are not available, the cost of a conventional dwelling, and the amount determined by the Transportation Cabinet as necessary to purchase a comparable mobile home and site or conventional dwelling in accordance with the provisions of Section 18 of this regulation.

(b) If the owner elects to rent, the Transportation Cabinet shall compute the rental replacement housing payment by subtracting the fair market rent, including utilities as determined by the Transportation Cabinet from the amount the displaced person actually pays for a rental replacement dwelling, including estimated average monthly utilities, if less, the amount determined by the Transportation Cabinet as necessary to rent a comparable mobile home and mobile home site or conventional

dwelling, including the estimated average monthly utilities multiplied by forty-two (42).

(5) If the Transportation Cabinet from the owner-occupant of 180 days or more described in subsection (2) of this section acquires the site, but not the mobile home situated upon the site, and the mobile home is required to be moved, the replacement housing payment shall be computed as follows:

(a) If the owner purchases a replacement site, the amount, if any, which when added to the amount for which the Transportation Cabinet acquired his mobile home site equals the lesser of the amount the owner is required to pay for a comparable site, or the amount determined by the Transportation Cabinet as necessary to purchase a comparable mobile home site;

(b) If the owner elects to rent a replacement site, the rental replacement housing payment shall be computed by subtracting the fair market rent including utilities as determined by the Transportation Cabinet from the amount the displaced person actually pays for a rental site, including the estimated average monthly utilities or if less, the amount determined by the Transportation Cabinet as necessary to rent a comparable mobile home site, including the estimated average monthly utilities. To compute the actual payment the cabinet shall multiply that amount by forty-two (42).

(6) If an owner-occupied mobile home situated on a rental site is acquired from the owner-occupant of 180 days described in subsection (2) of this section, the replacement housing payment shall be computed as follows:

(a) If the owner purchases a replacement mobile home, the amount, if any, which when added to the amount for which the Transportation Cabinet acquired the mobile home equals the lesser of the actual amount the owner is required to pay for a replacement dwelling, or the amount determined by the Transportation Cabinet as necessary to purchase a comparable mobile home, plus a site rental payment computed by subtracting the actual or fair market rent, including utilities as determined by the Transportation Cabinet from the amount the owner pays for a rental site including the estimated average monthly utilities or if less, the amount determined by the Transportation Cabinet as necessary to rent a comparable mobile home site, including the estimated average monthly utilities. To determine the actual payment the Transportation Cabinet shall multiply that amount by forty-two (42). The owner of the mobile home may choose to purchase a comparable mobile home site as an alternative to renting a site. If so, to receive the replacement housing payment, the full amount of the payment shall be applied toward the purchase price of the replacement lot and related incidental expenses. Also, the displaced person shall purchase the lot and place his mobile home on the replacement lot. This payment shall be limited to \$5,250.

(b) If the owner elects to rent a replacement mobile home, the rent supplement payment shall be computed by subtracting the actual or fair market rent, including utilities as determined by the Transportation Cabinet from the amount the displaced person pays for a rental mobile home and site, including the estimated average monthly utilities or if less, the amount determined by the Transportation Cabinet as necessary to rent a comparable mobile home and site including the estimated average monthly

utilities. The Transportation Cabinet shall then multiply that amount by forty-two (42) to compute the actual payment.

(7) If the Transportation Cabinet acquires the site where the owner-occupant of 180 days of a mobile home described in subsection (2) of this section rents the site but the cabinet does not acquire the mobile home, the replacement housing payment shall be determined as follows:

(a) If the owner of the mobile home elects to purchase a replacement site, the replacement housing payment shall be a down payment assistance payment not to exceed \$5,250 if the owner of the mobile home purchases and occupies the replacement site within one (1) year. The full amount of the payment shall be applied to the purchase of a replacement mobile home site and related expenses.

(b) If the owner of the mobile home elects to rent a replacement site, the rental replacement housing payment shall be determined by subtracting the actual or fair market rent including utilities as determined by the Transportation Cabinet from the amount the owner pays for a rental mobile home site including the estimated average monthly utilities, or if less, the amount determined by the cabinet as necessary to rent a comparable mobile home site including utilities. The Transportation Cabinet shall then multiply that amount by forty-two (42).

(8) A displaced owner-occupant of a mobile home who has occupied for less than 180 days the mobile home on the site from which he is being displaced, and who is otherwise eligible under the provisions of Section 18 of this regulation is eligible for a replacement housing payment not to exceed \$5,250. The replacement housing payment may enable him to make a down payment on the purchase of replacement housing in accordance with the provisions of paragraph (a) of this subsection and reimburse him for the actual expenses incidental to the purchase. If he elects to rent, a rental replacement housing payment shall be determined as provided in paragraph (b) of this subsection. The payment is to be computed and disbursed in accordance with the provisions of Section 23 of this regulation.

(a) When the cabinet is acquiring both the mobile home and site from the owner-occupant, the displaced person eligible for a rental replacement housing payment may receive a down payment assistance payment not to exceed \$5,250 only if the full amount of the payment is applied to the purchase price of the replacement dwelling and related incidental expenses. The amount for which he is eligible shall be limited to the amount he would receive if he were an owner-occupant of 180 days or more.

(b) If the Transportation Cabinet acquires the mobile home and site from the less than 180 days owner-occupant, a rental replacement housing payment shall be computed by subtracting the monthly fair market rent of the mobile home and site including utilities as determined in by the cabinet from the amount the owner actually pays for a rental mobile home and site including the estimated average monthly utilities or if less, the amount determined by the Transportation Cabinet as necessary to rent a comparable mobile home and site, including the estimated average monthly utilities. To compute the actual payment the Transportation Cabinet shall multiply this amount by forty-two (42).

(9) If the Transportation Cabinet acquires the

site but not the mobile home from the owner-occupant described in subsection (2) of this section except that he had occupied the mobile home for less than 180 days, the replacement housing payment shall be determined as follows:

(a) If the owner purchases conventional replacement housing or purchases a site to which the mobile home is moved, the replacement housing payment shall be determined as in subsection 8(a) of this section.

(b) If the owner elects to rent replacement housing, a rental replacement housing payment shall be computed by subtracting the monthly fair market rent of the acquired site, including utilities as determined by the cabinet from the amount the displaced person actually pays for a rental replacement mobile home site, including the estimated average monthly utilities, or if less, the amount determined by the Transportation Cabinet as necessary to rent comparable mobile home site including the estimated average monthly utilities. To compute the actual payment the Transportation Cabinet shall then multiply this amount by forty-two (42).

(10) A displaced tenant of a mobile home who has occupied for at least ninety (90) days the mobile home on the site from which he has been displaced and who is otherwise eligible under the provisions of Section 23(1) of this regulation, is eligible for a replacement housing payment, not to exceed \$5,250. The rental replacement housing payment shall be determined in accordance with the provisions of Section 23 of this regulation. If the displaced person elects to purchase a replacement dwelling, he shall receive a payment in accordance with Section 24 of this regulation.

Section 29. Last Resort Housing. The last resort housing procedures of this section shall be implemented when it is determined that a Transportation Cabinet project cannot proceed to actual construction because comparable replacement sale or rental housing, within the monetary limits is not available and the housing cannot otherwise be made available. A person cannot be required to move from his dwelling unless at least one (1) comparable replacement dwelling is made available to the person.

(1) If comparable decent, safe and sanitary housing is not available, any decision to provide last resort housing assistance shall be justified either:

(a) On a case-by-case basis, during which consideration has been given to:

1. Availability of comparable housing in the area of the project;

2. Resources available to provide comparable housing; and

3. Individual circumstances of the displaced person; or

(b) It is determined that:

1. There is little, if any, comparable replacement housing available to a displaced person within an entire project area. Therefore, a case-by-case justification for last resort housing assistance is not necessary;

2. A project cannot be advanced to completion in a timely manner without last resort housing assistance; and

3. The method selected for providing last resort housing assistance is cost effective, considering all elements which contribute to

total project costs.

(2) No displaced person shall be deprived of any rights the person may have under KRS 56.610 to 56.760. No displaced person shall be required, without the person's written consent, to accept a dwelling provided by the Transportation Cabinet under the procedures described in subsection (3) of this section in lieu of any acquisition payment or any relocation payment for which the person may be eligible;

(3) The methods of providing last resort housing include, but are not limited to:

(a) A replacement housing payment in excess of the limits set forth in Sections 18 and 23 of this regulation. Rental assistance subsidy in last resort housing may be provided in installments or in a lump sum as determined by the Transportation Cabinet;

(b) Rehabilitation of or addition to an existing replacement dwelling;

(c) Construction of a new replacement dwelling;

(d) The provision of a direct loan, which requires regular amortization or deferred repayment. The loan may or may not be secured by the real property. The loan may or may not be interest free;

(e) The relocation and, if necessary, rehabilitation of a dwelling;

(f) The purchase of land or a replacement dwelling by the Transportation Cabinet and subsequent sale or lease to or exchange with a displaced person;

(g) Removal of barriers to the handicapped; and

(h) The change in status of the displaced person from tenant to homeowner when it is more cost effective to do so, as in cases where a down payment may be less expensive than a last resort rental assistance payment.

(4) Under special circumstances, modified methods of providing housing of last resort permit consideration of:

(a) Replacement housing based on space and physical characteristics different from those in the displacement dwelling;

(b) Upgraded, but smaller replacement housing that is decent, safe and sanitary and adequate to accommodate the individuals or families displaced from marginal or substandard housing with probable functional obsolescence; or

(c) For the displaced person who is ineligible for a rent supplement or a replacement housing payment (for example, a tenant of less than ninety (90) days or a person who occupies the property subsequent to the initiation of negotiation) when comparable rental replacement housing is not available at rental rates within the person's financial means. The housing provided shall be comparable housing. To determine if a tenant in this category is entitled to a replacement housing payment, the Transportation Cabinet shall subtract thirty (30) percent of the person's gross monthly household income from the cost of a comparable replacement dwelling and multiply the difference by forty-two (42). There shall be no prohibition against making direct payments to a displaced person under last resort housing. Each case shall be reviewed to determine if it is the best interest of the person or family. The payment may be made to a third party or in installments.

Section 30. Appeals. (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) days of the date of his written notice from the Transportation Cabinet of the 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 copy of this shall be made available to all parties concerned, including the person requesting the hearing and the attorney representing the Transportation Cabinet in this appeal procedure. They shall have twenty (20) days in which to comment on or object to the hearing officer's recommended decision. These comments or objections shall be presented in writing.

(5) The Transportation Secretary or his representative, who shall not have been directly involved in the action appealed, shall consider not only the hearing officer's recommended decision but also any written comments received from the involved parties in making his final ruling.

(6) If the full relief requested in the appeal is not granted, the Transportation Cabinet shall advise the person of his right to seek judicial review.

O. GILBERT NEWMAN, State Highway Engineer

B.G. BODNER, Executive Director

MILO D. BRYANT, Secretary/Commissioner

APPROVED BY AGENCY: April 26, 1990

FILED WITH LRC: May 2, 1990 at 1 p.m.

PUBLIC HEARING: A public comment hearing on this administrative regulation will be held on June 26, 1990 at 9 a.m., local prevailing time in the 4th 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 meeting must in writing by June 21, 1990 so notify this agency. If no notification of intent to attend the hearing is received by this date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given the opportunity to comment on the administrative regulation. A transcript of the public comment hearing will not be made unless a written request for a transcript is made and then at the requestor's expense. If you do not wish to attend the public hearing, you may submit written comments on the administrative regulation. If the hearing is held, written

comments will be accepted until the close of the hearing. If the hearing is cancelled, written comments will only be accepted until June 21, 1990. Send written notification of intent to attend the public comment hearing or written comments on the administrative regulation to: Sandra G. Pullen, Executive's Staff Advisor, Transportation Cabinet, State Office Building, Frankfort, Kentucky 40622, (502)564-4890.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sandra G. Pullen

(1) Type and number of entities affected: 150 households, 35 businesses annually displaced.

(a) Direct and indirect costs or savings to those affected: Savings of \$1.7 million annually.

1. First year: Reimbursement of replacement housing rental and moving expenses.

2. Continuing costs or savings: Same

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

(b) Reporting and paperwork requirements: Amendment does not require additional reporting or paperwork - transportation employees assist displacees.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: Cost to state and federal program of \$1.7 million annually.

1. First year: \$1.7 million.

2. Continuing costs or savings: Approximately \$1.7 million annually.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: No more than present.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternative. If the Transportation Cabinet could not comply with the Uniform Regulations CFR 49 Part 24, no federal highway funds would be authorized. This could amount to a loss of over \$150 million annually.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? Yes

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 49 CFR Part 24.

2. State compliance standards. This administrative regulation requires that persons displaced by land acquisition programs on all federal and state projects of the Transportation Cabinet be fairly treated and provided comparable replacement dwellings.

3. Minimum or uniform standards contained in the federal mandate. The federal regulation sets forth the notice requirements for general relocation of displaced persons; the requirement that comparable or better housing be available to the displaced persons; and the payment for moving expenses and replacement housing

including mobile home dwellers.

4. Will this administrative regulation impose 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 Regulation
Division of Motor Vehicle Enforcement
(Proposed Amendment)

601 KAR 1:005. Safety regulations.

RELATES TO: KRS Chapters 138, 281, Title 49, Code of Federal Regulations, Part 390-397

STATUTORY AUTHORITY: KRS 138.665, 281.600, 281.726, 281.730, 281.750, Title 49, Code of Federal Regulations, Part 390-397

NECESSITY AND FUNCTION: This regulation sets out safety procedures to be followed by motor carriers operating in the Commonwealth of Kentucky.

Section 1. Definitions. (1) "Farm-to-market agricultural transportation" means the operation of a motor vehicle that is controlled and operated by a farmer who, as a private motor carrier is using the vehicle to transport agricultural products from his farm or to transport farm machinery or farm supplies to his farm. The transportation of hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with 601 KAR 1:025, Transporting hazardous materials, permit, is not included in this definition.

(2) "Daylight hours" means that period of time one-half (1/2) hour before sunrise through one-half (1/2) hour after sunset.

(3) "Load limit" means the rated seating capacity for which a passenger-carrying vehicle is licensed plus twenty-five (25) percent of the rated seating capacity.

Section 2. (1) All commercial motor vehicles operated for-hire or in private carriage, interstate or intrastate, except those listed in subsection (2) of this section shall be governed by the following Motor Carrier Safety Regulations adopted and issued by the United States Department of Transportation:

(a) Title 49, Code of Federal Regulations Part 390, General, [excluding Part 390.5,] effective as amended through March 30, 1990 [April 24, 1989 is adopted without change];

(b) Title 49, Code of Federal Regulations, Part 391, Qualifications of Drivers, effective as amended through February 1, 1990 [April 24, 1989, is incorporated by reference with changes];

(c) Title 49, Code of Federal Regulations, Part 392, Driving of Motor Vehicles, effective

as amended through November 15, 1988, is incorporated by reference with changes];

(d) Title 49 Code of Federal Regulations, Part 393, Parts and Accessories Necessary for Safe Operation, with a latest effective date of November 24, 1989 [is adopted without change];

(e) Title 49, Code of Federal Regulations, Part 394, Notification, Recording and Reporting of Accidents, effective as amended through December 21, 1988 [November 15, 1988 is adopted without change];

(f) Title 49, Code of Federal Regulations, Part 395, Hours of Service of Drivers, effective as amended through November 15, 1988 [is adopted without change];

(g) Title 49, Code of Federal Regulations, Part 396, Inspection, Repair and Maintenance, effective as amended through December 7, 1989 [is adopted without change]. The first annual inspection of motor carrier vehicles operating exclusively in intrastate commerce and subject to the provisions of this administrative regulation shall be completed by December 31, 1990 even though Part 396 mandates the first inspection for interstate carriers to be completed by July 1, 1990; and

(h) Title 49, Code of Federal Regulations, Part 397, Transportation of Hazardous Materials; Driving and Parking Rules, effective as amended through November 15, 1988 [is adopted without change].

(2) The following exemptions and exceptions to compliance with the provisions of subsection (1) of this section are adopted:

(a) City buses, suburban buses, taxicabs, motorcycles and motor vehicles primarily designed for carrying passengers and having provisions for not more than eight (8) passengers and the driver are not required to comply with the federal regulations adopted by or incorporated by reference in this administrative regulation.

(b) Vehicles owned by the federal government, a state government, a county government, a city government, or a board of education and vehicles operating in interstate commerce which are specifically excluded by Title 49, Code of Federal Regulations, Part 390 are not required to comply with the federal regulations adopted by or incorporated by reference in this administrative regulation.

(c) Motor vehicles which are used exclusively in intrastate commerce and exclusively in farm-to-market agricultural transportation when operated during daylight hours by a private motor carrier are not required to comply with Title 49, Code of Federal Regulations, Part 393, Subpart B, relative to lighting device requirements. They are, however, required to have two (2) stop lamps and mechanical turn signals as set forth in 49 CFR 393, Subpart B.

(d) Motor vehicles which are used exclusively in intrastate commerce and exclusively for the transportation of primary forest products from the harvest area to a mill or other processing facility which is located at a point not more than fifty (50) air miles from the harvest area when operated during daylight hours are not required to comply with Title 49, Code of Federal Regulations, Part 393, Subpart B relative to lighting devices requirements. They are, however, required to have two (2) stop lamps and mechanical turn signals as set forth in 49 CFR 393, Subpart B.

(e) Except for transporters of hazardous

materials under 601 KAR 1:025, motor vehicle operators who are operating a vehicle on an intrastate commerce basis are not required to be twenty-one (21) years of age as set forth in 49 CFR 391.11(b)(1). However, they shall be at least eighteen (18) years of age.

(f) Electric utility motor carriers while operating exclusively in intrastate commerce shall be exempt from the maximum and on-duty hours for drivers set forth in 49 CFR 395.3 during an emergency which requires their employees to work to restore electric power.

(g) Motor carriers which operate exclusively in intrastate commerce shall be exempt from the drug testing requirements of 49 CFR Parts 391 and 394.

[Section 3. Title 49, Code of Federal Regulations, Part 390.5, Definitions, effective November 15, 1988, except that the definitions of "alcohol concentration," "conviction," and "driving a commercial motor vehicle while under the influence of alcohol" are excluded, is incorporated by reference for the purposes of application to 49 Code of Federal Regulations Parts 391-397.]

[Section 4. A summary of the content of each federal regulation governing motor carrier safety follows:]

[(1) Part 390 - applicable definitions and general policy.]

[(2) Part 391 - qualification and disqualification criteria for drivers; background and character of drivers; required examination and tests of drivers; required physical qualification and medical examinations of drivers; driver qualification recordkeeping; and limited driver exemptions.]

[(3) Part 392 - vehicle operation standards including the use of alcohol and drugs by the driver; the safe operation of the vehicle; the use of lighted lamps and reflectors on the vehicle; the duties of the driver in case of an accident; fueling precautions; and prohibited practices.]

[(4) Part 393 - parts and accessories necessary for the safe operation of a motor vehicle including lighting devices, brakes, window construction, fuel systems, coupling devices, emergency equipment, miscellaneous parts and accessories; and protection against shifting or falling cargo.]

[(5) Part 394 - establishes the duties of motor carriers to make reports and keep records of accidents which occur during their operations.]

[(6) Part 395 - outline of the allowed hours of service of drivers.]

[(7) Part 396 - specifics of the inspection of a motor vehicle by the driver and federally authorized personnel and the records required to be maintained on vehicle maintenance and inspection.]

[(8) Part 397 - standards for the transportation of hazardous materials including driving, placarding and parking procedures.]

Section 3. [5.] Buses. Buses shall be maintained in a clean and sanitary condition so that the health of passengers will not be impaired. Seats shall be comfortable in order that passengers will not be subjected to unreasonable discomfort which might be detrimental to their health and welfare.

Employees in charge of buses shall be courteous and helpful to passengers, properly caring for baggage so that it will not be damaged, and shall be acquainted with the routes traveled and schedules maintained, so that the passengers will not be subjected to unnecessary delays. All operators shall take into consideration the health and welfare of their passengers and control their operations in the public interest. Express and freight, mail bags, newspapers and baggage shall be so placed as not to interfere with the driver or with the safety and comfort of passengers. These items shall be protected from the weather but shall not be carried in the aisles or in such position as to block exits or doorways on the bus.

Section 4. [6.] Overcrowding of Passenger Vehicles. No bus operated by an authorized carrier, except city or suburban buses, shall transport passengers in excess of its load limit. No passenger shall be permitted to occupy the rear door-well of any bus vehicle that is equipped with a rear door-well.

Section 5. [7.] Out of Service Sticker. If a commercial vehicle is determined to be operating either improperly registered or without registration or in violation of any safety regulation or requirement, officers of the Division of Motor Vehicle Enforcement are authorized to affix to the vehicle a notice indicating the nature of the violation, requiring its correction before the motor vehicle is further operated. Refusal of the vehicle operator to grant permission for an officer of the Division of Motor Vehicle Enforcement to conduct a safety inspection of either the vehicle or its operator shall be cause for the officer to place the vehicle out of service until such permission is granted. Operation of a vehicle in violation of the out of service notice affixed to it shall constitute a separate violation of these regulations.

[Section 8. Copies of all incorporated material may be viewed in the Transportation Cabinet, Department of Vehicle Regulation, Division of Motor Vehicle Enforcement, State Office Building, Frankfort, Kentucky 40622.]

JEROME LENTZ, Acting Commissioner

MILO D. BRYANT, Secretary

APPROVED BY AGENCY: May 7, 1990

FILED WITH LRC: May 9, 1990 at 3 p.m.

PUBLIC HEARING: A public comment hearing will be held on this administrative regulation on June 26, 1990 at 10 a.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 June 21, 1990 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 June 21, 1990. 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: The 4,000+ motor carriers based in Kentucky.

(a) Direct and indirect costs or savings to those affected: The vast majority of these motor carriers operate on an interstate basis and are subject to the federal motor carrier safety regulations. The changes in 601 KAR 1:005 adopts the portion of these federal regulations relating to drug testing but only for those carriers operating in interstate commerce and therefore already subject to the drug testing provisions. This amendment allows Kentucky to enforce the drug testing provisions as is done with the other parts of the federal motor carrier safety regulation. Another change to this regulation exempts intrastate electric utility motor carriers from adhering to the duty-hour requirements for drivers during an emergency. The third change adopts a 1990 change to vehicle marking for leased commercial vehicles.

1. First year: The cost of drug testing has been estimated at \$50/driver. Since the motor carriers based in Kentucky operate an average of four vehicles a piece and most operate interstate, the cost should be \$200 a piece or \$800,000 statewide each year. Even though only 50% of the drivers are required to be tested in random testing, other required tests, such as preemployment tests, will require most companies to have the number of tests approximately equal to their number of vehicles. However, the federal requirement that this testing begin in 1990 is already in effect and the cost must be incurred whether Kentucky adopts the drug testing requirements or not.

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: The exemption from duty-hour requirements for intrastate electric utility motor carriers does not exempt them from the continuing requirement of maintaining an on-duty log.

(2) Effects on the promulgating administrative body: The Transportation Cabinet will be able during a motor carrier safety audit to determine if the interstate carriers are complying with the provisions of the drug testing program.

(a) Direct and indirect costs or savings: Minimal cost since it will be just a small part of the safety audit.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: The federal regulations were adopted to comply with Kentucky's motor carrier safety assistance

program grant. However, the intrastate exemption for electric utility carriers was given because during a power outage it is not always possible or convenient for the company to find the appropriate state personnel to apply for a duty-hour waiver which would always be issued for the duration of the emergency.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? Yes.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. P.L. 98-554, the Motor Carrier Safety Act of 1984 enacted 49 U.S.C. 2507. This federal statute requires that effective October 30, 1989 no state law or regulation may be in effect or enforced with respect to commercial motor vehicle safety which are in direct conflict with or less stringent than the federal regulations.

2. State compliance standards. The state safety regulations adopt the federal motor carrier safety regulations for intrastate operations relating to qualification of drivers, vehicle operation standards, parts and accessories necessary for the safe operation of a motor vehicle, accident reporting, driver hours of service, inspection of motor vehicles, and standards for the transportation of hazardous materials. An exemption of certain lighting equipment requirements is given to farmers and forestry products transporters operating during daylight hours.

3. Minimum or uniform standards contained in the federal mandate. The federal motor carrier regulations are as stated in response 2 above except that they are applicable only to interstate operations. The federal mandate requires that intrastate operations be treated approximately the same.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? There are no requirements stricter than the federal mandate.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Not applicable.

EDUCATION AND HUMANITIES CABINET

Department of Education
Office of Administration and Finance
(Proposed Amendment)

702 KAR 7:070. Interscholastic athletic eligibility and requirements; redshirting prohibited.

RELATES TO: KRS 156.070

STATUTORY AUTHORITY: KRS 156.070

NECESSITY AND FUNCTION: KRS 156.070 gives the State Board for Elementary and Secondary Education the management and control of

interscholastic athletics in the common schools, and the authority to designate an organization or agency to manage such athletics. This regulation is needed to establish with the public common schools a uniform system of eligibility to participate in interscholastic athletics, [and] to designate an organization to manage interscholastic athletics in the secondary schools, and to comply with a 1990 amendment to KRS 156.070 now in effect with respect to eligibility of certain elementary pupils for high school athletics and participation on multiple teams at the same time.

Section 1. Eligibility to Participate in Elementary School Athletics. (1) No pupil in the public common schools repeating the sixth grade during the 1985-86 school year, or enrolled in grades seven (7) through eight (8) during said year or thereafter and not subject to subsection (2) of this section, shall be eligible to participate in interscholastic athletics the second, or any subsequent, year the pupil is enrolled in the same grade, and no public common school shall participate in an athletic contest with another school that does not adhere to this policy, except, in the case of a public school, one which has granted a waiver pursuant to subsection (3)(a) of this section and, in the case of a private school, one which has granted a waiver in a similar fashion.

(2) Any pupil enrolling in the sixth grade of a public common school, and not repeating said grade, during the 1985-86 school year, and any subsequent sixth grade enrollee, shall have three (3) school years from the time of initial sixth grade enrollment to complete his or her eligibility in elementary school interscholastic athletics. No public common school shall participate in an athletic contest with another school that does not adhere to this policy, except, in the case of a public school, one which has granted a waiver pursuant to subsection (3)(a) of this section and, in the case of a private school, one which has granted a waiver in a similar fashion.

(3)(a) Any pupil who is retained in the sixth, seventh, or eighth grade for documented and legitimate academic deficiencies, in compliance with the local school district's adopted grading and retention policy adhering to state accreditation standards, may apply to his or her local board of education for a waiver of ineligibility under subsection (1) or (2) of this section. The granting of any such waiver shall be permissive with the local board of education, and the burden of proof that retention was based upon bona fide academic deficiencies, and not upon any desire for athletic advantage, shall rest with the pupil.

(b) The granting of any such waiver of ineligibility for elementary school athletics shall not affect the need to obtain a similar waiver for high school athletics under Section 2(3) of this regulation.

(4) [Middle school] Pupils in grades five (5) and six (6) [(grades 5-8)] shall not participate on more than one (1) school sponsored team at the same time in the same sport (including elementary and high school teams).

Section 2. Eligibility to Participate in Secondary School Athletics. (1) The eligibility of students to participate in interscholastic athletics at the secondary level shall be

governed by the current Constitution, bylaws and tournament rules of the Kentucky High School Athletic Association (KHSAA).

(2)(a) Effective with the 1985-86 school year, pupils enrolling in the sixth grade of any school shall have seven (7) school years from the time of such enrollment to complete their eligibility in high school interscholastic athletics subject to the jurisdiction of KHSAA.

(b) No pupil enrolled in the seventh or eighth grade in 1985-86, or thereafter, and not subject to paragraph (a) of this subsection, shall be eligible for more than a total of one (1) year in each grade.

(c) No student who initially enrolled in the ninth grade during or prior to the 1985-86 school year or who is not otherwise subject to paragraph (a) of this subsection, and who has been enrolled in grades 9-12 eight (8) semesters, shall thereafter be eligible.

(d) [Middle school] Pupils in grades five (5) and six (6) [(grades 5-8)] shall not participate in high school (grades 9-12) contact sports - i.e., football, wrestling, soccer, or baseball - and such middle school pupils shall not participate on more than one (1) school sponsored team at the same time in the same sport (including elementary and high school teams).

(e) The KHSAA shall adopt the provisions of this subsection as a part of its bylaws and shall fully implement and enforce said eligibility requirements for all high school athletics subject to its jurisdiction.

(3)(a) Any pupil who is retained in the sixth, seventh, or eighth grade for documented academic deficiencies, in compliance with the local school district's adopted grading and retention policy, may appeal any year of ineligibility under subsection (2)(a) of this section, pursuant to (KHSAA) due process procedures, incorporated by reference in 702 KAR 7:065. The burden of proof that retention was based upon bona fide academic deficiencies, and not upon any desire for athletic advantage, shall rest with the pupil. In no event shall any waiver be available to allow a pupil eligibility once he has been enrolled in grades 9-12 for eight (8) semesters.

(b) Any such appeal may be pursued either immediately after the pupil's retention or immediately prior to the year of ineligibility.

Section 3. Any public elementary or secondary school or school employee or official who knowingly allows participation of an ineligible player hereunder, or who, through reasonable diligence, should have known of such ineligibility, or who abuses or misuses the waiver provisions of Section 1(3) of this regulation, shall be considered in noncompliance with state accreditation standards or guilty of willful neglect of duty or breach of contract, and such shall be remediated in any appropriate manner, in addition to any appropriate disciplinary or punitive action being taken against the involved individuals. Such shall apply not only to coaches but also to personnel supervising coaches; such as but not limited to an athletic director, an assistant principal, a principal, an assistant superintendent, a superintendent, or a school board member.

HENRY E. POGUE, IV, Chairman

APPROVED BY AGENCY: May 9, 1990

FILED WITH LRC: May 11, 1990 at 1 p.m.
PUBLIC HEARING: A public hearing has been scheduled on Thursday, June 28, 1990 at 10 a.m. EDT, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky, to review the regulations adopted by the State Board for Elementary and Secondary Education at its May meeting. Those persons wishing to attend and testify shall contact in writing: Dr. Dan H. Branham, Secretary, State Board for Elementary and Secondary Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before June 23, 1990. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Gary Bale or Harry Loy

(1) Type and number of entities affected: All pupils in grades 5-8 and interscholastic athletic teams for which they compete.

(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: No additional requirements.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No additional requirements.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternative methods - HB 443 supersedes current regulatory provisions.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: KRS 156.070

(a) Necessity of proposed regulation if in conflict: To harmonize current regulation with statute.

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

(6) Any additional information or comments:

TIERING: Was tiering applied? Yes

LABOR CABINET

Department of Workplace Standards
Kentucky Occupational Safety and Health
(Proposed Amendment)

803 KAR 2:320. Adoption of 29 CFR Part 1910.1000-.1500.

RELATES TO: KRS Chapter 338, 29 CFR 1910

STATUTORY AUTHORITY: KRS Chapter 13A

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules and regulations, and standards. Express

authority to incorporate by reference established federal standards and national consensus standards is also given to the board. The following regulation contains those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of general industry. The standards are arranged in numerical order in order to facilitate reference to 29 CFR 1910.

Section 1. The Occupational Safety and Health Standards Board hereby adopts Chapter 29, Part 1910 of the Code of Federal Regulations revised as of July 1, 1986, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration. These standards are hereby incorporated by reference, as amended February 15, 1990 and May 15, 1990, with the following additions, exceptions, and deletions:

(1) 29 CFR 1910.1000, "Air Contaminants," Table Z-1 is amended as published in the Federal Register, Volume 50, Number 240, December 13, 1985, is incorporated by reference.

(a) 29 CFR 1910.1000, "Air Contaminants," Tables Z-1-A, Z-2 and Z-3 as published in Federal Register, Volume 54, Volume Number 12, January 19, 1989 are incorporated by reference.

(b) 4,4'-"Methylene bis (2-chloraniline)," found in Table Z-1-A of 29 CFR 1910.1000, as published in the Federal Register, Volume 54, Number 12, January 19, 1989, is hereby revoked.

(c) Revisions to 29 CFR 1910.1000, "Air Contaminants," Table Z-1-A, as published in the Federal Register, Volume 54, Number 127, July 5, 1989, is incorporated by reference.

(d) Revisions to 29 CFR 1910.1000, "Air Contaminants," Table Z-1-A, as published in the Federal Register, Volume 54, Number 170, September 5, 1989, is incorporated by reference.

(e) [(2)] 29 CFR 1910.1000, Table Z-2, "Benzene," shall be amended as follows: Amendments as published in the Federal Register, Volume 52, Number 176, September 11, 1987 are incorporated by reference.

(f) [(3)] 29 CFR 1910.1000, Table Z-2, "Formaldehyde," as published in the Federal Register, Volume Number 52, December 4, 1987, is amended.

(2) [(4)] 29 CFR 1910.1001, "Asbestos," is amended as follows:

(a) Amendments as published in the Federal Register, Volume 51, Number 119, June 20, 1986, are incorporated by reference.

(b) 29 CFR 1910.1001(d)(6)(ii) is amended to read: "The employer shall ensure that all sampling will be conducted in accordance with the ORM in Appendix A, before sampling commences."

(c) 29 CFR 1910.1001(d)(6)(iv) is amended to read: "The employer shall ensure that all analyses are performed in accordance with the elements outlined in Appendix A, and that all asbestos counters meet the criterion specified in Appendix A. This notice shall be given prior to the start of the analyses."

(d) 29 CFR 1910.1001(g)(3)(i) is amended to read: "Where respiratory protection is required, the employer shall institute a respirator program in accordance with American National Standards Practices for Respiratory Protection, ANSI Z88.2 - 1980, with the exception of Appendix A5, Suggested Procedures for Carrying Out Qualitative Respirator - Fitting Tests, and Appendix A6, Suggested Procedures for Carrying

Out Quantitative Respirator - Fitting Tests."

(e) 29 CFR 1910.1001(j)(1)(ii) is amended to read: "Sign specifications. The warning signs required by paragraph (j)(1)(i) of the section shall be of a vertical format measuring twenty (20) inches in length and fourteen (14) inches in width, and shall be printed in letters of sufficient size and contrast as to be readily visible and legible, and shall bear the following information:"

(f) [(5)] 29 CFR 1910.1001, "Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite," as published in Federal Register, October 17, 1986, Volume 51, No. 201, is incorporated by reference.

(g) [(6)] 29 CFR 1910.1001, "Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite," as published in Federal Register, May 12, 1987, Volume 52, No. 91, is incorporated by reference.

(h) Amendments, revisions and additions to 29 CFR 1910.1001, "Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite," as published in Federal Register, Volume 53, Number 178, September 14, 1988, are incorporated by reference.

(i) Amendments, revisions and additions to 29 CFR 1910.1001, "Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite," as published in Federal Register, Volume 54, Number 243, December 20, 1989, are incorporated by reference.

(j) Amendments, revisions, and additions to 29 CFR 1910.1001, "Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite," as published in Federal Register, Volume 55, Number 24, February 5, 1990, are incorporated by reference.

(3)(a) [(7)] 29 CFR 1910.1005 "4,4'-methylene bis (2-chloroaniline)" and 29 CFR 1910.1003 through .1016 paragraphs (c)(6), "Laboratory Activities," printed in the Federal Register, Volume 39, Number 125, June 27, 1974, are in effect.

(b) [(8)] Paragraph 1910.1005(c)(7) of the 29 CFR 1910 General Industry Standards shall read as follows: "Premixed Solutions: Where 4,4'-methylene bis (2-chloroaniline) is present only in a single solution at a temperature not exceeding 120 degrees Celsius, the establishment of a regulated area is not required; however, (i) only authorized employees shall be permitted to handle such materials."

(4) [(9)] 29 CFR 1910.1025, "Occupational Exposure to Lead" shall be amended as follows:

(a) "Table 1 - Implementation Schedule" is amended to read:

TABLE 1 - Implementation Schedule

INDUSTRY ¹ ug/m ³	COMPLIANCE DATES		
	200 ³ ug/m ³	100 ³ ug/m ³	50
Primary Lead Production	(2)	June 29, 1984	June 29, 1991
Secondary Lead Production	(2)	June 29, 1984	June 29, 1986
Lead Acid Battery Manufacture	(2)	June 29, 1983	June 29, 1986
Automobile/Manufacture/Solder Grinding	(2)	N/A	June 29, 1988

Electronics, Gray (2) N/A June 29, 1982

Iron Foundries,
Ink Manufacture,
Paints and Coatings
Manufacture, Wall
Paper Manufacture,
Can Manufactures,
and Printing

Lead Pigment Manufacture, Nonferrous Foundries, Leaded Steel Manufacture, Lead Chemical Manufacture, Ship Building and Ship Repair, Battery Breaking in the Collection and Processing of Scrap (excluding collection and processing of scrap which is part of a secondary smelting operation), Secondary Smelting of Copper, and Lead Casting

All Other Industries (2) N/A June 11, 1984

¹ Includes ancillary activities located on the same worksite.

² On effective date. This continues an obligation from Table Z-2 of 29 CFR 1910.1000 which had been in effect since 1971 but which was deleted upon effectiveness of this section.

(b) Revision to 1910.1025, as published in the Federal Register, Volume 54, Number 131, July 11, 1989 is incorporated by reference.

(c) Amendments, revisions, and additions to 29 CFR 1910.1025, "Occupational Exposure to Lead," as published in Federal Register, Volume 55, Number 30, February 13, 1990, are incorporated by reference.

(5) [(10)] 29 CFR 1910.1028, "Benzene," as published in the Federal Register, Volume 52, Number 176, September 11, 1987 is incorporated by reference.

(6) [(11)] 29 CFR 1910.1029, "Coke Oven Emissions," shall be amended as follows: Revision as published in the Federal Register, Volume 50, Number 178, September 13, 1985 are incorporated by reference.

(7) [(12)] Corrections to 29 CFR 1910.1043, "Cotton Dust," as published in the Federal Register, Volume 51, Number 128, July 3, 1986, are incorporated by reference.

(8) [(13)] Amendments and corrections to 29 CFR 1910.1047, "Ethylene Oxide and Appendices A, B, C and D," as published in the Federal Register, Volume 51, Number 132, July 10, 1986 are incorporated by reference.

(a) The amendments to 29 CFR 1910.1047, "Occupational Exposure to Ethylene Oxide," as published in the Federal Register, Volume 53, Number 66, April 6, 1988, are incorporated by reference.

(b) Revisions to 29 CFR 1910.1047, "Occupational Exposure to Ethylene Oxide," as published in Federal Register, Volume 53, Number 143, July 26, 1988, are incorporated by reference.

(9) [(14)] 29 CFR 1910.1048, "Formaldehyde," as published in the Federal Register, Volume 52, December 4, 1987, is incorporated by reference. Amendments to 29 CFR 1910.1048,

"Occupational Exposure to Formaldehyde," as published in Federal Register, Volume 53, Number 170, September 1, 1988, are incorporated by reference.

(10) [(15)] 29 CFR 1910.1200, "Hazard Communication," shall be amended as follows:

(a) Amendments as published in the Federal Register, Volume 52, Number 163, August 24, 1987 are incorporated by reference.

(b) [(16)] Revision of 29 CFR 1910.1200(i)(3), "Hazard Communication," and an amendment removing the last paragraph in 1910.1200 Appendix D, as published in the Federal Register, Volume 51, Number 189, September 30, 1986, are incorporated by reference.

(11) 29 CFR 1910.1450, "Occupational Exposure to Hazardous Chemicals in Laboratories," as published in Federal Register, Volume 55, Number 21, January 31, 1990, are incorporated by reference.

Section 2. Public Notice. (1) In accordance with KRS 13A.224(3)(c), this material may be inspected and copied at: Kentucky Labor Cabinet, Division of Education and Training, U.S. 127 South, Frankfort, Kentucky 40601.

(2) Office hours are 8 a.m. - 4:30 p.m. (EST), Monday through Friday.

OTIS REED, JR., Ed.D., Chairman

APPROVED BY AGENCY: May 15, 1990

FILED WITH LRC: May 15, 1990 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 26, 1990 at 10 a.m. at the Kentucky Labor Cabinet, 1049 U.S. 127 South, Bay 3 Conference Room, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 21, 1990, 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 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: Guy Schoolfield, Kentucky Labor Cabinet, 1049 U.S. 127 South, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Guy Schoolfield or Kembra Taylor

(1) Type and number of entities affected: Section 1(1)(i) and (j) amendments affect all employers in the Commonwealth with operations involving asbestos, tremolite, anthophyllite and actinolite. Section 1(4)(c) amendment affects all employers in the Commonwealth with exposure to lead. Section 1(11) adoption affects all employers in the Commonwealth with operations concerning occupational exposures to hazardous chemicals in laboratories.

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

1. First year: Section 1(1)(i) and (j) amendments will not result in any direct or

indirect costs to those affected. Section 1(4)(c) amendment will not result in any direct or indirect costs to those affected. Section 1(11) adoption will result in direct costs of \$300,000 (total cost) for those employers affected.

2. Continuing costs or savings: Section 1(11) will result in direct continuing costs of \$300,000 (in total) annually to those employers affected.

3. Additional factors increasing or decreasing costs (note any effects upon competition): None of the two amendments and adoption will have effects on increasing or decreasing costs to competitors.

(b) Reporting and paperwork requirements: None of the two amendments and adoption will entail any reporting or paperwork requirements.

(2) Effects on the promulgating administrative body: There will be no effects on the promulgating administrative body by these amendments/adoption.

(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: There will be no reporting or paperwork requirements resulting from the amendments/adoption.

(3) Assessment of anticipated effect on state and local revenues: There is no anticipated effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The amendments/adoption concern no alternative methods being considered because the regulations concern specific methods for compliance.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no conflict, overlapping, or duplication as a result of the amendments/adoption.

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. The Occupational Safety and Health Program's regulations affect all employers with one or more employees. It targets its inspections toward those industries or firms that pose higher risks to worker safety and health, or from which the OSH Program has received worker complaints.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. P.L. 91-596 (Occupational Safety and Health Act of 1970, Section 18(c)(2)).

2. State compliance standards. Section 1(1)(i) and (j) amendments require employers to adhere to regulations governing asbestos, tremolite, anthophyllite and actinolite. Section 1(4)(c) amendments requires employers to adhere to regulations regarding occupational exposure to lead. Section 1(11) adoption requires employers to adhere to regulations regarding occupational exposures to hazardous chemicals in laboratories.

3. Minimum or uniform standards contained in

the federal mandate. Section 1(1)(i) and (j) amendments relate to all standards contained in the Federal Register, "Asbestos, Tremolite, Anthophyllite and Actinolite," Volume 55, Number 24, February 5, 1990, and the Federal Register, Volume 54, Number 243, December 20, 1989. Section 1(4)(c) amendment relates to all standards contained in the Federal Register, "Occupational Exposure to Lead," Volume 55, Number 30, February 13, 1990. Section 1(11) relates to all standards contained in the Federal Register, "Occupational Exposure to Hazardous Chemicals in Laboratories," Volume 55, Number 21, January 31, 1990.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? There are no changes in the amendments or adoption to the Federal Registers identified in item 3 above.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. These amendments impose no stricter, additional or different responsibilities or requirements than federal OSHA standards.

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. Section 1(1)(i), (j), (4)(c) and (11) affect all divisions of local government that are engaged in asbestos, tremolite, anthophyllite, and actinolite; occupational exposure to lead; occupational exposures to hazardous chemicals in laboratories.

3. State the aspect or service of local government to which this administrative regulation relates. The amendments/adoption in Section 1(1)(i), (j), (4)(c), and (11) affect local government employees' exposure to occupational safety and health.

4. How does this administrative regulation affect the local government or any service it provides? The purposes of Section 1(1)(i), (j), (4)(c), and (11) are to adopt standards relating to: asbestos, tremolite, anthophyllite, and actinolite; occupational exposure to lead; occupational exposures to hazardous chemicals in laboratories.

PUBLIC PROTECTION AND REGULATION CABINET Department of Financial Institutions (Proposed Amendment)

808 KAR 1:070. Application and hearing procedure.

RELATES TO: KRS 287.061, 288.450, 289.031, 290.015, 291.440

STATUTORY AUTHORITY: KRS 287.020, 288.610, 289.702, 290.070, 291.530

NECESSITY AND FUNCTION: To provide procedures for the handling of applications for new or branch facilities submitted by financial institutions pursuant to KRS Chapters 287, 288, 289, 290, and 291.

Section 1. Notice of Application; Hearing. (1) Notice to the public on the application shall be published in accordance with KRS Chapter 424.

(2) Individual notice of the application shall be afforded as follows:

(a) Upon application for a new bank certificate or approval of a branch bank, to all state and national banks doing business within the county;

(b) Upon application for a small loan license, to all financial institutions doing business within the county.

(c) Upon application for a savings and loan certificate, to all state and federal savings and loan associations doing business within the county;

(d) Upon application for a credit union certificate, to all state and federal credit unions doing business within the county;

(e) Upon application for an industrial loan certificate, to all industrial loan companies doing business within the county.

(3) Each notice shall contain a statement of the applicant's name, the nature and location of proposed business and the address for the filing of protests. The notice shall appraise all parties opposed to the approval of the application of the right to file a written protest with the department. Said protest to be timely filed must be received by the department not later than twenty (20) days after notice is afforded.

Section 2. At the discretion of the commissioner, the submission of written briefs may satisfy the hearing requirements set forth in KRS Chapters 287, 288, 289, 290 and 291.

Section 3. [2.] Hearing. When a hearing is held, then:

(1) The commissioner or someone designated by him shall serve as hearing officer and shall be in charge of the hearing. The hearing officer may be assisted by a departmental attorney as legal officer.

(2) Those parties who have filed timely protests and the department, if it so desires, shall be afforded an opportunity to appear, respond to and present evidence and argument on all issues involved. Such parties may conduct cross-examination required for a full disclosure of the facts. Individuals who fail to file timely protests shall be permitted to make statements for the record and file petitions and/or communications germane to the proceedings, but shall not be permitted to otherwise participate.

(3) All irrelevant, immaterial, or unduly repetitious evidence shall be excluded. Any evidence may be admitted if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. The rules of privilege shall be given effect. Objections to evidentiary offers may be made and shall be noted in the record.

(a) Documentary evidence may be received in the form of copies or excerpts. Upon request, parties shall be given an opportunity to compare the copy and/or excerpt with the original. All documentary evidence shall be presented such that there will be one (1) copy for the hearing officer, one (1) copy for the department, and one (1) for each party. The applicant shall provide a large map (certified as to its correctness) of the relative county(ies). Such

map shall be used at the hearing to point out the exact location of the proposed application.

(b) Notice may be taken of judicially cognizable facts within the agency's specialized knowledge. Parties may be notified either before or during the hearing of the material noted, including any staff memorandum or data, and they shall be afforded an opportunity to contest the material so noticed. The agency's expertise may be utilized in the evaluation of the evidence.

(4) Order of proceeding. The following shall be the typical order of the proceeding of any hearing. Variations and additions shall be permitted at the discretion of the hearing officer.

(a) Appearances of all parties shall be entered for the record.

(b) Each party may make a short statement of position and identification of witnesses.

(c) All witnesses shall be sworn.

(d) The department shall introduce any exhibits desired to be included in the record.

(e) The hearing officer shall rule on all motions heretofore made.

(f) The applicant shall produce his evidence. Each protestant and the department may cross-examine each witness upon completion of that witness' testimony.

(g) Upon exhaustion of the applicant's evidence, the protestant(s) shall produce his (their) evidence. Upon completion of each witness' testimony, all other parties (including the department) may cross-examine that witness. Upon completion of the protestants' case, the applicant may offer evidence in rebuttal. The protestant may then have the opportunity to offer rebuttal.

(h) Upon completion of the introduction of evidence, direct and/or rebuttal, the parties may submit or argue the case. In the argument, the protestant shall open and the applicant conclude.

(i) Prior to the final submission of the case, members of the public, deserving to be heard, shall be permitted to make statements for the record and may file petitions or communications germane to the matter of record.

(j) The hearing officer may at his discretion continue the hearing for the purpose of receiving additional evidence for argument in the form of written briefs.

Section 4. [3.] Hearing Officer's Report, Decision and/or Orders where a Hearing has been Held. The final report, decision or order, shall be in writing or stated in the record. It shall include findings of facts and conclusions of law, separately stated. Findings of facts shall be based exclusively on the evidence and on matters officially noticed. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If the hearing officer is other than the commissioner, his findings and conclusions together with his recommendations, shall be presented to the commissioner, who shall make the final decision and disposition of the matter. Parties shall be notified either personally or by mail of any final report, decision or order and a copy of such shall be delivered to each party.

Section 5. [4.] Costs. A hearing reporter shall be arranged for by the hearing officer.

The cost of the reporter and the cost of the transcript and one (1) copy thereof for the department shall be borne by the parties on a prorated basis, i.e., the costs above divided by the number of parties.

EDWARD B. HATCHETT, JR., Commissioner

APPROVED BY AGENCY: May 14, 1990

FILED WITH LRC: May 15, 1990 at 9 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 22, 1990 at 10 a.m. at the Department of Financial Institutions, 911 Leawood Drive, Frankfort, Kentucky 40601. Individuals interested in attending this hearing shall notify this agency in writing by June 18, 1990, 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 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: J. Rick Jones, Department of Financial Institutions, 911 Leawood Drive, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Thomas W. Stout

(1) Type and number of entities affected: State chartered banks (250), consumer loan companies (336), savings and loans (2), industrial loans (35), and credit unions (75).

(a) Direct and indirect costs or savings to those affected: Hearings on briefs are considerably less expensive, but exact dollar savings are unknown.

1. First year: Indeterminable

2. Continuing costs or savings: Indeterminable

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

(b) Reporting and paperwork requirements: There is less administrative time involved with a hearing on briefs.

(2) Effects on the promulgating administrative body: It is more efficient and less costly for the department to have hearings on briefs.

(a) Direct and indirect costs or savings: Indeterminable, since the department has no control over the number of potential hearings that might be held each year.

1. First year: Indeterminable

2. Continuing costs or savings: Indeterminable

3. Additional factors increasing or decreasing costs: Indeterminable

(b) Reporting and paperwork requirements: Substantially reduced.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternative method was found which was less expensive yet allowed all parties to fully present their arguments.

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

identified.

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

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

(6) Any additional information or comments: N/A
TIERING: Was tiering applied? No. All regulated companies have a right to be heard before the department. The savings in hearing costs would be particularly important to smaller companies.

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

810 KAR 1:003. Licensing.

RELATES TO: KRS 230.210 to 230.360

STATUTORY AUTHORITY: KRS Chapter 13A

NECESSITY AND FUNCTION: To regulate conditions under which thoroughbred racing shall be conducted in Kentucky. The function of this regulation is to outline the licensing procedures and requirements.

Section 1. License Required. No person, legal entity, or association shall conduct any thoroughbred race for any stakes, purse, or reward in the Commonwealth without first securing a license therefor from the commission. No person shall participate in thoroughbred racing in the Commonwealth as a horse owner, trainer, jockey, apprentice jockey, agent, stable employee, racing official, association employee, or employee of a person or concern contracting with the association to provide a service or commodity and which employment requires their presence on association grounds during a race meeting, or veterinarian, farrier, horse dentist, or supplier of food, tack, medication, or horse feed, without first securing a license therefor from the commission.

Section 2. Conditions Precedent to Issuance of License. Thoroughbred racing and participation therein in the Commonwealth shall be privileges, not rights, granted only by the commission by license subject to the hereinafter set out conditions precedent. Acceptance of a license shall be construed as consent and agreement to the following conditions precedent by the licensee and failure to comply therewith shall be grounds for immediate voidance or revocation of such license:

(1) Representations made or with license application are complete and correct.

(2) Licensee shall abide by all rulings, and decisions of the stewards and all such decisions by the stewards shall remain in force unless reversed or modified only by the commission upon proper appeal thereto. All rulings and decisions of the stewards may be appealed to the commission except those made by the stewards as to findings of fact as occurred during and incident to the running of a race and as to determination of the extent of disqualification of horses in a race for fouls committed during such race, and all such excepted rulings and decisions by the stewards shall be final with no right of review thereof by the commission or courts.

(3) Licensee shall consent to a reasonable

search of his person and property in his possession by the commission or its representatives, such property being restricted to that on association grounds and including, without limiting thereby, tack rooms, living or sleeping quarters, motor vehicles, trunks, boxes, and containers of any sort, and licensee shall consent to seizure of any object which may be evidence indicating a rule violation. Licensee shall cooperate in every way with the commission or its representatives during the conduct of an investigation, to include responding correctly under oath to the best of his knowledge to all questions asked by the commission or its representatives pertaining to racing matters.

(4) A licensed trainer shall be responsible for the condition of horses in his charge and shall be held to a high standard of care in taking all precautions as are reasonable and necessary to safeguard such horses from tampering. Upon a finding of a positive for a prohibited medication, drug, or substance, in a saliva, urine, or blood specimen taken from a horse, the trainer of such horse shall have the burden of proof showing freedom from negligence in the exercise of a high degree of care in safeguarding such horse from tampering.

Section 3. Standards for Granting Licenses and Racing Dates to Associations. The commission may issue a license to any association which applies for same to conduct a thoroughbred race meeting on such days as the commission may deem appropriate, if the commission finds that the proposed conduct of racing by such association would be in the best interest of the public health, safety, and welfare of the immediate community as well as to the Commonwealth, and if by reason of financial stability, track location, traffic flow, facilities for the public, facilities for racing participants and horses, character and reputation for honesty of all persons identified with the association, competence of proposed racing officials and association employees, absence of conflict with other race meetings in time and patronage area, sentiment of the community in which such association proposed to conduct a race meeting, and capability to comply with the rules and rulings of the commission, the licensing of such association would serve to nurture, promote, develop, and improve the thoroughbred industry in the Commonwealth. As a condition precedent to the issuance of such license, the commission may require a surety bond or other surety conditioned upon the payment of all taxes due the Commonwealth under KRS 137.170, 138.480, and 138.510, together with the payment of operating expenses including purses and awards to owners of horses participating in races.

Section 4. Standards for Granting Licenses to Participants in Racing. The commission may issue a license to any person who applies for same to participate in thoroughbred racing in the Commonwealth as a horse owner, trainer, jockey, apprentice jockey, agent, stable employee, racing official, association employee, or employee of a person or concern contracting with the association to provide a service or commodity and which requires their presence on association grounds during a race meeting, or veterinarian, farrier, horse dentist, or supplier of food, tack, medication, or horse

feed, if the commission finds that the financial responsibility, age, experience, reputation, competence, and general fitness of the applicant to perform the activity permitted by a license, are consistent with the best interest of racing and the maintenance of the honesty, integrity, and high quality thereof.

Section 5. Grounds for Refusal, Suspension, or Revocation of a License. The commission in its discretion may refuse to issue a license to an applicant, or may suspend or revoke a license issued, or order disciplinary measures, on the following grounds:

(1) Denial of a license to an applicant, or suspension or revocation of a license in another racing jurisdiction; the commission may require reinstatement in the original racing jurisdiction where applicant was denied a license or where his license was suspended or revoked;

(2) Conviction of a crime or violation of any regulation dealing with a controlled substance;

(3) Falsification, misrepresentation, or omission of required information in license application to the commission; failure to disclose to the commission complete ownership or beneficial interest in a horse entered to be raced; misrepresentation or attempted misrepresentation in connection with the sale of a horse or other matter pertaining to racing or registration of thoroughbreds;

(4) Making false or misleading statements to the commission or the stewards, in the course of an investigation;

(5) Failure to comply with any order or ruling of the commission, stewards, or racing official pertaining to a racing matter;

(6) Ownership of any interest in, or participation by any manner in, any bookmaking, pool-selling, touting, bet solicitation, or illegal enterprise, or association with any person so engaged in such activity;

(7) Person less than sixteen (16) years of age;

(8) Person unqualified by experience or competence to perform the activity permitted by license as determined by standard examination prescribed by the stewards;

(9) Intoxication, use of profanity, fighting or any conduct of a disorderly nature, on association grounds;

(10) Employment or harboring of unlicensed persons required by these rules to be licensed;

(11) Discontinuance of or ineligibility for activity for which license was issued;

(12) Possession on association grounds, without written permission therefor from the commission or stewards, of:

(a) Firearms;

(b) Battery, or buzzer, or electrical device, or other appliance other than an ordinary whip which could be used to alter the speed of a horse in a race or workout.

(13) Possession on association grounds by a person other than a licensed veterinarian of:

(a) Hypodermic needle, or hypodermic syringe, or other device which could be used to administer any substance to a horse;

(b) Narcotics, or medication, or drugs, or substance which could be used to alter the speed of a horse in a race.

(14) Use of profane, abusive, or insulting language to or interference with a commissioner, member of the commission staff, or racing official, while such persons are in the

discharge of their duties;

(15) Cruelty to a horse or neglect of a horse entrusted to a licensee's care;

(16) Offering, promising, giving, accepting, or soliciting a bribe in any form, directly or indirectly, to or by a person having any connection with the outcome of a race, or failure to report knowledge of same immediately to the stewards;

(17) Causing, or attempting to cause, or participation in any way in any attempt to cause the prearrangement of a race result, or failure to report knowledge of same immediately to the stewards;

(18) Entering, or aiding and abetting the entering of, a horse ineligible or unqualified for the race entered;

(19) Drug addiction, bad moral character, intemperate habits, bad reputation for honesty, truth and veracity, or involvement in a subject of public notice as involved in any activity which, in the opinion of the commission, would be inconsistent with the best interests of racing by reflection on the honesty and integrity of the sport of racing, or association with persons so characterized;

(20) Violation of any rule of the commission, or aiding or abetting any person in violation of any such rule.

Section 6. License Applications for Associations. Any person or legal entity desiring to conduct thoroughbred racing in the Commonwealth may apply to the commission for association license. Such application shall be made in writing on application forms prescribed by the commission and filed at the commission general office on or before September 1 of the year preceding the calendar year in which the license is to be in force. Such application shall contain:

(1) Name and location of track. Initial applications shall be accompanied by such physical information as the commission may require.

(2) Names and addresses of all officers, directors, stockholders, and other persons owning or controlling a beneficial interest in the association with such degree of ownership or type of interest shown; names and addresses of all persons capable of exercising any control over affairs of the association as trustee or guardian or lessor, or mortgagee, or fiduciary. Any corporation, partnership, or other legal entity which owns or controls a beneficial interest in the association directly, or through other corporations or legal entities, shall similarly file with the application lists showing the names and addresses of all officers, directors, stockholders, and other persons owning or controlling a beneficial interest in such legal entities with such degree of ownership or type of interest thereunto pertaining. No application shall be acted upon by the commission until the commission is satisfied a full disclosure has been made.

(3) Days and hours thereof on which racing is requested to be conducted, and number of races to be run on each day.

(4) Names of racing officials and persons responsible for track security and fire protection.

(5) Proposed purse schedule, showing minimum purse, average daily distribution, added money for each stake, if any.

(6) An operating report on forms prescribed by the commission if applicant is currently licensed.

(7) Such other information as the commission may from time to time require to ascertain the fitness of the applicant to conduct thoroughbred racing.

Section 7. License Application for Participants in Racing. (1) Any person other than an association required to be licensed by Section 1 of this regulation and desiring to participate in thoroughbred racing in the Commonwealth may apply to the commission for a license. Such application shall be made in writing on application forms prescribed by the commission and filed at the commission general office or with the commission license administrator at the association on or after January 2 of the calendar year in which the license is to be in force, but not later than twenty-four (24) hours after applicant has arrived on association grounds.

(2) Applications from persons not previously licensed in Kentucky shall include the names of two (2) reputable persons who will attest to the good reputation of the applicant and to the capability and general fitness of the applicant to perform the activity permitted by the license.

(3) Applications from persons whose age is not readily ascertainable by the licensing committee shall be accompanied by an attested copy of birth certificate or work permit showing applicant is sixteen (16) years or older.

(4) Fingerprint identification shall be required of all licensees unless waived by the commission (i.e., absentee owners and casual delivery personnel who do not enter the stable area).

(5) Applications from persons, corporations, partnerships, lessors, or other legal entities involving more than one individual person desiring to race horses in the Commonwealth shall, in addition to designating the person or persons to represent the entire ownership of such horses, be accompanied by documents which fully disclose the identity and degree and type of ownership held by all individual persons who own or control a present or reversionary interest in such horses. No application shall be acted upon by the commission until the commission is satisfied a full disclosure has been made.

(6) Applications from persons desiring to treat, or prescribe for, or attend any horse on association grounds as a practicing veterinarian, shall be accompanied by evidence that such person is currently licensed as a veterinarian by the Commonwealth of Kentucky. An accredited practicing veterinarian not licensed by the commission or the Commonwealth, however, may with permission of the stewards in an emergency be called in as a consultant, or to serve as a veterinarian for one (1) horse on a temporary basis, and shall not thereby be considered as participating in racing in this state.

(7) Applications from persons desiring to treat, or prescribe for, or attend any horse on association grounds as a dental technician shall be accompanied by the name of a licensed veterinarian who will attest to the technical competence of such applicant and under whose sponsorship and direction such applicant will work on association grounds.

(8) Applications from persons not previously licensed in the capacity of farrier shall not be forwarded with recommendation to the commission by the licensing committee until such applicant has been administered a standard examination by an experienced farrier known to the stewards so as to provide the licensing committee a reasonable basis for recommendation as to the technical proficiency of such applicant for a farrier's license.

(9) The following annual fees shall accompany the application and shall not be refundable:

(a) \$25 - Owner license and annual color registration;

(b) \$25 - Trainer, jockey, apprentice jockey, or jockey's agent license;

(c) \$25 - Veterinarian, veterinarian assistant, dental technician, assistant trainer, farrier, or apprentice farrier license;

(d) \$5 - Stable employee license (foreman, authorized agent, exercise boy, groom, hotwalker, watchman, or pony boy);

(e) \$10 - Farm manager/agent, stable-area supplier license (supplier of horse feed, tack, medication, or food vendors);

(f) \$10 - Racing department employee license, steward, racing secretary, assistant racing secretary, director of racing, starter and assistant starter, paddock judge, patrol judge, placing judge, timer, commission veterinarian, commission chemist, commission supervisor of pari-mutuel betting, commission director of security, commission license administrator, commission inspector, association veterinarian, testing laboratory employee, horse identifier, valet, jockey room custodian, clerk of scales, entry clerk, photo finish operator, film patrol or video tape operator and projectionist, flagman, or outrider, association security department including police chief, detectives, policemen, watchmen, fire, ambulance drivers and attendants; track superintendent, groundsman, mechanics, carpenters; maintenance department manager and employees;

(g) \$10 - Mutuel department employee license, manager, calculator, sheet writer, supervisor, ticket checker, ticket seller, ticket cashier, messenger runner, outlook clerk, program clerk, porter, information and change clerk, boardman, ticket room and money room clerk, assistant, totalizer employee;

(h) \$10 - Occupational license, admission department manager and employees; concessions manager and employees; parking manager and employees; all other persons employed by the association or employed by a person or concern contracting with the association to provide a service or commodity and which employment requires their presence on association grounds during a race meeting.

(i) \$5 - Temporary occupational license for persons to be employed in occupations listed in paragraph (h) above for ten (10) days or less during a calendar year.

Section 8. Licensing Committee. The commission may appoint a licensing committee including the commission secretary and commission steward or their designated representative. Such licensing committee shall review all applications for all licenses, and forward all such applications to the commission with recommendations thereon, subject to security checks, for final action. Such licensing committee may issue to a license applicant a temporary permit to participate in

the activity for which such license application was made pending administrative processing and final action on such license application by the commission.

Section 9. Term of License. Licenses issued by the commission for participation in thoroughbred racing shall be valid from the date of issuance through the calendar year shown on such license at all race meetings conducted by associations in the Commonwealth during such calendar year, unless sooner suspended, revoked, or voided. The commission may renew any license and any such renewal shall not be construed to be a waiver of or to condone any violation which occurred prior to such renewal and shall not prevent subsequent proceedings against the licensee therefor. [The validity of a license does not preclude or infringe upon the common law right of associations to eject or exclude any persons, licensed or unlicensed, from association grounds.]

Section 10. Possession of License Required. No person required to be licensed by these rules may participate in any activity required to be licensed on association grounds during a race meeting without having been issued a valid license therefor and having same in his possession. All licenses specified under Section 7(9)(b) to (f) of this regulation shall include a color photograph of the licensee and shall be openly displayed on the backside of association grounds at all times.

Section 11. Applicability of Rules and Rulings to Household. Rules pertaining to, and rulings against, licensees shall apply in like force to the spouse and members of the immediate family or households of the licensee, unless there is a showing on the part of an affected spouse, or affected member of the immediate family or household of the licensee, and the stewards in their discretion so find, that the continuation of participation in racing by such affected person will in no way circumvent the intent of the rule, or effect of the ruling, by permitting a person under the control or direction of the licensee to serve in essence as a substitute for a suspended licensee, or person ineligible to participate in a particular activity.

Section 12. Notice for Discontinuance of Employment. Licensed associations, racing officials, owners, trainers, jockeys, agents, farriers, stable employees, and all other licensees who have accepted with advance notice the conditions under which a race meeting is planned to be conducted, shall before terminating employment, engagements, or activities under such conditions, so notify the commission and respective interested persons or associations of such intention at least fifteen (15) days before such termination. The commission shall upon notice to parties in interest conduct a hearing on the matter. If the commission finds that the cause of termination is unreasonable, unlawful, or contrary to these rules, the commission shall so advise all parties in interest and shall take appropriate action against offending parties. If the commission finds that the cause of termination is reasonable, lawful, and not contrary to these rules, the commission shall so advise all

parties in interest and shall use its best efforts to settle the dispute.

LYLE G. ROBEY, Chairman

APPROVED BY AGENCY: May 14, 1990

FILED WITH LRC: May 14, 1990 at 2 p.m.

PUBLIC HEARING: A public hearing will be held on June 26, 1990 at 10 a.m. at the offices of the Kentucky State Racing Commission at the Kentucky Horse Park, 4063 Iron Works Pike, Building B, Lexington, Kentucky. Those interested in attending the hearing should contact in writing: Michael A. Fulkerson, Chief Administrative Officer, 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: All licensees of KSRC.

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

1. First year: The amended protects against arbitrary and/or illegal denial of the licensee's right to seek employment pursuant to his or her license.

2. Continuing costs or savings: Same as above.

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

(b) Reporting and paperwork requirements: Minimal paperwork would be required.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: There could be minimal expense involved in reviewing association's denial of licensee privileges.

1. First year: Same as above.

2. Continuing costs or savings: Same as above.

3. Additional factors increasing or decreasing costs: There are none.

(b) Reporting and paperwork requirements: Existing procedures will accommodate all paperwork requirements.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: Changes were needed only to protect licensees from double jeopardy.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: The new provisions of 810 KAR 1:006 are in conflict with this regulation, but this regulation is being amended at the same time to remove the conflict.

(a) Necessity of proposed regulation if in conflict: The new provisions of 810 KAR 1:006 will agree with the changes in this regulation, removing any conflict.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Both changes are being filed at the same time so no conflict will exist.

(6) Any additional information or comments:

TIERING: Was tiering applied? No. All licensees should be treated equally.

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

810 KAR 1:006. Racing associations.

RELATES TO: KRS 230.210 to 230.360

STATUTORY AUTHORITY: KRS Chapter 13A

NECESSITY AND FUNCTION: To regulate conditions under which thoroughbred racing shall be conducted in Kentucky. The function of this regulation outlines the requirements for racing associations.

Section 1. Maintenance of Grounds, Facilities and Uniform Track. Each association shall at all times maintain its grounds and facilities so as to be neat and clean, painted and in good repair, with special consideration for the comfort and safety of patrons, employees, and other persons whose business requires their attendance; with special consideration for the health and safety of horses there stabled, exercising, or entered to race; and shall have available adequate and proper implements to maintain a uniform track, weather conditions permitting.

Section 2. Result Boards, Totalizers Required. Each association shall provide and maintain mechanically operated totalizers and electronic boards showing odds, results, and other race information located in plain view of patrons.

Section 3. Starting Gate. Each association shall provide and maintain a working starting gate on every day horses are permitted to exercise on its racing strip. Each association shall have in attendance one or more men qualified to keep said starting gates in good working order whenever said gates are in use, and each association shall provide for periodic inspections of said gates.

Section 4. Stabling. Each association shall be responsible for providing and maintaining fire-resistant barns and stalls in good repair, and in a clean, and sanitary condition; each barn and each stall shall be numbered in consecutive order for ready ascertainment of location and identification and adequate drainage therefor shall be maintained. The racing commission shall submit to the racing secretary prior to the opening of each race meeting a list of locations of approved off-track stabling facilities from which horses may be permitted to race; such locations shall be considered for purposes of these rules "association grounds."

Section 5. Stands for Officials. Each association shall provide and maintain stands commanding an uninterrupted view of the entire racing strip for racing officials, such stands and location thereof to be approved by the commission. Patrol judge stands shall be constructed so the floor thereof shall be at least six (6) feet higher than the track rail.

Section 6. Distance Pole Markings. Each association shall cause quarter poles to be painted red and white, eighth poles to be painted green and white, and 16th poles to be painted black and white.

Section 7. Lighting. Each association shall provide and maintain flood lights so as to insure adequate illumination in the stable area and parking area. Adequacy of track lighting for night racing shall be determined by the commission.

Section 8. Facilities for Stable Employees. Each association shall provide and maintain in good repair adequate living quarters and conveniently located sanitary facilities such as showers, toilets, and wash basins for stable employees. No personnel shall be permitted to sleep in any stall or barn loft.

Section 9. Facilities for Jockeys. Each association shall provide and maintain adequate facilities for jockeys scheduled to ride each day, such facilities to include accommodations for rest and recreation of jockeys on racing days, showers, toilets, wash basins, mirrors, arrangements for safekeeping of apparel and personal effects, snack bar, and other accommodations as requested by the clerk of scales.

Section 10. Facilities for Commission. Each association shall provide adequate office space for the commission on association grounds and shall make available to the commission, and mark accordingly, a season box of six (6) to eight (8) seats and appropriate parking places for use of the commission throughout each racing day. Each association shall honor for access to preferred parking facilities and all other areas on association grounds any ring, lapel button, or automobile emblem issued at any time by the commission, or by the National Association of State Racing Commissioners.

Section 11. Sanitary Facilities for Patrons. Each association shall, on every racing day, provide adequate and sanitary toilets and wash rooms, and furnish free drinking water for patrons and persons having business at the association.

Section 12. Manure Removal. Each association shall provide and maintain adequate manure pits of such size and construction to handle refuse from stalls. The contents of said manure pits shall be removed from the stable areas as promptly as is possible.

Section 13. Photo Finish Cameras. Each association shall provide and maintain at the finish line two (2) photo finish cameras for photographing the finish of races; one (1) camera to be held in reserve. The photo finish photographer shall promptly furnish to the stewards and placing judges prints of all finishes as may be requested and in such number as may be required for public posting. The association shall maintain a one (1) year file of all such photo finishes.

Section 14. Patrol Films or Video Tapes. Each association shall at all times during a race meeting provide and maintain personnel and equipment necessary to produce adequate motion pictures or video tapes and record with same each race from start to finish.

(1) Projection or viewing equipment shall be adequate to permit simultaneous showing of head-on and side-angle views of the running of

each race.

(2) Such films and video tapes, shall be retained and secured by the association for not less than one (1) year and shall be available at all times to the commission and stewards. Each visual record of a race involving any questions, dispute, or controversy shall be filed with the commission upon order of the stewards.

(3) Such films, or video tapes, shall be made available for viewing at the track by licensees who owned, trained, or rode a horse in the race requested to be viewed, and to members of the press.

Section 15. Ambulances. Each association shall provide and maintain at least one (1) man-ambulance and at least one (1) horse-ambulance during times horses are permitted to exercise or race. Said ambulances shall be equipped, manned, ready for immediate duty, and shall be located at an entrance to the racing strip.

Section 16. First Aid Room. Each association shall equip and maintain adequate first aid facilities with not less than two (2) beds and attendance of a competent physician and registered nurse during race hours.

Section 17. Track Kitchen. Each association shall provide adequate eating facilities within the stable area, maintained in a clean and sanitary manner at all times horses are stabled on association grounds.

Section 18. Communication System. Each association shall install and maintain in good working service communication systems between the stewards' stand and patrol judges, pari-mutuel department, starting gate, public address announcer, and clerk of scales.

Section 19. Fire Prevention. Each association shall be responsible for maintaining an adequate program for fire prevention and fire suppression. Each association within fifteen (15) days before commencement of a race meeting shall be inspected by the state or local fire marshal whose certification that the association plant and stable area meet fire safety requirements is necessary for the commission to approve commencement of the race meeting. Each association shall maintain a firefighting unit of trained personnel equipped with high-expansion foam fire extinguishers and other equipment as may be recommended by local fire inspection authority. Each association shall prohibit:

(1) Smoking in stalls, under shed rows, and in feed rooms;

(2) Open fires, oil or gas lamps in stable area; and

(3) Locking of stalls occupied by horses.

Section 20. Association Police. Each association shall provide and maintain competent police and watchman services, night and day, in and about association grounds, and shall furnish daily to the commission a report on any disturbances, drunkenness, or disorderly conduct committed by any person on association grounds.

Section 21. Security. Each association shall cause to be excluded from association grounds all persons designated by order of the

commission or stewards to be excluded. Each association shall take such measures as to maintain security of horses on association grounds so as to protect from injury due to frightening of or tampering with said horses. Each association shall exclude from the paddock area, race strip, and winner's entrance all persons who have no immediate connection with the horses entered except members of the commission, racing officials, and duly accredited members of the news media.

Section 22. Vendors and Suppliers. Each association shall supervise the practice and procedures of all vendors of food, horse feed, medication, and tack, who have entry to the stable area. No association by virtue of this rule shall attempt to control or monopolize proper selling to owners, trainers, or stable employees, nor shall an association grant a concession to any vendor of feed, racing supplies, or racing services. Any vendor of horse feeds or medications shall file with the commission veterinarian a list of products which he proposes to sell, including any new preparation or medication. No association shall permit the sale of any alcoholic beverage, beer excepted, within the stable area.

Section 23. Ejection or Exclusion From Association Grounds. (1) Associations may eject or exclude any persons, licensed or unlicensed, from association grounds or a part thereof solely of its own volition and without any reason or excuse given therefor, provided, however, such ejection or exclusion is not founded on race, creed, color, or national origin.

(2) Associations shall eject or exclude from association grounds all persons believed to be engaged in a bookmaking activity or solicitation of bets or touting, and a report thereof shall be submitted promptly to the commission, to the stewards, and to the local police. Associations shall eject or exclude from association grounds all persons who as a business or for any compensation, shall, directly or indirectly, accept any thing of value to be wagered or to be transmitted or delivered for wager to any pari-mutuel wagering enterprise, or participate in any such transmission.

(3) Associations shall eject or exclude from the stable areas on association grounds all persons except those whose presence in the stable area is authorized as:

(a) Persons licensed to conduct an activity, the conduct of which requires the presence of such licensee in the stable area;

(b) Duly accredited members of the news media;

(c) Guests of licensed owner or licensed trainer physically in the company of such owner or trainer;

(d) Persons physically in the company of and under the control and supervision of a racing official, or association security guard, or association public relations department representative.

(4) Reports of all ejections or exclusions from association grounds for any reason shall be made immediately to the commission and the stewards, such reports stating the name of all persons and circumstances involved.

(5) Ejection or exclusion from association grounds of a licensee of the Kentucky State Racing Commission shall be subject to review by

the commission under the procedures provided for in 810 KAR 1:020.

(6) In no event shall an association eject or exclude a licensee as a result of circumstances or conduct which occurred and was known by the commission prior to the date of licensure.

Section 24. Ownership of Associations. Each association shall file with the commission a revised list of persons whose identity is required by 810 KAR 1:003, Section 6(2), immediately upon transfer of any beneficial interest or control in the association as from time to time may occur.

Section 25. Plan of Association Grounds. Each association shall file with the commission existing maps and plans of association grounds, showing all structures, piping, fire hydrants, fixed equipment, racing strip, noting elevation as filled, drained, and gapped, and composition of track base and cushion. Each association shall file revised maps or plans of association grounds upon any material change as may occur from time to time.

Section 26. Attendance Report. (1) In addition to filing with the commission a copy of the report required by KRS 138.480 to be filed with the Department of Revenue on admission taxes, each association shall file with the commission daily attendance reports showing a turnstile count of all persons admitted to association grounds where pari-mutuel wagering is conducted; such attendance report shall indicate the daily number of paid admissions, taxed complimentary admissions, and tax exempt admissions.

(2) On request from the commission, each association shall file with the commission a current badge list showing the names of all persons issued tax exempt admission credentials.

(3) Tax exempt admission credentials shall not be transferable and associations shall exclude or eject from association grounds any person attempting to use such tax exempt admission credentials not issued to him by the association.

Section 27. Financial Report. In addition to filing with the commission copies of reports required by KRS 137.180 and 138.530 to be filed with the Department of Revenue on pari-mutuel and license taxes, each association shall furnish to the commission within sixty (60) days after the close of its fiscal year three (3) copies of its balance sheet and of its operating statement for such fiscal year with comparison to prior year, the same to be duly sworn to by the treasurer of the association and certified by a licensed certified public accountant. Such financial report shall be in such form as may be prescribed from time to time by the commission.

Section 28. Horseman's Bookkeeper. (1) Each association shall maintain a separate bank account, to be known as the "horsemen's account," with at all times sufficient funds in such account to pay all money owing to horsemen in regard to purses, stakes, rewards, claims, and deposits. Withdrawals from this account shall at all times be subject to audit by the commission, and the horsemen's bookkeeper in charge of such account shall be bonded.

(2) All portions of purse money shall be made available to earners thereof within forty-eight (48) hours dark days excluded (Sundays excluded)

after the result of the race in which such money was earned has been declared official; except, however, when the stewards shall order money withheld until final adjudication of a dispute determining which persons are entitled to such money in dispute.

(3) No portion of purse money shall be deducted by the association for itself or for another, unless so requested in writing by the person to whom such purse monies are payable, or his duly authorized representative. Irrespective of whether requested, the horsemen's bookkeeper shall mail to each owner a duplicate of each record of a deposit, withdrawal, or transfer of funds affecting such owner's racing account at the close of each race meeting.

Section 29. Outriders. Each association shall employ at least two (2) outriders to escort starters to the post and to assist in the returning of all horses to the unsaddling area. No outrider shall lead any horse that has not demonstrated unruliness, but shall assist in the control of any horse which might cause injury to a jockey or others. Each association shall wear traditional apparel. Outriders shall be required to be present on the racing strip, mounted, and ready to assist in the control of any unruly horse or to recapture any loose horse, at all times horses are permitted on the racing strip for exercising or racing. All persons exercising horses during training hours, or accompanying horses to the starting gate during racing hours must wear a protective helmet. The term "exercising" is defined to include breezing, galloping, or ponying horses.

Section 30. Valets. Each association shall employ a sufficient number of persons licensed as valets to attend each individual rider on a day's racing program. Such valets shall be under the immediate supervision and control of the clerk of scales. No rider shall employ a valet or be attended by any person other than the valet assigned to him by the clerk of scales. No valet shall be assigned to the same rider for more than two (2) consecutive racing days. Valets shall be responsible for the care and cleaning of his assigned riders apparel and equipment; shall insure his rider has the proper equipment and colors for each race; shall present the proper equipment and attend the saddling of rider's mount; and shall attend the weighing out of his rider. No valet or other jockey room attendant may place a wager for himself or another, directly or indirectly, on races run while he is serving as a valet. Each association shall provide uniform attire for valets who shall wear same at all times while performing their duties within public view.

Section 31. Minimum Purse and Stakes Values. No association shall program or run any race the purse for which is less than \$2,000 in cash without special permission of the commission. No association shall program or run any stakes race the added value of which is less than \$10,000 in cash added by the association to stakes fees paid by owners. Such minimum cash amounts paid by the association shall be exclusive of nomination, eligibility, entrance, and starting fees, and exclusive of other cash awards, premiums, prizes, or objects of value.

Section 32. Maximum Number of Races. No association shall program or run more than nine (9) races on any single racing day without special permission of the commission.

Section 33. Two (2) Year-old Races. Beginning on May 1, of each year, each association shall program in the conditions book at least four (4) two (2) year-old races each week.

LYLE G. ROBEY, Chairman

APPROVED BY AGENCY: May 14, 1990

FILED WITH LRC: May 14, 1990 at 2 p.m.

PUBLIC HEARING: A public hearing will be held on June 26, 1990 at 10 a.m. at the offices of the Kentucky State Racing Commission at the Kentucky Horse Park, 4063 Iron Works Pike, Building B, Lexington, Kentucky. Those interested in attending the hearing should contact in writing: Michael A. Fulkerson, Chief Administrative Officer, 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: All licensees of KSRC.

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

1. First year: The amended protects against arbitrary and/or illegal denial of the licensees right to seek employment pursuant to his or her license.

2. Continuing costs or savings: Same as above.

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

(b) Reporting and paperwork requirements: Minimal paperwork would be required.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: There could be minimal expense involved in reviewing association's denial of licensee privileges.

1. First year: Same as above.

2. Continuing costs or savings: Same as above.

3. Additional factors increasing or decreasing costs: There are none.

(b) Reporting and paperwork requirements: Existing procedures will accommodate all paperwork requirements.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: Changes were needed only to protect licensees from double jeopardy.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: The new provisions of this regulation are in conflict with 810 KAR 1:003, but 810 KAR 1:003 is being amended at the same time to remove the conflict.

(a) Necessity of proposed regulation if in conflict: The new provisions of this regulation will agree with the changes in 810 KAR 1:003, removing any conflict.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Both changes are being filed at the same time so no conflict will exist.

(6) Any additional information or comments:

TIERING: Was tiering applied? No. All licensees should be treated equally.

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

815 KAR 15:020. Administrative procedures; requirements.

RELATES TO: KRS Chapter 236

STATUTORY AUTHORITY: KRS 236.030, 236.120

NECESSITY AND FUNCTION: KRS 236.030 and 236.120 requires the commissioner, upon advisement of the Board of Boiler Rules, to fix reasonable fees and standards for the safe construction, installation, inspection and repair of boilers and pressure piping. This regulation specifies administrative procedures, fees and requirements of the boiler inspection section. This amendment is necessary to clarify the type of form needed by the department's data processing section and prevent misunderstanding of necessary information. [clarifies the regulation as it applies to welding procedures and clarifies the intent of the regulation to require fees for repairs and new installations based upon the total cost of the installation or repair.]

Section 1. Definitions. "ASME" means the American Society of Mechanical Engineers.

Section 2. Administration. (1) Manufacturers data report to be filed:

(a) Manufacturers data report on all boilers of steel construction and all pressure vessels which are to be operated in this state, unless exempted by KRS 236.060, shall be filed with the national board.

(b) Details of boilers and pressure vessels of special design (not fully complying with ASME Boiler and Pressure Vessel Code) shall be submitted to the boiler section and approval secured before construction or field erection is started.

(2) When boilers or pressure vessels are designed and fabricated according to the requirements of the applicable sections of the ASME Boiler and Pressure Vessel Code, but are not stamped with the ASME Boiler and Pressure Vessel Code symbol stamp, individual handling is required for their installation. The prospective owner or user who desires jurisdiction authority acceptance must pursue the following procedure in each individual case:

(a) Prior to construction of the boiler or pressure vessel the proposed owner, user, or his authorized agent shall make written application for permission to install the boiler or pressure vessel in the State of Kentucky. The application may be by letter or application permit form of the jurisdiction and shall be directed to the Chief Boiler Inspector, Office of the State Fire Marshal, Department of Housing, Buildings and Construction, U.S. 127 South, Frankfort, Kentucky 40601.

(b) He shall submit with the application letter or application permit the following data, material and information to establish ASME Boiler and Pressure Vessel Code equivalency:

1. Detailed shop drawings and welding details of the proposed construction. All materials

shall be in the English language and United States units of measurements as used in the ASME Boiler and Pressure Vessel Codes.

2. Design calculation and supporting data which include pressure (psi), temperature (degrees Fahrenheit), use and other service conditions.

3. Specifications for all material to be used in construction. These should conform to the applicable ASME Boiler and Pressure Vessel Codes standards or their suitable equivalent. If reference is made to a standard or specification of a country other than the United States, please attach a copy and indicate how the material is considered equivalent.

4. Copies of: all welding procedures to be used, welding qualification test reports for each welding operator or welder to be used. The procedures and tests required in this paragraph shall be made in accordance with the ASME Boiler and Pressure Vessel Code, Section IX, "Welding Qualifications."

5. Where the design exceeds ASME Boiler and Pressure Vessel Code limitation, recognized engineering practices shall be used and identified in the submittal.

6. Design drawings and calculations shall be certified by a professional engineer holding a license acceptable to the boiler inspection section.

7. The manufacturer of the vessel shall identify the inspection agency whose personnel will make the shop inspections and sign the manufacturer's data reports for the proposed vessel.

8. The shop inspection agency shall furnish the qualifications and experience of the individual inspector or inspectors assigned to make the shop inspections and shall give his jurisdiction commission number.

(c) All details mentioned in paragraphs (a) and (b) of this subsection must be acceptable to the Boiler Inspection Section, Department of Housing, Buildings and Construction.

(d) When the boiler or pressure vessel is completed, a manufacturers' data report signed by the manufacturer and shop inspector shall be submitted to the jurisdictional authorities containing the equivalent type data required by the ASME Boiler and Pressure Vessel Code. (Do not use ASME Boiler and Pressure Vessel Code data report forms.)

(e) The vessel will be inspected by a qualified boiler and pressure vessel inspector in the employ of the department upon arrival in the State of Kentucky and before installation to make certain the above provisions have been complied with and that the vessel is properly marked and stamped for identification.

(3) Installation inspection and stamping [of boilers].

(a) All power boilers shall be inspected annually internally and externally while not under pressure and shall also be inspected annually externally while under pressure. Where the construction of the boiler permits, the internal inspection shall be a certificate inspection.

(b) All low pressure heating boilers shall be inspected biennially both internally and externally where construction will permit. One (1) of the above inspections shall be a certificate inspection.

(c) A grace period of two (2) months beyond the periods specified in paragraphs (a) and (b)

of this subsection may elapse between inspections.

(d) Power boilers, operated in such a manner that experience indicates internal corrosion or deposits would not be anticipated, may have the internal inspection period extended by the boiler inspection section if requested in writing by the owner or user and if circumstances warrant.

(4) Installation inspection or first inspection and stamping of boilers and pressure vessels.

(a) Upon completion of installation or at the time of first inspection, a Commonwealth of Kentucky serial number will be assigned to the boiler or pressure vessel, applied as follows:

1. Steel boilers will be stamped with the letters, "KY" followed by the state serial number assigned. Pressure vessels will be stamped with the letters "KY" followed by the numeral "0" and the remainder of the state serial number assigned. Stamping will be applied in the immediate area of code stamping on the boiler or pressure vessel and will be in letters and figures not less than five-sixteenths (5/16) inch in height. A metal tag may additionally be used showing identical lettering and serial number as used in the stamping, this tag to be securely affixed in the area of manufacturer's name plate or data plate.

2. Cast iron boilers shall have securely attached to the boiler (preferably adjacent to the manufacturer's data plate or in the most conspicuous area) a metal tag not less than one (1) inch in height which shall have the letters "KY" and the state serial number stamped thereon.

3. Hot water supply boilers shall have securely attached to the heater (preferably adjacent to the manufacturer's data plate or in the most conspicuous area) a metal tag not less than one (1) inch in height which shall have the letters "KY" and the state serial number stamped thereon.

(b) New installations are subject to inspection as set forth in KRS Chapter 236. Such installations will be inspected for conformance with applicable ASME Boiler and Pressure Vessel Codes and these rules and regulations and additionally will be subject to inspection of pressure piping carrying steam, vapor or water pressures emanating from the boiler, as follows:

1. Power boiler piping shall be inspected in all segments of the system carrying substantially the same pressures and temperatures encountered in the boiler itself. Inspection shall be to the extent necessary to assure compliance with engineering design, material specifications, fabrication, assembly and test requirements of the boiler and first (or second) stop valve and requirements of Section 1, ASME Boiler and Pressure Vessel Code, for that piping between the boiler and the first (or second) stop valve and requirements of The National Standard Code For Pressure Piping ANSI B31.1 (and subsequent revisions) for pressure piping beyond Section 1, Power Boiler ASME Code Limits. ANSI B31.1 also covers air and hydraulic system piping.

2. The installing contractor, where welded assembly has been used, must be able to present for the inspector's review, his welding procedures and proof of qualification of his welding operators. The contractor is responsible for the quality of the welding done by his organization.

3. Visual inspection of welding performed by qualified welders is normally deemed sufficient unless codes or engineering specifications state otherwise, or unless the inspector wishes to augment this visual inspection with other nondestructive tests including radiography. All tests or retests required by the inspector shall be at the owner's or contractor's expense.

4. The inspector may accept signed certification of the contractor regarding satisfactory hydrostatic tests performed on piping or he may witness such tests himself. He may also, if he deems it expedient, require such tests to be performed in his presence.

5. Heating boiler piping shall be inspected in all segments of the system carrying substantially the same pressure and temperature as the boiler itself. Inspection shall be to the extent necessary to assure good fit-up, assembly, tightness and support of the system. Welded joints shall be installed by qualified welders in accordance with ASME Section IX and shall be visually inspected for complete and full root penetration, soundness of the weld and freedom from undercutting, cracking and other surface imperfections, and in conformance with subparagraph 3 of this paragraph.

6. Hot water supply boiler installations shall be inspected for conformance with Section IV, ASME Boiler and Pressure Vessel Code.

(5) Notification of inspection. The owner or user shall prepare each boiler for internal inspection and shall prepare for and apply a hydrostatic pressure test whenever necessary, on the date specified by the inspector, which date shall not be less than seven (7) days after the date of notification.

(6) Examinations for commission.

(a) Examinations for commission as an inspector shall be given by the Department of Housing, Boiler Inspection Section four (4) times each year; namely, the first Wednesday of the months of March, June, September, and December. Special examinations will be held when considered necessary by the department. Qualifications shall be set forth in KRS 236.070, 236.090 and 815 KAR 15:010, Section 1(8) [(7)].

(b) Application for employment as an inspector shall be in writing, upon a form to be furnished by the commissioner, stating the school education of the applicant, a list of his employers, his period of employment and position held with each employer. Applications containing willful falsification or untruthful statements shall be rejected. If the applicant's history and experience meet with the approval of the Board of Boiler Rules, he shall be given a written examination, prepared by the National Board of Boiler and Pressure Vessel Inspectors in accordance with their bylaws, Article IV, dealing with the construction, installation, operation, maintenance, and repair of boilers and their appurtenances. The applicant shall have passed the examination before he is eligible for permanent status as a boiler inspector.

(7) Examination fees. A fee of twenty (20) dollars will be charged to each applicant who sits for the National Board examination. This fee shall be payable directly to the Treasurer of the Commonwealth of Kentucky, and shall accompany the application.

(8) Commission.

(a) Upon the request of a boiler insurance

company authorized to do business in this Commonwealth, a commission as a special boiler inspector and an identifying commission card shall be issued by the department to an inspector in the employ of such insurance company provided the inspector has successfully passed the written examination as set forth in subsection (6) of this section, or holds a commission as outlined in subsection (9) of this section.

(b) The commission and the identifying commission card shall be returned to the department when the inspector to whom the commission was issued is no longer in its employ, or at the request of the department.

(c) The commission issued to such boiler inspector may be suspended by the commissioner and may be revoked upon ten (10) days notice to the inspector and to the employer of such inspector for incompetency or untrustworthiness; for willful falsification of any matter or statement contained in his application, or in the report of an inspection; or for other sufficient reasons; but the holder of such commission shall be entitled to a hearing before the commissioner before the revocation of said commission.

(9) Reciprocal commissions.

(a) Upon the request of a boiler insurance company authorized to do business in this Commonwealth, a commission and identifying commission card as special boiler inspector shall be issued by the department to an inspector in the employ of such insurance company provided the inspector has the experience prescribed in subsection (6) of this section, and holds either:

1. A certificate of competency; or

2. A commission issued by a state which has adopted the ASME Boiler and Pressure Code; or

3. A commission issued by the National Board of Boiler and Pressure Vessel Inspectors.

(b) Application for a reciprocal commission shall be made on a form to be furnished by the department and shall be accompanied by a photostatic copy of the applicant's state or national board commission or certificate of competency and a fee of twenty (20) dollars.

(c) The commission issued to such an inspector may be suspended or revoked upon ten (10) days notice to the inspector and to the employer of such inspector for incompetency or untrustworthiness; for willful falsification of his application or in the report of an inspection; but the holder of the commission shall be entitled to a hearing before any final action is taken.

(10) Inspectors to have no other interests. Inspectors shall not be engaged in the sale of any article or device that is related to boilers, pressure vessels or pressure piping and shall devote their full time to inspection work.

(11) Inspection reports. Inspectors shall submit to the Boiler Inspection Section an inspection report on each boiler or pressure vessel subject to inspection. Reinspection shall be reported on a form suggested by the National Board Inspection Code. Reports shall be submitted within thirty (30) days of the date of inspection. External inspections shall be reported on a form suggested by the National Board Inspection Code immediately when hazardous conditions affecting the safety of the boiler or pressure vessel are found to exist.

(12) Insurance companies shall notify the

Boiler Inspection Section of new, cancelled, or suspended risks. All insurance companies shall notify the Boiler Inspection Section within thirty (30) days of all boiler or pressure vessel risks written, cancelled, not renewed, or suspended because of unsafe conditions. All reports shall be reported on the form of the department attached hereto as Appendix A.

(13) Insurance companies to notify the Boiler Inspection Section of defective boilers or pressure vessels. If a special boiler inspector, upon the first inspection of a boiler or pressure vessel, finds that the boiler or pressure vessel or any of the appurtenances are in such condition that his company refuses insurance, the company shall immediately notify the Boiler Inspection Section and submit a report of the defects.

(14) Defective conditions disclosed at time of external inspections. If, upon an external inspection, there is evidence of a leak or crack, enough of the covering of the boiler or pressure vessel shall be removed to satisfy the inspector in order that he may determine its safety; or, if the covering cannot be removed at that time, he may order the operation stopped until such time as the covering can be removed and proper examination made.

(15) Owner, user or insurer to notify the Boiler Inspection Section in case of accident. When an accident or malfunction which affects the strength of the boiler, occurs, the owner, user, or insurer shall immediately notify the Boiler Inspection Section, and submit a detailed report of the accident. In case of serious accident, such as explosion, notice shall be given immediately by telephone, telegraph, or messenger and neither the boiler, pressure vessel nor any of the parts thereof shall be removed or disturbed before an inspection has been made by an inspector, except for the purpose of saving a human life.

(16) Inspection certificate fees.

(a) If a boiler shall, upon inspection, be found to be suitable and to conform to these rules and regulations, the owner or user shall pay directly to the department a fee of five (5) dollars for each boiler required to be inspected under KRS Chapter 236 before an inspection certificate shall be issued.

(b) If the owner or user of each boiler or pressure vessel required to be inspected refuses to allow an inspection to be made or refuses to pay the above fee, the inspection certificate shall be suspended by the commissioner until the owner or user complies with the requirements.

(c) The owner or user who causes a boiler or pressure vessel to be operated without possessing a valid certificate of inspection shall be subject to the penalties provided for in KRS 236.990.

(d) Certificates shall be posted under glass in the room containing the boiler or pressure vessel inspected or, in the case of a portable boiler, shall be kept in a metal container, either fastened to the boiler or kept in a tool box accompanying the boiler.

(17) Validity of inspection certificates. An inspection certificate, issued in accordance with KRS 236.120, shall be valid until expiration unless some defect or condition affecting the safety of the boiler or pressure vessel is disclosed. A certificate issued for a boiler or pressure vessel inspected by a special boiler inspector shall be valid only if the

boiler for which it was issued continues to be insured by a duly authorized insurance company.

(18) Suspension of certificate of operations. If, upon inspection, a boiler or pressure vessel is found to be in such condition that it is unsafe to operate, the inspection certificate shall be suspended by the commissioner. Any person, firm, partnership, or corporation causing such objects to be operated shall be subject to the penalties provided for in KRS 236.990.

(19) Condemned boilers.

(a) Any boiler or pressure vessel having been inspected and declared unsafe by the chief boiler inspector or boiler inspector shall be stamped with the letters "XX" and the letters "KY," as shown by the following facsimile which will designate a condemned boiler or pressure vessel: XX KY 12345 XX.

(b) Any person, firm, partnership, or corporation using or offering for sale a condemned boiler or pressure vessel for operation within this Commonwealth shall be subject to the penalties in KRS 236.990.

(20) Nonstandard boilers and pressure vessels.

(a) Shipment of nonstandard boilers or pressure vessels, or hot water supply boilers into this Commonwealth for use is prohibited, provided same are not exempted under KRS Chapter 236.

(b) A nonstandard boiler, pressure vessel, or hot water supply boiler now in use in this Commonwealth, if removed from the Commonwealth, may not be brought into and reinstalled.

(21) Secondhand boilers and pressure vessels. Before a secondhand boiler or pressure vessel can be shipped into this Commonwealth, an inspection shall be made by a boiler inspector, or a special boiler inspector holding a national board commission, and the data submitted by him shall be filed by the owner or user of the boiler or pressure vessel with the Boiler Inspection Section for approval.

(22) Reinstalled boilers or pressure vessels. In any case where a boiler or pressure vessel within the Commonwealth is moved and reinstalled, the fittings and appliances must comply with the ASME Boiler and Pressure Vessel Code and the regulations adopted in Title 815, Chapter 15 of the Kentucky Administrative Regulations.

(23) Factors of safety for existing installations. The inspector is authorized to increase factors of safety if the condition of the boiler warrants it. If the owner or user does not concur with the inspector's decision, he may appeal to the commissioner who may request a joint inspection by the chief inspector and the boiler inspector or special boiler inspector. Each inspector shall render his report to the commissioner, who shall render the final decision, based upon the data contained in all the inspector's reports.

(24) Major repairs. Where a major repair is necessary, an inspector shall be called for consultation and advice as to the best method of making such repair; after such repair is made, it shall be subject to the approval of the inspector. Repairs to all boilers, pressure vessels and their appurtenances, shall conform to the requirements of the National Board of Boiler and Pressure Vessel Inspectors Inspection Code.

(25) Repairs by welding. Welding repairs shall be performed in accordance with the rules

recommended by the National Board of Boiler and Pressure Vessel Inspectors Inspection Code available from the 1979 Edition, (or most recent edition).

(26) Riveted patches. Riveted patches shall be designed and installed in accordance with the rules recommended by the National Board of Boiler and Pressure Vessel Inspectors Inspection Code.

(27) Removal of safety appliances. No person, except under the direction of an inspector, shall attempt to remove or shall do any work, upon any safety appliance, while a boiler is in operation. Should any of these appliances be repaired during an outage of a boiler or pressure vessel, they must be reinstalled and in proper working order before the object is again placed in service.

(28) Inspection fees. The installing contractor, owner or user of any boiler or pressure vessel or pressure piping not exempted under KRS Chapter 236 and required to be inspected by a boiler or pressure vessel inspector, shall pay to the department following inspection of the boiler, fees in accordance with this section. The fees for all new installations of boilers, pressure vessels or pressure piping and fees for repairs shall be in accordance with the fees listed in paragraph (d)2 of this subsection.

(a) Shop inspections made by boiler inspectors for purposes of inspecting the fabrication of the vessels themselves at the request of a boiler manufacturer, installer, engineering contractor, or owner shall be charged at the following rates:

1. \$150 for one-half (1/2) day of four (4) hours or less.

2. \$200 for one (1) day of over four (4) hours.

3. \$240 for eight (8) hours or any part thereof on Saturdays, Sundays, or public holidays.

4. Thirty (30) dollars per hour for overtime in excess of eight (8) hours in any one (1) day. Plus itemized expenses to include mileage, lodging, meals and incidentals. These charges shall not void regular fees for inspection and certificate when the boilers or pressure vessels are completed.

(b) Charges for inspection of secondhand equipment shall be at the rates specified above plus charges for mileage, lodging, meals, and incidentals. These charges shall not void regular fees for inspection and certificate when the boilers or pressure vessels are installed.

(c) ASME and National Board inspections. Inspections of the manufacturing facility itself, at the request of the manufacturer, for the issuance of ASME or National Board certificates of authorization shall be charged as follows:

1. Initial inspection for ASME certificates - \$1,000.

2. Reviews for renewal of ASME Certificates - \$750.

3. Initial inspections and renewals for National Board R or VR certificate - \$200.

(d) Inspection of new installations of pressure piping, boilers and pressure vessels:

1. Under normal circumstances, pressure piping inspection will be a "once only" inspection as specified under KRS Chapter 236 and will be conducted generally as set forth under subsection (4)(b) of this section.

2. The fees chargeable for inspection of each

boiler and pressure vessel and all pressure piping carrying substantially the same pressures and temperatures as encountered in the boiler shall be based upon the total dollar value covering the combined boiler/pressure vessel and piping installation, either actual or estimated. It is the obligation of the installing contractor to supply this value which shall include both labor and material costs. No exact figure need be quoted or divulged to the boiler inspector or department; only a designation that the true value lies within certain limits as set forth in the table below. The fees for all new installations of boiler, pressure vessels or pressure piping and fees for repairs are then found in the table's right hand column.

Amount In Dollars	Fee
\$ 2,000 or less	\$ 60
\$ 2,001 to \$10,000	\$ 90
\$ 10,001 to \$25,000	\$120
\$ 25,001 to \$50,000	\$150
\$ 50,001 to \$75,000	\$200
\$ 75,001 to \$100,000	\$300
\$100,001 to \$150,000	\$400
\$150,001 to \$200,000	\$500
\$200,001 to \$250,000	\$600
\$250,001 to \$300,000	\$700
\$300,001 to \$400,000	\$800
\$400,001 to \$500,000	\$1,000
\$500,001 and over	\$1,200

3. The installing contractor, owner or user shall request inspection of boilers and pressure piping at least seven (7) days in advance. If the inspection is not made within this time limit, the installation may proceed. Request for inspection shall be made by letter or phone call to the department.

(e) Inspection of nuclear installations: Nuclear installation inspections will be charged as set forth under paragraph (a) of this subsection or as determined by contracts between the installer and the department.

(f) Hydrostatic tests: When it is necessary to make a special trip to witness the application of a hydrostatic test, an additional fee based on the scale of fees set forth under paragraph (a) of this subsection shall be charged.

(g) Fees for reinspection of boilers and pressure vessels:

1. Fees for reinspection of power boilers shall be in accordance with the following tables:

INTERNAL INSPECTIONS OF POWER BOILERS

Height Surface (Square Feet)	Fee
100 or less	\$20
101 to 1,000	\$40
1,001 to 4,000	\$70
4,001 to 10,000	\$100
10,001 and over	\$160

EXTERNAL INSPECTIONS OF POWER BOILERS

Height Surface (Square Feet)	Fee
100 or less	\$16
101 and over	\$20

2. Fees for reinspection of heating boilers shall be as follows:

HEATING BOILERS

Boilers with man way where internal inspection required	\$40
Other heating boilers	\$20
Hot water supply boilers	\$10
Miniature boilers	\$10

3. The initial installation inspection fee for pressure vessels shall be twenty (20) dollars.

(h) Plan review of boiler and unfired pressure vessel installations: Prior to the construction and installation of any boiler or unfired pressure vessel, the plans for the installation shall be submitted to the chief boiler inspector of this department for review and release for construction. Fees for this service shall be provided in accordance with the following table:

Heating Surface (Square Feet)	Fee
100 and under	\$20
101 to 1,000	\$30
1,001 to 4,000	\$50
4,001 to 10,000	\$70
10,001 and over	\$100
Unfired Pressure Vessels	\$20

(See Appendix A on following page)

CHARLES A. COTTON, Commissioner

THEODORE T. COLLEY, Secretary

APPROVED BY AGENCY: May 9, 1990

FILED WITH LRC: May 11, 1990 at 1 p.m.

PUBLIC HEARING: A public hearing on this regulation shall be held on June 26, 1990 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 June 21, 1990, the hearing may be cancelled.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith G. Walden

(1) Type and number of entities affected: Insurance companies that insure boilers and pressure vessels.

(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: Forms referred to have been developed and copies are available from department.

(2) Effects on the promulgating administrative body: Department presently using form; no change in procedures for promulgating administrative body.

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Send forms to insurance companies as requested.

(3) Assessment of anticipated effect on state and local revenues: No state or local revenue should be affected.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Companies that attempt to provide this information in various forms make it difficult for the data processing employees to interpret; forms now provided to provide proper information in format.

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

TIERING: Was tiering applied? Yes

APPENDIX A TO 815 KAR 15:020

COMMONWEALTH OF KENTUCKY
DEPT. OF HOUSING, BUILDING AND CONSTRUCTION
OFFICE OF STATE FIRE MARSHAL
BOILER OR PRESSURE VESSEL INSPECTION

HBC-BI 220

() ADD
() CHANGE
() REINSPECTION

INSURANCE NUMBER:

1	INSP DT:	EXP DT:	YR TYPE: 1 2 () ()	STATUS	ST OWN ()	STATE NUMBER: KY	NAT BOARD NUMBER:	
2	OWNER:				ADDRESS:			
	ADDRESS:				CITY:	ST:	ZIP:	
3	USER: ()				ADDRESS:			
	ADDRESS:				CITY:	ST:	ZIP:	
4	USER PHONE:	NATURE OF BUSINESS:		COUNTY:	SPECIFIC LOCATION IN PLANT:			
5	TYPE: CIS FT OTH HFB HSM WT () () () () () ()			YR BLT:	MANUFACTURER:			
6	USE: POWER PROCESS STEAM HTG HWH HWS UNFIRED () () () () () ()			FUEL:	INSP TYPE: INT EXT () ()	CERT INSP: YES NO () ()		
7	PRESSURE ALLOWED: THIS INSP PREV INSP		SAF RELIEF VALVE: SET AT:		SAF VALVE CAP:	MIM SAF VALVE CAP:		
8	HYDRO TEST PSI:	TEST DATE:						

VIOLATIONS TO BE CORRECTED ARE BELOW

	CODE	
1		
2		
3		
4		
5		
6		
7		

FEE: INSP. _____ COMP. DATE: _____ KY COMM.

CERT. _____

TOTAL _____

CO. NO.

CONTACT PERSON _____

INSPECTOR SIGNATURE _____

☐ CHECK BOX IF ADDITIONAL
REMARKS ARE ON BACK

* PRE-PRINT *

EMPLOYED BY _____

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

815 KAR 20:010. Definitions.

RELATES TO: KRS Chapter 318

STATUTORY AUTHORITY: KRS 318.130

NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation relates to the definitions needed to interpret other sections of the subsequent regulations or comprising the State Plumbing Code. This amendment clarifies that piping which carries water or sewage is not a plumbing fixture.

Section 1. Definition of Terms. (1) Administrative authority. The Department of Housing, Buildings and Construction or any person or agency authorized by the department to administer and enforce the provisions of the state plumbing code.

(2) Air break (drainage system). A piping arrangement in which a drain from a fixture, appliance, or device discharges indirectly into another fixture, receptacle, or interceptor at a point below the flood level rim.

(3) Air gap (drainage system). The unobstructed vertical distance through the free atmosphere between the outlet of waste pipe and the flood level rim of the receptacle into which it is discharging.

(4) Air gap (water distribution system). The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the receptacle.

(5) Anchors. (See supports.)

(6) Apprentice plumber. (See plumber's apprentice.)

(7) Approved. Accepted or acceptable under an applicable specification state or cited in this code.

(8) Area drain. A receptacle designed to collect surface or storm water from an open area.

(9) Aspirator. A fitting or device supplied with water or other fluid under positive pressure which passes through an integral orifice or "constriction" causing a vacuum. Aspirators are often referred to as "suction" apparatus, and are similar in operation to an ejector.

(10) Autopsy table. A fixture or table used for postmortem examination of a body.

(11) Backflow. The flow of water or other liquids, mixtures, or substances into the distributing pipes of a potable supply of water from any source or sources other than its intended source. Back siphonage is one type of backflow.

(12) Backflow connection. Any arrangement whereby backflow can occur (see cross connection).

(13) Backflow preventer. A device or means to prevent backflow.

(14) Backflow preventer, reduced pressure zone type. An assembly of differential valves and check valves including an automatically opened spillage port to the atmosphere.

(15) Back siphonage. The flowing back of used, contaminated, or polluted water from a plumbing

fixture or vessel or other sources into a potable water supply pipe due to a negative pressure in such pipe.

(16)(a) Basement. The basement is the lowest level of a dwelling unit which is wholly or partly below the ground level in which the entrance and exit is made by use of a stairway or other mechanical means and which may or may not have an entrance and exit at the basement floor level.

(b) Basement floor drains. A basement floor drain is a drain placed in the basement floor of a residence which may or may not receive sanitary waste water.

(17) Battery of fixtures. Any group of two (2) or more similar adjacent fixtures which discharge into a common horizontal waste or soil branch.

(18) Bedpan hopper (see clinical sink).

(19) Bedpan steamer or boiler. A fixture used for scalding bedpans or urinals by direct application of steam of boiling water.

(20) Bedpan unit. A small workroom in the nursing area designed and equipped for emptying, cleaning, and sometimes for steaming bedpans, and for no other purposes.

(21) Bedpan washer and sterilizer. A fixture designed to wash bedpans and to flush the contents into the sanitary drainage system. It may also provide for disinfecting utensils by scalding with steam or hot water.

(22) Bedpan washer hose. A device supplied with hot and cold water and located adjacent to a water closet or clinical sink to be used for cleaning bedpans.

(23) Boiler blow-off. An outlet on a boiler to permit emptying or discharge of sediment.

(24) Boiler blow-off tank. A vessel designed to receive the discharge from a boiler blow-off outlet and to cool the discharge to a temperature which permits its safe discharge to the drainage system.

(25) Branch. The branch of any system of piping is that part of the system which extends horizontally, at a slight grade, with or without lateral or vertical extensions or vertical arms, from the main to receive fixture outlets not directly connected to the main.

(26) Branch, fixture (see fixture branch).

(27) Branch interval. A distance along a soil or waste stack corresponding in general to a story height, but in no case less than eight (8) feet, within which the horizontal branches from one (1) floor or story of a building are connected to the stack.

(28) Branch vent. A vent connecting one (1) or more individual vents with a vent stack or stack vent.

(29) Building. A structure having walls and a roof designed and used for the housing, shelter, enclosure, or support of persons, animals or property.

(30) Building classification. The arrangement of buildings in classes according to occupancy.

(31) Building drain. That part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning two (2) feet outside the building wall.

(32) Building drain; combined. A building drain which conveys both sewage and storm water or other drainage.

(33) Building drain; sanitary. A building drain which conveys sewage only.

(34) Building drain; storm. A building drain which conveys storm water or other drainage but not sewage.

(35) Building gravity drainage system. A drainage system which drains by gravity into the building sewer.

(36) Building sewer. That part of the drainage system which extends from the end of the building drain and conveys its discharge to a public sewer, private sewer, individual sewage-disposal system, or other point of disposal.

(37) Building sewer; combined. A building sewer which conveys both sewage and storm water or other drainage.

(38) Building sewer; sanitary. A building sewer which conveys sewage only.

(39) Building sewer; storm. A building sewer which conveys storm water or other drainage but no sewage.

(40) Building subdrain. That portion of a drainage system which does not drain by gravity into the building sewer.

(41) Cesspools. A lined and covered excavation in the ground which receives a discharge of domestic sewage or other organic wastes from a drainage system, so designed as to retain the organic matter and solids, but permitting the liquids to seep through the bottom and sides.

(42) Circuit vent. A branch vent that serves two (2) or more traps and extends from the downstream side of the highest fixture connection of a horizontal branch to the vent stack.

(43) Clinical sink (bedpan hopper). A fixture for the rinsing of bedpans and soiled linens. Such fixture shall have a trap size on not less than three (3) inches.

(44) Code. Means the State Plumbing Code.

(45) Combination fixture. A fixture combining one (1) sink and laundry tray or a two (2) or three (3) compartment sink or laundry tray in one (1) unit.

(46) Combined building drain (see building drain; combined).

(47) Combined building sewer (see building sewer; combined).

(48) Combination waste and vent system. A specially designed system of waste piping embodying the horizontal wet venting of one (1) or more sinks or floor drains by means of a common waste and vent pipe adequately sized to provide free movement of air above the free water surface in the drain.

(49) Common vent. A vent connecting at the junction of two (2) fixture drains and serving as a vent for both fixture drains.

(50) Conductor. A pipe inside the building which conveys storm water from the roof to a storm or combined building drain.

(51) Continuous vent. A vertical vent that is a continuation of the drain to which it connects.

(52) Continuous waste. A drain from two (2) or more fixtures connected to a single trap.

(53) Cross connection. Any physical connection or arrangement between two (2) otherwise separate piping systems, one (1) of which contains potable water and the other either water of unknown or questionable safety or steam, gas, or chemical whereby there may be a flow from one (1) system to the other, the direction of flow depending on the pressure differential between the two (2) systems. (See backflow and back siphonage.)

(54) Dead end. A branch leading from a soil,

waste or vent pipe, building drain, or building sewer, and terminating at a developed length of two (2) feet or more by means of a plug, cap, or other closed fitting.

(55) Developed length. The length of a pipe line measured along the center line of the pipe and fittings.

(56) Diameter. The nominal diameter as designated commercially.

(57) Domestic sewage. The waterborne wastes derived from ordinary living processes.

(58) Double offset. Two (2) changes of direction installed in succession or series in a continuous pipe.

(59) Downspout (see leader).

(60) Drain. Any pipe which carries waste water or waterborne wastes in a building drainage system.

(61) Drainage pipe (see drainage system).

(62) Drainage system. Includes all the piping, within public or private premises, which conveys sewage, rain water, or other liquid wastes to a point of disposal. It does not include the mains of a public sewer system or private or public sewage-treatment or disposal plant. Neither does this apply to plumbing appliances.

(63) Drainage system (building gravity). A drainage system which drains by gravity into the building sewer.

(64) Drainage system (subbuilding). (See building subdrain.)

(65) Dry well (see leaching well).

(66) Dual vent (see common vent).

(67) Durham system. A term used to describe soil or waste systems where all piping is of threaded pipe, tube, or other such rigid construction, using recessed drainage fittings to correspond to the types of piping.

(68) Dwelling unit. One (1) or more rooms with provision for living, sanitary and sleeping facilities arranged for the use of one (1) family or individual.

(69) DWV. An abbreviated term for drain, waste and vent piping as used in common plumbing practice.

(70) Effective opening. The minimum cross-sectional area at the point of water supply discharge, measured or expressed in terms of (i) diameter of a circle, or (ii) if the opening is not circular, the diameter of a circle of equivalent cross-sectional area.

(71) Ejector (see aspirator).

(72) Existing work. A plumbing system or any part thereof installed prior to the effective date of this code.

(73) Farmstead. As defined in KRS 318.010(8) is determined by the following:

(a) The property shall consist of at least ten (10) acres; and

(b) The property shall have a dwelling together with other buildings and structures incident to the operation and maintenance of the farm; and

(c) The property shall have a bona fide farm use either agricultural or horticultural in nature as defined by KRS 132.010(9) and (10), qualified by and registered with the PVA in that county; and

(d) The property shall be outside the corporate limits of a municipality.

(74) Fire line. A system of pipes and equipment used exclusively to supply water for extinguishing fires.

(75) Fixture (see plumbing fixture).

(76) Fixture branch. A fixture branch is the

piping distance between a soil, waste and vent stack and the fixture trap.

(77) Fixture drain. The drain from the trap of a fixture to the junction of that drain with any other drain pipe.

(78) Fixture supply. The water supply pipe connecting a fixture to a branch water supply pipe or directly to a main water supply pipe.

(79) Fixture unit, drainage (d.f.u.). A measure of the probable discharge into the drainage system by various types of plumbing fixtures. The drainage fixture-unit value for a particular fixture depends on its volume rate of drainage discharge, on the time duration of a single drainage operation, and on the average time between successive operations. (Note: In general, on small systems, one (1) drainage fixture unit approximates one (1) cubic foot per minute.)

(80) Fixture unit, supply (s.f.u.). A measure of the probable hydraulic demand on the water supply by various types of plumbing fixtures. The supply fixture-unit value for a particular fixture depends on its volume rate of supply, on the time duration of a single supply operation, and on the average time between successive operations.

(81) Flood level (see flood level rim).

(82) Flood level rim. The edge of the receptacle from which water overflows.

(83) Flooded. The condition which results when the liquid in a container or receptacle rises to the flood-level rim.

(84) Floor drain. A floor drain is a drain placed in the floor of a building for the purpose of receiving sanitary waste water.

(85) Floor pantry. A workroom in the nursing area designed and equipped to prepare supplemental diets or beverages, and to assemble food trays at meal times if used in conjunction with decentralized food service.

(86) Flow pressure. The pressure in the water supply pipe near the faucet or water outlet while the faucet or water outlet is wide-open and flowing.

(87) Flush valve. A device located at the bottom of a tank for slushing water closets and similar fixtures.

(88) Flushing type floor drain. A drain which is equipped with an integral water supply enabling flushing of the drain receptor and trap.

(89) Flushometer valve. A device which discharges a predetermined quantity of water to fixtures for flushing purposes and is closed by direct water pressure.

(90) Frost-proof closet. A hopper with no water in the bowl and with the trap and water supply control valve located below frost line.

(91) Grade. The fall (slope) of a line of pipe in reference to a horizontal plane. In drainage it is usually expressed as the fall in a fraction of an inch per foot length of pipe.

(92) Grease interceptor (see interceptor).

(93) Grease trap (see interceptor).

(94) Hangers (see supports).

(95) Horizontal branch drain. A drain branch pipe extending laterally from a soil or waste stack or building drain, with or without vertical sections or branches, which receives the discharge from one (1) or more fixture drains and conducts it to the soil or waste stack or to the building drain.

(96) Horizontal pipe. Any pipe or fitting which makes an angle of less than forty-five (45) degrees with the horizontal.

(97) Hose bibb. A sill cock, wall hydrant, or similar faucet with a downward angled threaded nozzle.

(98) Hot water. Water at a temperature of not less than 120 degrees Fahrenheit.

(99) House drain (see building drain).

(100) House sewer (see building sewer).

(101) Individual sewage disposal system. A system for disposal of domestic sewage by means of a septic tank, cesspool or mechanical treatment, designed for use apart from a public sewer to serve a single establishment or building.

(102) Indirect waste pipe. A waste pipe which does not connect directly with the drainage system, but which discharges into the drainage system through an air break or air gap into a trap, fixture, receptor or interceptor.

(103) Individual vent. A pipe installed to vent a fixture drain. It connects with the vent system above the fixture served or terminates outside the building into the open air.

(104) Individual water supply. A supply other than an approved public water supply which serves one (1) or more families.

(105) Industrial floor drain. An industrial floor drain is a drain placed in the floor of a building other than in a toilet room or shower room to receive waste water.

(106) Industrial wastes. Liquid wastes resulting from the processes employed in industrial and commercial establishments.

(107) Insanitary. Contrary to sanitary principles; injurious to health.

(108) Interceptor. A device designed and installed so as to separate and retain deleterious, hazardous, or undesirable matter from normal wastes while permitting normal sewage or liquid wastes to discharge into the drainage system by gravity.

(109) Installed. Altered, changed or a new installation.

(110) Invert. The lowest portion of the inside of any horizontal pipe.

(111) Kitchen sink unit. A kitchen sink unit is defined as a sink, double or single compartment, food waste disposer, and dishwasher placed in a unit so arranged that the dishwasher abuts the sink.

(112) Lavatory. A hand basin such as in a bathroom.

(113) Leaching well or pit. A pit or receptacle having porous walls which permit the contents to seep into the ground.

(114) Leader. An exterior drainage pipe for conveying storm water from roof or gutter drains.

(115) Liquid waste. The discharge from any fixture, appliance, area or appurtenance, which does not contain fecal matter.

(116) Load factor. The percentage of the total connected fixture unit flow which is likely to occur at any point in the drainage system.

(117) Local vent stack. A vertical pipe to which connections are made from the fixture side of traps and through which vapor and/or foul air may be removed from the fixture or device used on bedpan washers.

(118) Local ventilating pipe. A local ventilating pipe is a pipe through which foul air is removed from a room or fixture.

(119) Loop vent. A circuit vent which loops back to connect with a stack vent instead of a vent stack.

(120) Main. The main of any plumbing system is that part of such system of horizontal, vertical

or continuous piping which receives the waste, soil, main or individual vents from fixture outlets, or traps, directly or through branch pipes.

(121) Main sewer (see public sewer).

(122) Main vent. The principal artery of the venting system to which vent branches may be connected. (Manufacturer's Floor Drain. See industrial floor drain.)

(123) Multiple dwelling. Building containing more than two (2) dwelling units.

(124) Nominal pipe size. A standard expression in inches and fractions thereof to designate the approximate inside diameter of a pipe, conduit or tube.

(125) Nonpotable water. Water not safe for drinking, personal or culinary use.

(126) Nuisance. Public nuisance is known in common law or in equity jurisprudence; whatever is dangerous to human life or detrimental to health; whatever building, structure, or premise is not sufficiently ventilated, sewer, drained, cleaned or lighted, in reference to its intended or actual use; and whatever renders the air or human food or drink or water supply unwholesome.

(127) Nurses' station. An area in the nursing unit separated from the corridor by counter or desk, designed to permit nurses to record and file each patient's history and progress, observation and control of corridor, preparation of medicines and maintain contact with patients, the hospital and the outside by local and public means of communication.

(128) Offset. A combination of elbows or bends which bring one (1) section of the pipe out of line but into a line parallel with the other section.

(129) Oil interceptor (see interceptor).

(130) Person. A natural person, his heirs, executors, administrators or assigns; and includes a firm, partnership or corporation, its or their successors or assigns. Singular includes plural; male includes female.

(131) Pitch (see grade).

(132) Plumber's apprentice. A plumber's apprentice is any person other than a journeyman or master plumber, who, as his principal occupation, is engaged in working as an employee of a master plumber under the immediate and personal supervision of either a master or journeyman plumber in learning and assisting in the installation of plumbing.

(133) Plumbing. Plumbing means the art of installing in buildings the pipes for distributing the water supply, the fixtures for using water and drainage pipes for removing waste water and sewage, together with fittings, appurtenances, and appliances of various kinds, all within or adjacent to the building. It shall not include the installation of on-site sewage disposal systems, except for the piping, fixtures, or other appurtenances needed within the building. It shall include:

(a) The water service pipe which forms the connection between the property line and the building other than piping serving fire fighting equipment;

(b) Private water supply systems;

(c) House sewers which convey the waste water and sewage from the building to the property line or other points of disposal but not including sewers located between manholes and sewers extending five (5) feet from a main or manhole on private property; and

(d) Storm sewers and rain water piping located within a building to a point two (2) feet outside of the building other than those which have a treated effluent.

(134) Plumbing appliance. Any one (1) of a special class of plumbing fixture which is intended to perform a special function. Its operation and/or control may be dependent upon one (1) or more energized components, such as motors, controls, heating elements, or pressure or temperature-sensing elements. Such fixtures may operate automatically through one (1) or more of the following actions: a time cycle, a temperature range, a pressure range, a measured volume or weight; or the fixture may be manually adjusted or controlled by the user or operator.

(135) Plumbing appurtenance. A manufactured device, or a prefabricated assembly of component parts, and which is an adjunct to the basic piping system and plumbing fixtures. An appurtenance demands no additional water supply, nor does it add any discharge load to a fixture or the drainage system. It is presumed that it performs some useful function in the operation, maintenance, servicing, economy, or safety of the plumbing system.

(136) Plumbing fixture. A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water therefrom, or it discharges used water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises, or which requires both a water supply connection and a discharge to the drainage system of the premises. Plumbing appliances as a special class of fixture are further defined. This definition does not include the piping which carries water or sewage.

(137) Plumbing inspector. A duly authorized employee or agent of the Department of Housing, Buildings and Construction who is charged with the responsibility of inspecting plumbing installations and with the enforcement of the state plumbing laws and code.

(138) Plumbing repair. As used in the code to mean replacing a part or putting together that which is torn or broken.

(139) Plumbing system. The plumbing system of a building includes: appliances and water heaters; the water supply distributing pipes; the fixtures and fixture traps; the soil, waste and vent pipes; the house drain and house sewer; the storm water drainage within a building with their devices, appurtenances and connections all within and adjacent to the building.

(140) Pool (see swimming pool).

(141) Potable water. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming in its bacteriological and chemical quality to the requirements of the Public Health Service Drinking Water Standards or the regulations of the Department of Housing, Buildings and Construction.

(142) Private or private use. In the classification of plumbing fixtures, private applies to fixtures in residences and apartments and to fixtures in private bathrooms of hotels as well as similar installations in other buildings where the fixtures are intended for the use of a family or an individual.

(143) Private sewer. A sewer, serving two (2) or more buildings, privately owned, and not directly controlled by public authority.

(144) Public or public use. In the classification of plumbing fixtures, public applies to fixtures in general toilet rooms of schools, gymnasiums, hotels, railroad stations, public buildings, bars, public comfort stations, and other installations (whether pay or free) where a number of fixtures are installed so that their use is similarly unrestricted.

(145) Public sewer. A common sewer directly controlled by public authority.

(146) Public water main. A water supply pipe for public use controlled by public authority.

(147) Receptor. A fixture or device which receives the discharge from indirect waste pipes.

(148) Relief vent. An auxiliary vent which permits additional circulation of air in or between drainage and vent systems.

(149) Replace. To put something new or rebuilt in the place of.

(150) Return offset. A double offset installed so as to return the pipe to its original alignment.

(151) Revent pipe (see individual vent).

(152) Rim. An unobstructed open edge of a fixture.

(153) Riser. A water supply pipe which extends vertically one (1) full story or more to convey water to branches or to a group of fixtures.

(154) Roof drain. A drain installed to receive water collecting on the surface of a roof and to discharge it into a leader or a conductor.

(155) Roughing-in. The installation of all parts of the plumbing system which can be completed prior to the installation of fixtures. This includes drainage, water supply, and vent piping, and the necessary fixture supports.

(156) Safe waste (see indirect waste).

(157) Sand interceptor (see interceptor).

(158) Sand trap (see interceptor).

(159) Sanitary sewer. A sewer which carries sewage and excludes storm, surface, and ground water.

(160) Scrub sink. A device usually located in the operating suite to enable operating personnel to scrub their hands prior to operating procedures. The hot and cold water supply is activated by a knee-action mixing valve or by wrist or pedal control.

(161) Seepage well or pit. A covered pit with open-jointed lining into which septic tank effluent is received that will seep or leach into the surrounding porous soil.

(162) Separator (see interceptor).

(163) Setic tank. A watertight receptacle which receives the discharge of a building sanitary drainage system or part thereof, and is designed and constructed so as to digest organic matter through a period of detention and allow the liquids to discharge into the soil outside of the tank through a system of open joint or perforated piping, or a seepage pit.

(164) Sewage. Any liquid waste containing animal or vegetable matter in suspension or solution, and may include liquids containing chemicals in solution.

(165) Sewage ejectors. A device for lifting sewage by entraining it in a high velocity jet of steam air or water.

(166) Side vent. A vent connecting to the drain pipe through a fitting at an angle not greater than forty-five (45) degrees to the vertical.

(167) Size of pipe and tubing (see diameter).

(168) Slope (see grade).

(169) Soil pipe. A soil pipe is any pipe which

conveys the discharge of water closets or similar fixtures, with or without the discharges from other fixtures, to the house drain.

(170) Soil vent (see stack vent).

(171) Special wastes. Wastes which require special treatment before entry into the normal plumbing system.

(172) Special waste pipe. Pipes which convey special wastes.

(173) Stack. A general term for any vertical line of soil, waste or vent piping.

(174) Stack group. A group of fixtures located adjacent to the stack so that by means of proper fittings, vents may be reduced to a minimum.

(175) Stack vent. The extension of a soil or waste stack above the highest horizontal drain connected to the stack.

(176) Stack venting. A method of venting a fixture or fixtures through the soil or waste stack.

(177) Sterilizer, boiling type. A boiling type "sterilizer" is a fixture (nonpressure type), used for boiling instruments, utensils, and/or other equipment (used for disinfection). Some devices are portable, others are connected to the plumbing system.

(178) Sterilizer, instrument. A device for the sterilization of various instruments.

(179) Sterilizer, pressure instrument washer-sterilizer. A pressure instrument washer-sterilizer is a fixture (pressure vessel) designed to both wash and sterilize instruments during the operating cycle of the fixture.

(180) Sterilizer, pressure (autoclave). A fixture (pressure vessel) designed to use steam under pressure for sterilizing. Also called an autoclave.

(181) Sterilizer, utensil. A device for the sterilization of utensils as used in hospital services.

(182) Sterilizer vent. A separate pipe or stack, indirectly connected to the building drainage system at the lower terminal, which receives the vapors from nonpressure sterilizers, or the exhaust vapors from the pressure sterilizers, and conducts the vapors directly to the outer air. Sometimes called vapor, steam, atmospheric, or exhaust vent.

(183) Sterilizer, water. A water sterilizer is a device for sterilizing water and storing sterile water.

(184) Still. A device used in distilling liquids.

(185) Storm drain (see building storm drain).

(186) Storm sewer. A sewer used for conveying rain water, surface water, condensate, cooling water, or similar liquid wastes.

(187) Subsoil drain. A drain which collects subsurface water and conveys it to a place of disposal.

(188) Sump. A tank or pit, which receives sewage or liquid waste, located below the normal grade of the gravity system and which must be emptied by mechanical means.

(189) Sump pump. A mechanical device other than an ejector or bucket for removing sewage or liquid waste from a sump.

(190) Supports. Devices for supporting and securing pipe, fixtures, and equipment.

(191) Swimming pool. Any structure, basin, chamber, or tank containing any artificial body of water for swimming, diving, wading or recreational bathing.

(192) Trap. A fitting or device which provides a liquid seal to prevent the emission of sewer

gases without materially affecting the flow of sewage or waste water through it.

(193) Trap arm. That portion of a fixture drain between a trap and its vent.

(194) Trap primer. A device or system of piping to maintain a water seal in a trap, typically installed where infrequent use of the trap would result in evaporation of the trap seal, such as floor drains.

(195) Trap seal. The vertical distance between the crown weir and the top of the dip of the trap.

(196) Utility room. A workroom in the patient nursing area, designed and equipped to facilitate preparation, cleaning and incidental sterilizing of the various supplies, instruments, utensils, etc., involved in nursing treatment and care, exclusive of medications handled in nurses' stations and bedpan cleaning and sterilizing.

(197) Vacuum. Any pressure less than exerted by the atmosphere.

(198) Vacuum breaker (see backflow preventer).

(199) Vacuum breaker, nonpressure type (atmospheric). A vacuum breaker which is not designed to be subjected to static line pressure.

(200) Vacuum breaker, pressure type. A vacuum breaker designed to operate under conditions of static line pressure.

(201) Vent pipe. A vent pipe is any pipe provided to ventilate a house drainage system and to prevent tray siphonage and back pressure.

(202) Vent system. A pipe or pipes installed to provide a flow of air to or from a drainage system or to provide a circulation of air within such system to protect trap seals from siphonage and back pressure.

(203) Vertical pipe. Any pipe or fitting which makes an angle of forty-five (45) degrees or less with the vertical.

(204) Wall hung water closet. A wall mounted water closet installed in such a way that no part of the water closet touches the floor.

(205) Waste pipe and special waste. A waste pipe is any pipe which receives the discharge of any fixture (except water closets or similar fixtures) and discharges to the house drain, soil or waste stacks. When such pipe does not connect directly with a house drain, waste or soil stack, it is termed a special waste.

(206) Water distributing pipe. A pipe within the building or on the premises which conveys water from the water-service pipe or meter to the point of usage.

(207) Water lifts (see sewage ejector).

(208) Water outlet. A discharge opening through which water is supplied to a fixture, into the atmosphere (except into an open tank which is part of the water supply), to a boiler or heating system, to any devices or equipment requiring water to operate but which are not part of the plumbing system.

(209) Water riser pipe (see riser).

(210) Water service pipe. The pipe from the water main or other source of potable water supply to the water distributing system of the building served.

(211) Water supply stub. A vertical pipe less than one (1) story in height supplying one (1) or more fixtures.

(212) Water supply system. The water service pipe, the water-distributing pipes, and the necessary connecting pipes, fittings, control valves, and all appurtenances in or adjacent to the building or premises.

(213) Well, bored. A well constructed by boring a hole in the ground with an auger and installing a casing.

(214) Well, drilled. A well constructed by making a hole in the ground with a drilling machine of any type and installing casing and screen.

(215) Well, driven. A well constructed by driving a pipe in the ground. The drive pipe is usually fitted with a well point and screen.

(216) Well, dug. A well constructed by excavating a large diameter shaft and installing a casing.

(217) Wet vent. A vent which receives the discharge of wastes other than from water closets.

(218) Yoke vent. A pipe connecting upward from a soil or waste stack to a vent stack for the purpose of preventing pressure changes in the stack.

CHARLES A. COTTON, Commissioner

THEODORE T. COLLEY, Secretary

APPROVED BY AGENCY: May 9, 1990

FILED WITH LRC: May 11, 1990 at 1 p.m.

PUBLIC HEARING: A public hearing on this regulation shall be held on June 26, 1990 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 June 21, 1990, the hearing may be cancelled.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith G. Walden

(1) Type and number of entities affected: Users of State Plumbing Code.

(a) Direct and indirect costs or savings to those affected: No costs or savings effected by this amendment.

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 required by users.

(2) Effects on the promulgating administrative body: Preparing amendment to code for distribution to users.

(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: Amending administrative regulation and State Plumbing Code.

(3) Assessment of anticipated effect on state and local revenues: No state or local revenues

affected by this amendment.

(4) Assessment of alternative methods; reasons why alternatives were rejected: State Plumbing Code Committee and Board of Housing review proposed amendments and accept on basis within limits defined.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? Yes

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

815 KAR 20:071. Storage and installation of schedule 40, ABS and PVC plastic pipe and fittings.

RELATES TO: KRS Chapter 318

STATUTORY AUTHORITY: KRS 318.130

NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation relates to the method needed for storage, handling and installation of schedule 40, ABS and PVC plastic pipe and fittings. This amendment to Section 7 of this regulation is necessary to allow for the greater rate of expansion of plastic pipe when plastic pipe is added to a metallic piping system.

Section 1. Storage. (1) Pipe. Pipe shall remain in lifts until ready for use. Lifts shall not be stacked more than three (3) high and shall always be stacked wood-on-wood. Loose pipe shall be stored in racks with a minimum support space of three (3) feet. Pipe shall be shaded but not directly covered when stored outside in high ambient temperatures. This will provide for free circulation of air and reduce the heat buildup due to direct sunlight exposure.

(2) Fittings. Fittings shall be stored in their original cartons to be kept free of dirt and to reduce the possibility of damage. When possible all fittings shall be stored indoors.

(3) Solvent cement and primers. Solvent cement and primers, because of flammability, must be stored in an area where they will not be exposed to ignition, sparks, open flames or heat. They shall not be used beyond their marked shelf life.

Section 2. Handling. Care must be exercised to avoid rough handling of pipe and fittings. They must not be dragged over sharp projections, dropped or have heavy objects dropped on them. Pipe ends must be inspected for cracks in the event of abuse prior to installation. (When transported by truck or trailer, piping must be reasonably supported.)

Section 3. Installation. (1) Underneath concrete floors. All pipe and fittings shall be laid on stable earth conditions and have four (4) inches of grillage on its bottom, top and sides. If ground is unstable it must be removed

and the excavation filled with grillage to the underneath side of the piping. No part of a soil or waste pipe shall be placed in a concrete slab except those pipes that pass vertically through it.

(2) Above concrete floors. All horizontal piping shall be properly aligned and installed without strain. Piping shall not be bent or pulled in position either before or after solvent welds have been made. It shall be supported at intervals not to exceed four (4) feet and at the end of the branches and at the change of direction and shall be so installed as to permit freedom of movement. All vertical piping shall be supported at their bases and all upward movement shall not be restricted. Closet flanges shall be securely fastened to the floor through which it passes.

Section 4. Hangers. Hangers and straps must be at least one (1) inch wide and shall not compress, distort, cut or abrade the piping. They shall allow free movement at all times.

Section 5. Making Solvent Cement Joints. (1)(a) Cement shall not be thinned. All cement that has thickened shall be discarded. No cement shall be used beyond its shelf life. It shall not be subject to temperatures below thirty (30) degrees Fahrenheit.

(b) Installers shall avoid prolonged breathing of vapors. Prolonged contact with skin is harmful. Install only with adequate ventilation. Avoid contact with eyes and skin. Solvents are also flammable.

(2) Socket fit. ABS and PVC fittings are manufactured to a close tolerance. All joints shall be an interference fit between pipe and fittings. Additional cement shall not be permitted for the correction of loosely fitted joints.

(3) Joining techniques. Piping shall be cut square with a saw or pipe cutter designed especially for plastic pipe. Pipe and fittings shall be protected from serrated holding devices or abrasions.

(a) Burrs shall be removed from both inside and outside of the pipe. Dust, dirt and moisture shall be removed from the surfaces that are to be cemented.

(b) Solvent chemical cleaner recommended by the company whose product is being installed shall be applied inside the fitting and on the outside of the piping that is to be joined.

(c) A paint brush shall be used to apply the solvent cement. Apply a moderate even coating of cement in the fitting socket as well as covering the pipe on the joining surfaces only.

(d) Joints shall be assembled as quickly as possible before the cement dries. Insert the piping into the fitting socket turning the pipe slightly to insure even distribution to the cement. Hold the piping in a firm position so it does not "back out" of the joint.

(e) Remove excess solvent cement from the exterior of the joint with a clean dry cloth. The joint shall not be handled for a two (2) minute period. A fifteen (15) minute period shall be allowed for the joint to develop handling strength.

(f) No cemented pipe joint shall be made in conditions of excessive moisture, humidity or when the temperature is below forty (40) degrees or above ninety (90) degrees Fahrenheit.

Section 6. Commingling of Plastic Pipe. Plastic pipe shall not be commingled except through the use of male and female adapters.

Section 7. Mixing of Plastic and Metal Piping. Plastic and metal piping shall discharge into one another by the use of proper fittings and adapters. If a waste opening or openings using plastic pipe are added to an existing system of metallic piping, the main vent of the added waste opening shall extend through the roof separately to allow for expansion.

Section 8. Thermal Expansion. Each plumbing installation must be engineered and designed giving due consideration to the expansion characteristics of the material. Below are expansion tables for both PVC and ABS schedule 40 plastic piping.

PVC-DWV TYPE 1
THERMAL EXPANSION TABLE

Chart Shows Length Change in Inches
vs. Degrees Temperature Change

LG. ft.	40°F	50°F	60°F	70°F	80°F	90°F	100°F
20	.278	.348	.418	.487	.557	.626	.696
40	.557	.696	.835	.974	1.114	1.235	1.392
60	.835	1.044	1.253	1.462	1.670	1.879	2.088
80	1.134	1.392	1.670	1.949	2.227	2.506	2.784
100	1.392	1.740	2.088	2.436	2.784	3.132	3.480

ABS-DWV TYPE 1
THERMAL EXPANSION TABLE

Chart Shows Length Change in Inches
vs. Degrees Temperature Change

LG. ft.	40°F	50°F	60°F	70°F	80°F	90°F	100°F
20	0.536	0.670	0.80	0.938	1.072	1.206	1.340
40	1.070	1.340	1.610	1.880	2.050	2.420	2.690
60	1.609	2.010	2.410	2.820	3.220	3.620	4.020
80	2.143	2.680	3.220	3.760	4.290	4.830	5.360
100	2.680	3.350	4.020	4.700	5.360	6.030	6.700

CHARLES A. COTTON, Commissioner

THEODORE T. COLLEY, Secretary

APPROVED BY AGENCY: May 10, 1990

FILED WITH LRC: May 11, 1990 at 1 p.m.

PUBLIC HEARING: A public hearing on this regulation shall be held on June 26, 1990 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 June 21, 1990, the hearing may be cancelled.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith G. Walden

(1) Type and number of entities affected: Plumbing installations where plastic pipe is added to metallic pipe.

(a) Direct and indirect costs or savings to those affected: No costs or savings effected by this amendment.

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: Administrative costs of amending code.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Amending regulation and updating code.

(3) Assessment of anticipated effect on state and local revenues: State or local revenue should not be affected.

(4) Assessment of alternative methods; reasons why alternatives were rejected: State Plumbing Code Committee and Board of Housing review proposed amendments and accept on basis defined.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: No known conflict.

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? Yes

PUBLIC PROTECTION AND REGULATION CABINET
Department of Housing, Buildings & Construction
Division of Plumbing
(Proposed Amendment)

815 KAR 20:076. Installation recommendations for polybutylene (PB) cold water building supply, yard piping and tubing.

RELATES TO: KRS Chapter 318

STATUTORY AUTHORITY: KRS Chapter 13A, 318.130

NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation shall govern the installation of polybutylene (PB) pipe and tubing in cold water building supply and yard systems. Installation, materials and inspections shall comply with the current edition of the Kentucky State Plumbing Code and with this standard. This amendment deleting Section 7 of this regulation is necessary to allow the use of polybutylene pipe under concrete and to remove language which conflicts with 815 KAR 20:075.

Section 1. Definitions. (1) ASTM. For the purpose of this regulation, means "American

Society of Testing Materials."

(2) KSPCC. For the purpose of this regulation, means "Kentucky State Plumbing Code Committee."

(3) NSF. For the purpose of this regulation, means "National Sanitation Foundation."

(4) PB. For the purpose of this regulation, means "polybutylene."

(5) SDR. For the purpose of this regulation, means "Standard Dimension Ratio."

(6) Approved. For the purpose of this regulation, means approval received from the Kentucky Department of Housing, Buildings and Construction, Division of Plumbing.

Section 2. (1) Material. Tubing is polybutylene (PB).

(2)(a) Tubing shall conform to ASTM D-2666.

(b) Pipe shall conform to ASTM D-2662.

NOTE: Pipe is usually black or blue.

(3) Fittings shall be metal or plastic compression, flare or insert type. (Refer to 815 KAR 20:120, Section 9, Water supply pipes and materials.)

NOTE 1. Manufacturers of fittings shall recommend assembly procedures.

NOTE 2. Manufacturers shall provide test data from an independent testing laboratory, acceptable to the KSPCC, that their PB system or their PB tubing, together with recommended fittings, has a short term working pressure and temperature rating (STWP) or 160 psi at 210°F for forty-eight (48) hours or more.

Section 3. Markings. (1) Tubing. Tubing shall be legibly marked at intervals of not more than five (5) feet with at least the following:

(a) Manufacturers name or trademark.

(b) ASTM D-2662 (pipe) or ASTM D-2666 (tubing).

(c) Size.

(d) PB 2110.

(e) Pressure rating, 160 psi.

(f) NSF seal or marking or other KSPCC acceptable agency.

(g) Manufacturers date and material code.

(2) Fittings. Fittings shall be marked with at least the following:

(a) Manufacturers name or trademark or other acceptable markings.

(b) Plastic fittings shall be labeled with the NSF seal or marking of other KSPCC acceptable agency.

(3) Bands shall be marked with at least the following:

(a) Manufacturers name or trademark.

(b) Model.

(c) Stainless steel series (300).

(4) Position of Markings. Identifying markings shall be visible for inspection without moving materials unless otherwise acceptable to the administrative authority.

Section 4. Protection of Piping. (1) Exposed piping. Vertical piping may extend a maximum of twenty-four (24) inches above grade when located on the exterior of the building or structure and protected from mechanical damage to the satisfaction of the administrative authority. Where exposed to sunlight, the pipe shall be wrapped with at least 0.040 inches of tape.

(2) Protection from damage. Piping coils, as supplied by the manufacturer, shall be adequately protected against damage in shipment. A prominent label shall contain at least the information required in Section 3(1) of this regulation.

(3) Storage. Piping shall be stored in a way to protect it from mechanical damage (slitting, puncturing, etc.). Tubing should be stored under cover to keep it clean and to avoid long-term exposure to direct sunlight. Exposure to sunlight during normal construction periods is not harmful.

(4) Thermal expansion.

(a) Snaking. Piping shall be "snaked" in the trench bottom with enough slack, at least six (6) inches per 100 feet, to compensate for thermal expansion and contraction before stabilizing piping.

(b) Stabilizing. Stabilize piping by bringing it approximately to operating temperature before testing and backfilling by one of the following methods:

1. Shade backfill. Leave all joints exposed so that they can be examined during pressure test.

2. Fill with water at operating temperature.

3. Allow to stand overnight.

Section 5. Trenching, Cover and Backfill. (1) Trenching and cover. Trench bottoms shall be uniformly graded and shall be of either undisturbed soil or shall consist of a layer or layers of compacted backfill so that minimum settlement will take place.

(2) Backfill. Selected backfill shall be used. Tamp the backfill around the pipe so as to provide firm continuous support and proper compaction. Backfill at least twelve (12) inches over pipes, except that joints shall be left exposed. After inspection and pressure test, complete backfill.

Section 6. Joints. Joints shall be made as follows:

(1) Barbed insert fittings. Procedure (pipe only).

Step 1. Cut pipe square.

Step 2. Remove all burrs.

Step 3. Place two (2) strap-type stainless steel clamps over the pipe (see Section 3(3) of this regulation).

Step 4. Check that fittings are properly sized for pipe.

Step 5. Force the end of the pipe over the barbed insert fitting, making contact with the fitting shoulder (the end of the pipe may be softened by placing in hot water.)

Step 6. Position the clamps 180 degrees apart and tighten evenly to seal joint.

(2) Flared joints, procedure (pipe and tubing).

Step 1. Cut pipe or tubing square.

Step 2. Remove all burrs.

Step 3. Place nut over end of piping.

Step 4. Lubricate the point of the flaring tool and the tubing to be flared. Use nontoxic liquid soap or other lubricant recommended by the manufacturer.

Step 5. Flare piping with a listed tool according to the tool manufacturers recommendations.

Step 6. Assemble the joint.

Step 7. Tighten flare nuts according to manufacturers recommendation. DO NOT OVERTIGHTEN.

(3) Mechanical compression joints, procedure (pipe and tubing).

Step 1. Cut piping square.

Step 2. Remove all burrs.

Step 3. Follow manufacturer's recommended procedure.

(4) Prohibited joints. Piping shall not be threaded.

[Section 7. Materials. Location. PB piping shall be installed only outside the foundation of any building or structure or parts thereof. It shall be buried in the ground for its entire length except vertical piping may be extended above grade per Section 4(1) of this regulation. It shall not be installed within or under any building or structure or mobile home or commercial coach or parts thereof. The term "building or structure or parts thereof" shall include structures such as porches and steps, whether covered or uncovered, roofed porte-cocheres, roofed patios, carports, covered walks, covered driveways and similar structures or appurtenances.]

Section 7. [8.] Installation. (1) Bends. Piping may be bent at a radius of not less than twelve (12) times the nominal diameter.

(2) Identification. A label shall be fastened to the main electrical meter panel stating "This structure has a nonmetallic water service."

(3) Working pressure. Working pressure shall not exceed 160 psi.

Section 8. [9.] Sizing. Piping shall be sized in accordance with 815 KAR 20:120.

CHARLES A. COTTON, Commissioner

THEODORE T. COLLEY, Secretary

APPROVED BY AGENCY: May 9, 1990

FILED WITH LRC: May 11, 1990 at 1 p.m.

PUBLIC HEARING: A public hearing on this regulation shall be held on June 26, 1990 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 June 21, 1990, the hearing may be cancelled.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith G. Walden

(1) Type and number of entities affected: Users of State Plumbing Code.

(a) Direct and indirect costs or savings to those affected: No costs or savings would be effected by this amendment.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition): State Plumbing Code enforced statewide; no competition.

(b) Reporting and paperwork requirements: None to user.

(2) Effects on the promulgating administrative body: Updating code and distributing amendments to users.

(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: Amending regulation and updating code.

(3) Assessment of anticipated effect on state and local revenues: State or local revenues should not be affected by this amendment.

(4) Assessment of alternative methods; reasons why alternatives were rejected: State Plumbing Code Committee and Board of Housing review proposed amendments and accept on basis of limits defined.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: No known conflict.

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? Yes

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

815 KAR 20:120. Water supply and distribution.

RELATES TO: KRS Chapter 318

STATUTORY AUTHORITY: KRS 13A.120, 198B.040(10), 318.130

NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation relates to the types of piping, pipe sizes for a potable water supply system and the methods to be used to protect and control it. This amendment to Section 10 of this regulation allows copper tubing size PE to be smaller than three-fourths (3/4) inch inside diameter if outside compression fittings, instead of insert fittings, are used and allows the use of polybutylene between the diverter spout of a tub and the shower nozzle if the pipe size is increased from one-half (1/2) to three-fourths (3/4) inch. [gives an alternative to discharge relief valves from water heaters to other than floor drains or to outside of building as outlined in Section 14.]

Section 1. Definition of Terms. (1) ASSE - American Society of Sanitary Engineers.

(2) ASTM - American Society for Testing Materials.

(3) Critical level (CL) - the level to which the vacuum breaker may be submerged before backflow will occur. Where CL marking is not shown on the vacuum breaker, the bottom of the device shall be taken as the CL.

(4) DWV - drain, waste and vent piping.

(5) SDR - standard dimensional ratio.

Section 2. Quality. (1) The bacteriological and chemical quality of the water supply shall comply with the regulations of the department and other governing authorities. Toxic materials shall be kept out of the potable water system.

(a) Piping conveying, and all surfaces in contact with potable water shall be constructed

of nontoxic materials.

(b) Chemicals or other substances that could produce either toxic conditions, taste, odor, or discoloration in a potable water system shall not be introduced into, or used in, such systems.

(c) The interior surface of a potable water tank shall not be lined, painted, or repaired with any material which will affect either the taste, odor, color, or potability of the water supply when the tank is placed in, or returned to, service. All interior tank coatings shall be from the list approved by the authority having jurisdiction.

(2) Potable water only shall be accessible to plumbing fixtures that supply water for drinking, bathing, culinary use or the processing of medicinal, pharmaceutical or food products.

(3) The potable water supply system shall be designed, installed, and maintained in such manner as to prevent contamination from nonpotable liquids, solids, or gases being introduced into the potable water supply through cross connections or any other piping connections to the system.

(4) Cross connections shall be prohibited except when and where, as approved by the authority having jurisdiction, suitable protective devices are installed.

(5) Cross connections between a private water supply and a public water supply shall not be made.

(6) When cross connection control devices are properly installed, they create a closed water system. A properly sized thermal expansion tank shall be installed in the cold water supply located as near the water heater as possible.

(7) Backflow and back siphonage protection. Means of protection against backflow shall be as required in paragraphs (a) through (1) of this subsection in order of degree of protection provided. Backflow includes both back pressure and back siphonage.

(a) Air gap. Provides the best level of protection in all backflow situations. Minimum required air gap shall be determined as follows:

1. How measured. The minimum required air gap shall be measured vertically from the lowest end of a potable water outlet to the flood rim or line of the fixture or receptacle into which it discharges.

2. Size. The minimum required air gap shall be twice the effective opening of a potable water outlet, unless the outlet is a distance less than three (3) times the effective opening away from a wall or similar vertical surface, in which case the minimum required air gap shall be three (3) times the effective opening of the outlet. The minimum required air gap shall not be less than shown in the following table - Minimum Air Gaps for Plumbing Fixtures.

MINIMUM AIR GAPS FOR PLUMBING FIXTURES

Fixture	Minimum Air Gap	
	When not affected by near wall	When affected by near wall
Lavatories and other fixtures with effective opening not greater than 1/2 inch diameter	1	1 1/2

Sink, laundry trays, gooseneck bath faucets and other fixtures with effective openings not greater than 3/4 inch diameter	1 1/2	2 1/4
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Over rim bath fillers and other fixtures with effective openings not greater than 1 inch diameter	2	3
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Drinking water fountains - single orifice not greater than 7/16 (0.437) inch diameter or multiple orifices having total area of 0.150 square inches (area of circle 7/16 inch diameter)	1	1 1/2
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Effective openings greater than 1 inch	2 x diameter of effective opening	3 x diameter of effective opening
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NOTE 1. Side walls, ribs, or similar obstructions do not affect air gaps when spaced from inside edge of spout opening a distance greater than three (3) times the diameter of the effective opening for a single wall, or a distance greater than four (4) times the diameter of the effective opening for two (2) intersecting walls.

NOTE 2. Vertical walls, ribs, or similar obstructions extending from the water surface to or above the horizontal plane of the spout opening require a greater air gap when spaced closer to the nearest inside edge of spout opening than specified in NOTE 1 above. The effect of three (3) or more such vertical walls or ribs has not been determined. In such cases, the air gap shall be measured from the top of the wall.

(b) Reduced pressure principle back pressure backflow preventer. Reduced pressure principle back pressure backflow preventers provide the best mechanical protection against backflow available, and may be considered equivalent to an air gap in most situations.

(c) Double check valve assembly: applicable to low level of hazard back pressure backflow conditions only. These devices are manufactured assemblies consisting of two (2) independently acting check valves and including shutoff valves at each end, and petcocks and test gauges for testing the watertightness of each check valve.

(d) Pressure type vacuum breaker: applicable to back siphonage conditions only.

(e) Atmospheric type vacuum breaker: applicable to back siphonage conditions only. When applicable, all atmospheric type vacuum breakers shall be installed after the last cutoff valve on the water line. These devices may operate under normal atmospheric pressure when the critical level (CL) is installed at the required height in accordance with the following table:

**CRITICAL LEVEL (CL) SETTINGS
FOR ATMOSPHERIC TYPE VACUUM BREAKERS**

Fixture or Equipment	Method of Installation
Aspirators, ejectors, and showers	CL at least 6 in. above flood level of receptacle
Bidets	CL at least 6 in. above flood level of receptacle
Cup beverage vending machines	CL at least 12 in. above flood level of machine
Dental units	On models without built-in vacuum breakers: CL at least 6 in. above flood level rim of bowl.
Dishwashing machines	CL at least 6 in. above flood level of machine
Flushometers (closet & urinal)	CL at least 6 in. above top of fixture supplied
Garbage can cleaning machines	CL at least 6 in. above flood level of machine
Hose bibs (sinks or receptacles)	CL at least 6 in. above flood level of receptacle served
Hose outlets	CL at least 6 in. above highest point on hose line
Laundry machines	CL at least 6 in. above flood level of machine
Lawn sprinklers	CL at least 12 in. above highest sprinkler or discharge outlet
Steam tables	CL at least 12 in. above flood level
Tanks & vats	CL at least 6 in. above flood level rim or line

NOTE 1. Critical level (CL) is defined as the level to which the vacuum breaker may be submerged before backflow will occur. Where CL marking is not shown on the vacuum breaker, the bottom of the device shall be taken as the CL.

(f) Barometric loop: applicable only to back siphonage conditions. The use of a barometric loop shall not be acceptable as the primary back siphonage preventer.

(g) Location of backflow and back siphonage preventers. Backflow and back siphonage preventers shall be in an accessible location, preferable in the same room as the fixture or connection they protect. Devices may be installed in utility or service spaces. Devices and air gaps shall not be subject to flooding or freezing.

(h) Inspection of devices. Periodic inspections shall be made of all backflow and back siphonage preventers to determine whether they are in proper working condition. Reduced pressure principle back pressure backflow preventers shall be tested on at least an annual basis. Records shall be kept on all such inspections.

(i) Approval of devices. Before any device for the prevention of backflow or back siphonage is installed, it shall have first been certified by a recognized testing laboratory acceptable to the plumbing official. Devices installed in a building potable water supply distribution system for protection against backflow shall be maintained in good working condition by the person or persons responsible for the maintenance of the system.

(j) Protection of potable water system. All potable water openings, outlets, and connections, except those serving residential units, shall be protected against backflow in accordance with one (1) of the following paragraphs, (a) through (1) of this subsection.

(k) Degree of hazard. The protection required at any given outlet or connection shall be determined based on the degree of hazard posed by that outlet or connection as follows:

1. Severe hazard. Potential for contamination by toxic substances or disease-causing organisms.

2. Moderate hazard. Potential for contamination by nontoxic but objectionable substances.

3. Minor hazard. Potential for contamination by generally nontoxic, nonobjectionable substances, but which may cause the consumer to question the quality of water.

(1) Minimum acceptable protection. All openings and outlets shall be protected by an air gap between the opening and floor level rim whenever possible. The acceptable protection for various types of outlets or connections shall be as shown in the following table:

CROSS CONNECTIONS, DEGREE OF HAZARD AND ACCEPTABLE
PROTECTION FOR VARIOUS PLUMBING OUTLETS AND CONNECTIONS

Type of Connection	Degree of Hazard				Acceptable Protection			
	Severe	Moderate	Minor	Air Gap	Backflow Reduced Pressure Device	Double Check Valve Assembly	Back Pressure Type Vacuum Breaker	Siphonage Atmospheric Type Vacuum Breaker
I. Connections subject to back pressure from:								
A. Pumps, tanks, and lines handling:								
1. Toxic substance	X			X	X			
2. Nontoxic subst.		X		X	X	X		
B. Boilers								
1. With chemical additives	X			X	X			
2. Without chemical additives		X		X	X	X		
C. Gravity due to obvious site conditions subject to:								
1. Contamination by toxic substances	X			X	X			
2. Contamination by nontoxic subst.		X		X	X	X		
II. Water outlets and connections not subject to back pressure:								
A. Connection to sewer or sewage pump	X			X				
B. Outlet to receptacles containing toxic substances	X			X	X		X	X
C. Outlet to receptacles containing nontoxic substances		X		X	X	X	X	X
D. Outlet into domestic water tanks			X					
E. Flush valve toilets	X			X	X		X	X
F. Flush valve urinals		X		X	X		X	X
G. Outlets with hose attachments subject to contamination from:								
1. Toxic substances	X			X	X		X	X
2. Nontoxic subst.		X		X	X	X	X	X
H. Outlets to recirculating cooling tower:								
1. With chemical additives	X			X	X			
2. Without chemical additives		X		X	X	X		

Each case treated separately

APPLICATION CHART

TYPE AND PRESSURE	DESCRIPTION	INSTALLED AT	EXAMPLES OF INSTALLATIONS	APPLICABLE STANDARDS
Reduced Pressure Principle Backflow Preventer For high hazard cross connections.	Two independent check valves with intermediate relief valve. Supplied with shut-off valves and ball type test cocks.	All cross connections subject to backpressure or back siphonage where there is a high potential health hazard from contamination. Continuous pressure.	Main Supply Lines Commercial Boilers Cooling Towers Hospital Equipment Processing Tanks Laboratory Equipment Waste Digesters Car Wash Sewerage Treatment	A.S.S.E. No. 1013 A.W.W.A. C506 FCCCHR of U.S.C. CSA B.64.4 Sizes 3/4" - 10"
(A) Double Check Valve Assembly For low hazard cross connections.	Two independent check valves. Supplied with shutoff valves and ball type test cocks.	All cross connections subject to back pressure where there is a low potential health hazard or nuisance. Continuous pressure.	Main Supply Lines Food Cookers Tanks and Vats Lawn Sprinklers Fire Sprinkler Lines Commercial Pools	A.S.S.E. No. 1015 A.W.W.A. C506 FCCCHR of U.S.C. CSA B.64.5 N Sizes 3/4" - 10"
(B) Dual Check Valve Backflow Preventer For low hazard applications.	Two independent check valves. Checks are removable for testing.	Cross connections where there is a low potential health hazard and moderate flow requirements.	Post ground hydrants.	0 N A.S.S.E. No. 1024 T Sizes 3/4" & 1" 0 X I C
(A) Backflow Preventer with Intermediate Atmospheric Vent For moderate hazard cross connections in small pipe sizes.	Two independent check valves with intermediate vacuum breaker and relief valve.	Cross connections subject to back pressure or back siphonage where there is a moderate health hazard. Continuous pressure. Pump outlet to prevent backflow to carbon dioxide gas and carbonated water into the water supply system to beverage machines.	Boilers (Small) Cooling Towers (Small) Dairy Equipment Residential	A.S.S.E. No. 1012 CSA B.64.3 Sizes 1/2" & 3/4"
(B) Laboratory Faucet and Double Check Valve with Intermediate Vacuum Breaker In small pipe sizes for moderate to low hazard.	Two independent check valves with intermediate vacuum breaker and relief vent.	Cross connection subject to back pressure or back siphonage where there is a moderate to low health hazard.	Postmix Carbonated Beverage Machine Laboratory Faucets and Pipe Lines Barber Shop and Beauty Parlor Sinks	Special Approvals A.S.S.E. No. 1035 (N-LF9)
(A) Atmospheric Vacuum Breakers For moderate to high hazard cross connections.	Single float and disc with large atmospheric port.	Cross connections not subject to backpressure or continuous pressure. Install at least 6" above fixture rim. Protection against back siphonage only.	Process Tanks Dishwashers Soap Dispensers Washing Machines Lawn Sprinklers	A.S.S.E. No. 1001 ANSI.A112.1.1 CSA B.64.1.1 FCCCHR of U.S.C. Sizes 1/4" - 3"
(B) Antisiphon Pressure Breakers For moderate to high hazard cross connections.	Spring loaded single float and disc with independent 1st check. Supplied with shutoff valves and ball type test cocks.	This valve is designed for installation in a continuous pressure potable water supply system 12" above the overflow level of the system being supplied. Protection against back siphonage only.	Laboratory Equipment Cooling Towers Comm. Laundry Machines Swimming Pools Commercial Plating Tanks Lg. Total & Urinal Facilities Degreasers, Photo Tanks Livestock Water Systems Lawn Sprinklers	A.S.S.E. No. 1020 CSA B.64.1.2 FCCCHR of U.S.C. Sizes 1/2" - 2"

(C) Hose Connection Single check with Install directly on Hose Bibs
 Vacuum Breakers atmospheric vacuum hose bibs, service Service Sinks
 For residential breaker vent. sinks and wall Hydrants
 and industrial hydrants. Not for
 hose supply outlets. continuous pressure.

A.S.S.E. No. 1011
 CSA B.64.2
 Size 3/4" Hose

Section 3. Water Required. (1) Every building equipped with plumbing fixtures and used for habitation or occupancy shall be equipped with a supply of potable water.

(2) In buildings used as residences or buildings in which people assemble or are employed, both hot and cold water shall be supplied.

Section 4. Water Service. (1) The water service piping to any building shall be not less than three-fourths (3/4) inch nominal pipe size but shall be of sufficient size to permit a continuous and ample flow of water to all fixtures on all floors at all times.

(2) The underground water service pipe from the main or water supply system to the water distribution system shall not be less than five (5) feet apart horizontally from the house sewer and shall be separated by undisturbed or compacted earth except they can be placed in the same trench provided:

(a) The bottom of the water service pipe at all points shall be at least eighteen (18) inches above the top of the sewer at its highest point.

(b) The water service pipe shall be placed on a solid shelf excavated at one (1) side of the common trench.

(c) The number of joints in the water service pipe shall be kept to a minimum.

Section 5. Distribution. (1) The water supply shall be distributed through a piping system entirely independent of any other piping system.

(2) Piping which has been used for any other purpose than conveying potable water shall not be used for conveying potable water.

(3) Nonpotable water may be used for flushing water closets and urinals, provided such water shall be piped in an independent system.

(a) When a dual water distribution system is used, the nonpotable water supply shall be durably and adequately identified by color markings and metal tags, or other appropriate method as may be approved by the governing authority. Each outlet on the nonpotable water distribution system which might be used for drinking or domestic purposes shall be permanently posted: DANGER - UNSAFE WATER. Each branch, fitting or valve shall be identified by the word - "NONPOTABLE WATER" either by signs or brass tags that are permanently affixed to the pipe, fittings, valves, etc. These identification markings shall not be concealed. Their maintenance shall be the responsibility of the owner.

(4) Any backflow device or cross-connection control device shall be approved by the department.

(5) Combination stop and waste valves, cocks, or hydrants shall not be installed in the underground water distribution system without the installation of an approved backflow preventer.

(6) No private water supply shall be interconnected with any public water supply.

(7) Water used for cooling of equipment or in other processes shall not be returned to the

potable water system. Such water shall be discharged into a drainage system through an air gap, or may be used for nonpotable purposes on written approval of the plumbing official.

Section 6. Water Supply to Fixtures. Plumbing fixtures shall be provided with a sufficient supply of water for flushing to keep them in a unitary condition. Every water closet or pedestal urinal shall be flushed by means of an approved tank or flush valve. The tank or valves shall furnish at least a sufficient amount of water to thoroughly cleanse the surface area of water closets, urinals or similar fixtures. When a water closet, urinal, or similar fixture is supplied directly from the water supply system through a flushometer or other valve, such valves shall be set above the fixture in a manner so as to prevent any possibility of polluting the potable water supply by back siphonage. All such fixtures shall have a vacuum breaker. Plumbing fixtures, devices or appurtenances shall be installed in a manner that will prevent any possibility of a cross connection between the potable water supply system, drainage system or other water system.

Section 7. Connections to Boilers. Potable water connections to boiler feed water systems in which boiler conditioning chemicals are introduced shall be made through an air gap, or provided with a reduced pressure principle backflow preventer located in the potable water line before the point where such chemicals are introduced. Boilers shall be equipped with a check valve in the cold water supply to the boiler.

Section 8. Water Supply to Drinking Fountains. The orifice of a drinking fountain shall be provided with a protective cowl to prevent any contamination of the potable water supply system.

Section 9. Sizing of Water Supply Piping. (1) The minimum size water service from the property line to the water heater shall be three-fourths (3/4) inch. The hot and cold water piping shall extend three-fourths (3/4) inch in size to the first fixture branch. No two and one-half (2 1/2) inch fixture branches are supplied from any one-half (1/2) inch pipe. (EXCEPTION: A combination of two (2) of the following fixtures may be connected utilizing the one-half (1/2) inch branch: a flush tank water closet, a lavatory or drinking fountain.)

(2) The following schedule shall be used for sizing the water supply piping to fixtures. The branch pipe to any fixture shall terminate not more than thirty (30) inches from the point of connection to the fixture and in every instance shall be brought to the floor or wall adjacent to the fixture. No concealed water branch pipe shall be less than one-half (1/2) inch nominal pipe size.

Fixture Branches	Nominal Pipe Size (Inches)
Bath tubs	1/2
Combination sink and tray	1/2
Cuspidor	1/2
Drinking fountain	1/2
Dishwasher (domestic)	1/2
Kitchen sink (res.)	1/2
Kitchen sink (com.)	1/2 or 3/4 as required
Lavatory	1/2
Laundry tray	1/2
Sinks (service, slop)	1/2
Sinks flushing rim	3/4
Urinal (flush tank)	1/2
Urinal (direct flush type)	1/2 or 3/4 as required
Water closet (tank type)	1/2
Water closet (flush valve type)	1
Hot water boilers	3/4
Hose bibs	1/2
Wall hydrant	1/2
Domestic clothes washer	1/2
Shower (single head)	3/4

(3) Water hammer. In all building supply systems in which devices or appurtenances are installed utilizing quick acting valves that cause noises due to water hammer, protective devices such as air chambers or approved mechanical shock absorbers shall be installed as close as possible to the quick acting valve causing the water hammer.

(a) Where mechanical shock absorbers are installed, they shall be in an accessible place.

(b) Where mechanical devices are used, the manufacturers specifications shall be followed as to location and method of installation.

Section 10. Water Supply Pipes and Fittings, Materials. Water supply piping for a potable water system shall be of galvanized wrought iron, galvanized steel, brass, Types K, L, and M copper, cast iron, Types R-K, R-L, and R-M brass tubing, standard high frequency welded tubing conforming to ASTM B-586-73, fusion welded copper tubing conforming to ASTM B-447-72 and ASTM B-251, DWV welded brass tubing conforming to ASTM B-587-73, seamless stainless steel tubing, Grade H conforming to ASTM A-268-68, filament-wound reinforced thermosetting resin pipe conforming to ASTM D-2996 (red thread for cold water use and silver and green thread for hot and cold). Polyethylene (PE) plastic pipe conforming to ASTM D-2239-69, copper tubing size PE conforming to ASTM D-2737 for water service only if installed with compression couplings. Poly(vinyl chloride) (PVC) plastic pipe conforming to ASTM D-1785-69, Chlorinated Poly(vinyl chloride) (CPVC) plastic pipe conforming to ASTM D-2846-70, Poly(vinyl chloride) (PVC) standard dimensional ratio (SDR) 21 and (SDR) 26 conforming to ASTM D-2241-84, polybutylene (PB) plastic pipe conforming to ASTM-D-3309-85b with brass, copper or celcon fittings, Quikcite connection using a celcon asetal copolymer, polybutylene cone and stainless steel ring, plastic pipe and fittings shall bear the NSF seal of approval. (EXCEPTION: Polybutylene pipe utilizing insert fittings of brass, copper or celcon shall use only copper clamping rings. [Its use between the diverter spout of a tub and the shower nozzle is

prohibited.]) Polybutylene hot and cold water connectors to lavatories, sinks and water closets shall conform to ASTM-D-3309-85b, and polybutylene plastic pipe conforming to ASTM 2662 for cold water applications only. Fittings shall be brass, copper or approved plastic or galvanized cast iron or galvanized malleable iron. Piping or fittings that have been used for other purposes shall not be used for the water distribution system. All joints in the water supply system shall be made of screw, solder, or plastic joints. Cast iron water pipe joints may be caulked, screwed, or machine drawn. When Type M copper pipe, Type R-M brass tubing, standard high frequency welded tubing or stainless steel tubing is placed within a concrete floor or when it passes through a concrete floor it shall be wrapped with an approved material that will permit expansion or contraction. In no instance shall Polyethylene, PVC or CPVC be used below ground under any house or building (refer also to 815 KAR 20:060 and 815 KAR 20:073).

Section 11. Temperature and Pressure Control Devices for Shower Installations. Temperature and pressure control devices shall be installed on all shower installations that will maintain an even temperature and pressure and will provide nonscald protection. Such devices shall be installed on all installations other than in homes or apartment complexes.

Section 12. Water Supply Control. (1) A main shutoff valve shall be provided near the curb, in or near the meter box or property line on the water service pipe. In addition, a main supply control valve shall be placed inside a foundation wall. The main supply control valve shall be accessible and provided with a drip or drain valve. A pit or similar type installation is prohibited for a potable water supply shutoff valve.

(2) Pressure on gravity tanks shall have their supply lines valved at or near their source.

(3) Each family unit in a two (2) family or multifamily dwelling shall have each family unit controlled by an arrangement of shutoff valves which will permit each unit to be shutoff without interfering with the cold water supply to any other family unit or portion of the building.

(4) In all buildings other than dwellings, shutoff valves shall be installed which permit the water supply to each piece of equipment to be isolated without interference with the supply to other equipment.

(5) Each fixture or group of bath fixtures shall be valved and each lawn sprinkler opening shall be valved. In residential construction all fixtures except bathtub and showers shall be valved individually or in lieu each group of fixtures shall be valved.

(6) A group of fixtures or fixture group shall mean two (2) or more fixtures adjacent to or near each other in the same room or back to back on a common wall.

(7) The cold water branch to each hot water storage tank or water heater shall be provided with a shutoff valve located near the equipment and only serving this equipment.

Section 13. Water Supply Protection. All concealed water pipes, storage tanks, cisterns, and all exposed pipes or tanks subject to freezing temperatures shall be protected against

freezing. Water services shall be installed at least thirty (30) inches in depth.

Section 14. Temperature and Pressure Relief Devices for Water Heaters. Temperature and pressure relief devices shall be installed on all water heaters on the hot water side not more than three (3) inches from the top of the heater. Temperature and pressure relief devices shall be of a type approved by the department. When a water heater is installed in a location that has a floor drain, the discharge from the relief device shall be piped to within two (2) inches of the floor; when a water heater is installed in a location that does not have a floor drain, the discharge from the relief device shall be piped to the outside of the building with an ell turned down and piped to within four (4) inches of the surface of the ground. The relief device may also discharge through an air gap to a sump basin, service sink, open receptacle or any other point of discharge in which equivalent safety is provided as approved by the Division of Plumbing. Relief devices shall be installed on a pneumatic water system (see Section 17).

Section 15. Protection of a Private Water Supply or Source. Private water supplies or sources shall be protected from pollution in a manner approved by the department. Such approval shall be obtained before an installation is made.

Section 16. Domestic Solar Water Heaters. Domestic solar water heaters may have a "single wall heat exchanger" provided the solar panel and the water heater exchanger use a nontoxic liquid such as propylene glycol or equal, and that the heat exchanger is pretested by the manufacturer to 450 PSI and that the water heater has a warning label advising that a nontoxic heat exchanger fluid shall be used at all times and that a pressure relief valve is installed at the highest point in the solar panel.

Section 17. Domestic Water Heater Preheating Device. A domestic water heater preheating device may be used and connected with the high pressure line from the compressor of a domestic home air conditioner or heat pump water heater. Double wall heat-exchangers with two (2) separate thicknesses separating the heat exchange fluid (other than potable water) from the potable water supply shall be provided. The water inlet to the heat exchange vessel shall be provided with a check valve, and adjacent to, and at the outlet side of the check valve, an approved pressure relief valve set to relieve at five (5) PSI above the maximum water pressure at the point of installation shall be provided if the heat exchange units contain more than twenty (20) pounds of refrigerants. This device shall be equipped with a temperature limit control that would actuate a pump that would circulate hot water from the water heater through the preheater device. Condensate drain water shall be piped in accordance to the plumbing code and in no instance shall it be permitted to drain into crawl space, or into a sewer or vent stack, or be installed in areas subject to freezing. If a drain is not available or if a drain is located above the vent, a condensate pump shall be utilized.

Section 18. Tanks and Vats, below Rim Supply. Tanks and vats with potable water supply below the rim shall be subject to the following requirements:

(1) Where a potable water outlet terminates below the rim of a tank or vat and the tank or vat has an overflow of diameter not less than given in the following table, sizes of overflow pipes for water supply tanks, the overflow pipe shall be provided with an air gap as close to the tank as possible.

SIZES FOR OVERFLOW PIPES FOR WATER SUPPLY TANKS

Maximum capacity of water supply line to tank	Diameter of overflow pipe (inches ID)	Maximum capacity of water supply line to tank	Diameter of overflow pipe (inches ID)
0- 50 gpm	2	400- 700 gpm	5
50-150 gpm	2 1/2	700-1000 gpm	6
150-200 gpm	3	Over 1000 gpm	8

(2) The potable water outlet to the tank or vat shall terminate a distance not less than one and one-half (1 1/2) times the height to which water can rise in the tank above the top of the overflow. This level shall be established at the maximum flow rate of the supply to the tank or vat, and with all outlets, except the air gap overflow outlet closed.

(3) The distance from the outlet to the high water level shall be measured from the critical point of the potable water supply outlet.

Section 19. Water Distribution for Fan Coil Units. When a domestic water heater is used for heating purposes through a fan coil medium, its temperature shall not exceed 140 degrees Fahrenheit. It shall utilize not less than three-fourths (3/4) inch Type M copper in its piping and its run shall not exceed 140 feet between the water heater and the heating unit (relates to 815 KAR 20:070).

Section 20. Fire Protection Systems. Fire protection systems using water from the potable water distribution system inside of buildings present special cross-connection prevention problems that require the use of protective devices. The devices used to connect such situations shall be of the double check valve assembly as outlined in part 2 or 3 of the application chart.

Section 21. Water Distribution and Connections to Mobile Homes. (1) An adequate and safe water supply shall be provided to each mobile home conforming to the regulations of the department.

(2) All materials, including pipes and fittings used for connections shall conform with the other sections of this code.

(3) An individual water connection shall be provided at an appropriate location for each mobile home space. The connection shall consist of a riser terminating at least four (4) inches above the ground with two and three-fourths (2 3/4) inch valve outlets with screw connection, one (1) for the mobile home water system and the other for lawn watering and fire control. The ground surface around the riser pipe shall be graded so as to divert surface drainage. The riser pipe shall be encased in an eight (8) inch vitrified clay pipe or equal with the

intervening space filled with an insulating material to protect it from freezing. An insulated cover shall be provided which shall encase both valve outlets but not prevent connection to the mobile home during freezing weather. A shutoff valve may be placed below the frost depth on the water service line, but in no instance shall this valve be a stop-and-waste cock.

Section 22. Conservation of Water (refer to 815 KAR 20:070).

CHARLES A. COTTON, Commissioner

THEODORE T. COLLEY, Secretary

APPROVED BY AGENCY: May 10, 1990

FILED WITH LRC: May 11, 1990 at 1 p.m.

PUBLIC HEARING: A public hearing on this regulation shall be held on June 26, 1990 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 June 21, 1990, the hearing may be cancelled.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith G. Walden

(1) Type and number of entities affected: All water services will be allowed to use copper tubing if applied with compression couplings.

(a) Direct and indirect costs or savings to those affected: No costs/savings involved.

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Amending regulation and updating code.

(3) Assessment of anticipated effect on state and local revenues: State or local revenues should not be affected.

(4) Assessment of alternative methods; reasons why alternatives were rejected: State Plumbing Code Committee and Board of Housing review proposed amendments and accept on basis within limits defined.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: No known conflict.

(a) Necessity of proposed regulation if in

conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? Yes

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

815 KAR 20:130. House sewers and storm water piping; methods of installation.

RELATES TO: KRS Chapter 318

STATUTORY AUTHORITY: KRS 318.130

NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation relates to outlining the materials that may be used in the construction of house sewers, storm water piping as well as the methods of installation. This amendment approves a new type of material for house sewers or combined sewers in Section 7 of this regulation and allows the use of plastic pipe for storm water up to forty-five (45) feet from the base through the terminus through the roof in Section 23 of this regulation.

Section 1. Independent System. The drainage and plumbing system of each new building and of new work installed in an existing building shall be separate from, and independent of, that of any other building except as provided below, and every building shall have an independent connection with either a public or private sewer or sewer system.

Section 2. Exception. Where a building stands in the rear of another building or on an interior lot, and a sewer connection cannot be made available to the rear building through an adjoining alley, court, yard or driveway, the sewer from the front building may be extended to the rear building and it will be considered as one (1) sewer. This exception does not apply to corner lots where a sewer connection is available from the street or alley nor to a new or existing building which abuts a street or alley.

Section 3. Connection with Private Sewage Disposal System. When a sewer is not available, the house drain from a building shall connect with an approved private sewage disposal system.

Section 4. Excavations. All excavations made for the installations of a house sewer shall be open trench work. All such trenches shall be kept open until the piping has been inspected and/or tested and approved.

Section 5. Depth of Sewer at the Property Line. (1) Where possible the sewer at the property line shall be at a sufficient depth to properly serve any plumbing connection that may be installed in the basement of any building unless restricted by another's authority.

(2) House sewers shall be laid on a grade of not less than one-eighth (1/8) inch nor more than one-fourth (1/4) inch per foot. All sewers

must have at least an eighteen (18) inch cover. Sewer piping under a superimposed load condition shall have at least three (3) feet cover unless constructed of cast iron piping. Unless there is a three (3) foot cover provided, other piping shall be encased in a minimum of six (6) inches of concrete on all sides and the top. Sewers shall be backfilled by hand and tamped six (6) inches above the piping, or in lieu thereof may be filled with six (6) inches grillage above the piping. All joints in cast iron and vitrified clay pipe shall be made in a manner to conform to other sections of this code.

(3) For purposes of this section, "superimposed load" means to lay over, put on, stack over or subject to vehicular traffic.

Section 6. New House Sewer Connections. House sewers installed where a private sewerage system has been discarded may connect to the house drain, provided in the opinion of the department the existing plumbing system meets this code or a previous one.

Section 7. Materials for House Sewers. House sewers or combined sewers, beginning two (2) feet outside the foundation wall of a building shall be made of either extra heavy cast iron pipe, service weight cast iron, aluminum, vitrified clay, concrete, PVC or ABS plastic pipe schedules 40 and 80 and cellular core PVC conforming to ASTM F-891, truss pipe and extra heavy SDR 35 pipe and Type PS-46, Poly(Vinyl Chloride) (PVC) in sizes four (4) inches through fifteen (15) inches conforming to ASTM F 789-82 and PVC ribbed pipe conforming to ASTM 795.

Section 8. Material for Storm Sewers Inside Buildings. Material for storm sewers inside of buildings to a point two (2) feet outside a building in sizes eight (8) inches and smaller shall be cast iron pipe, aluminum or Schedule 40 ABS or PVC DWV pipe. Storm sewers in sizes of ten (10) inches and larger may be either cast iron, aluminum, vitrified clay or concrete conforming to appropriate commercial standards with approved joints.

Section 9. Change of Direction. Change in direction of a sewer shall be made with long curves, one-eighth (1/8) bends or Y's.

Section 10. Size of House Sewers and Horizontal Branches. The minimum size of a house sewer shall not be less than four (4) inches nor less than that of the house drain. House sewers receiving branches shall be sized in the same manner as house drains (see 815 KAR 20:090).

Section 11. Size of Storm Systems. The required sizes of storm sewers shall be determined on the basis of the total drained areas in horizontal projection in accordance with the following table. No storm sewer shall be laid parallel to or within two (2) feet of any bearing wall. The storm sewer shall be laid at a sufficient depth to protect it from freezing.

Diameter of pipe - inches	Maximum drained roof area square feet*	
	Slope 1/8 in. fall to 1 ft.	Slope 1/4 in. fall to 1 ft.
3		1,160
4	1,880	2,650
5	3,340	4,720
6	5,350	7,550
8	11,500	16,300
10	20,700	29,200
12	33,300	47,000
15	59,500	84,000

*The calculations in this table are based on a rate of rainfall of four (4) inches per hour.

Section 12. Combined Storm and Sanitary Sewer System. Whenever a combined sewer system is used, the required size of the house drain or house sewer shall be determined by multiplying the total number of fixture units carried by the drain or sewer by the conversion factor corresponding to the drained area and the total fixture units, adding the product to the drained area and applying the sum of the preceding table for storm water sewers. No combined house drain or house sewer shall be less than five (5) inches in diameter, and no combined house drain or house sewer shall be smaller in size than that required for the same number of fixture units or for the same roof area in separate systems.

CONVERSION FACTORS FOR COMBINED STORM
AND SANITARY SYSTEM

Number of fixture units on sanitary system

Drained roof area in square feet	Up to	7 to 18	19 to 36	37 to 60	61 to 96	97 to 144	145 to 216	217 to 324
Up to 120	180	105	60	45	30	22	18	15
121 to 240	160	98	57	43	29	21	17.6	14.7
241 to 480	120	75	50	39	27	20	16.9	14.3
481 to 720	75	62	42	35	24	18	15.4	13.2
721 to 1,080	54	42	33	29	20	15	13.6	12.1
1,081 to 1,620	30	18	16	15	12	11.5	11.1	10.4
1,621 to 2,430	15	12	11	10.5	9.1	8.8	8.6	8.3
2,431 to 3,645	7.5	7.2	7.0	6.9	6.6	6.5	6.4	6.3
3,646 to 5,460	2.0	2.4	3.0	3.3	4.1	4.2	4.3	4.4
5,461 to 8,190	0	2.0	2.1	2.2	2.3	2.4	2.5	2.6
8,191 to 12,285	0	0	2.0	2.1	2.1	2.2	2.3	2.3
12,286 to 18,420	0	0	0	2.1	2.1	2.1	2.2	2.2
18,421 to 27,630	0	0	0	0	2.0	2.1	2.2	2.2
27,631 to 40,945	0	0	0	0	0	2.0	2.1	2.2
40,946 to 61,520	0	0	0	0	0	0	2.0	2.1
Over 61,520	0	0	0	0	0	0	0	2.0

Number of fixture units on sanitary system

Drained roof area in square feet	325 to 486	487 to 732	733 to 1,098	1,099 to 1,644	1,645 to 2,466	2,467 to 3,702	3,703 to 5,556	Over 5,556
Up to 120	12	10.2	9.2	8.4	8.2	8.0	7.9	7.8
121 to 240	11.8	9.9	9.1	8.3	8.1	8.0	7.9	7.8
241 to 480	11.5	9.7	8.8	8.2	8.0	7.9	7.8	7.7
481 to 720	10.8	9.2	8.6	8.1	7.9	7.9	7.8	7.7
721 to 1,080	10.1	8.7	8.3	8.0	7.8	7.8	7.7	7.6
1,081 to 1,620	9.8	8.4	8.1	7.9	7.7	7.7	7.6	7.5
1,621 to 2,430	8.0	7.9	7.8	7.7	7.6	7.5	7.4	7.4
2,431 to 3,645	6.2	6.3	6.4	6.4	6.8	7.0	7.1	7.2
3,646 to 5,460	4.5	4.7	5.0	5.1	6.1	6.4	6.9	6.9
5,461 to 8,190	2.8	3.2	3.7	4.6	5.0	5.6	6.2	6.4
8,191 to 12,285	2.4	2.5	2.6	2.7	3.5	4.5	5.2	5.6
12,286 to 18,420	2.3	2.3	2.4	2.4	2.6	3.2	4.2	4.7
18,421 to 27,630	2.2	2.3	2.3	2.3	2.4	2.5	2.8	3.1
27,631 to 40,945	2.2	2.2	2.2	2.2	2.2	2.2	2.3	2.4
40,946 to 61,520	2.1	2.1	2.1	2.1	2.1	2.1	2.1	2.1
Over 61,520	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0

Section 13. House Sewer in Undisturbed or Made Ground. House sewers laid in undisturbed ground must be laid on at least four (4) inches of pea gravel, sand or other approved grillage. House sewers laid in made or filled ground shall be embedded to the lower quadrant with at least a four (4) inch concrete pad below the invert, or other support that may be approved by the department. Supports in filled or made ground shall be on ten (10) feet centers to a solid footing, either undisturbed earth or rock. House sewers constructed of flexible thermoplastic sewer piping must be installed with at least six (6) inches of gravel on the bottom, top and sides of the piping.

Section 14. Storm Sewers in Undisturbed or Made Ground. Storm sewers laid in undisturbed ground will not require grillage. Storm sewers laid in made or filled grounds shall be embedded to the lower quadrant with at least a four (4) inch concrete pad below the invert or other support that may be approved by the department. Supports in filled or made ground shall be on ten (10) feet centers to a solid footing, either

undisturbed earth or rock.

Section 15. Drainage Below Sewer Level. In buildings, in which the whole or part of the house drain and plumbing system thereof lies below the level of the main sewer, sewage and waste shall be lifted by an approved artificial means and discharged into the house sewer.

Section 16. Drainage Below Sewer Level (Residential). In homes where the house sewer level is above the basement floor, waste water shall be lifted by means of an approved sump pump. The sump pit shall be constructed of either poured or precast concrete, approved fiberglass or polyethylene material with a tight fitting cover. The sump pit shall be provided with a two (2) inch vent which may also act as a waste and vent for a laundry tray. The pump discharge piping shall discharge into a two (2) inch waste pipe extended inside the building to a height at least twelve (12) inches above the outside grade. The sump well shall be provided with a tight-fitting concrete cover. On the outside of the building this waste piping shall

connect into a four (4) inch by two (2) inch sanitary tee which shall connect into a four (4) inch P trap and then into the sanitary sewer. The four (4) inch by two (2) inch sanitary tee shall be extended at least two (2) inches above the finished grade and shall be provided with a ventilated cap.

Section 17. Sumps and Receiving Tanks. All subsoil drains shall discharge into an air tight sump or receiving tank so located as to receive the sewage by gravity. The sewage shall be lifted and discharged into the house sewer by a pump, ejector or any equally efficient method. Such sumps shall automatically discharge.

Section 18. Ejectors, Vented. All ejectors shall be vented with a three (3) inch vent. Fixtures or appliances connected thereto shall be vented in accordance with other sections of this code.

Section 19. Ejector Power: Motors, Compressors, Etc. All motors, air compressors and air tanks shall be located where they are open for inspection and repair at all times. The air tanks shall be proportioned so as to furnish sufficient air at suitable pressure to the ejector to completely empty the sump or storage tank with the compressor not operating. The end pressure in the tank shall be not less than two (2) pounds for each foot of height through which sewage is raised.

Section 20. Ejectors for Subsoil Drainage. When subsoil catch basins are installed below the sewer level, automatic ejectors, or an approved type, may be used. Such ejectors or any device raising subsoil water shall discharge into a properly trapped fixture or into a storm-water drain.

Section 21. Drainage of Yards, Areas and Roofs. All roofs, paved areas, courts, and courtyards shall be drained into a storm water system or a combined sewerage system, but not into sewers intended for sewage only. When drains are connected to a combined sewerage system, they shall be trapped. If roof leaders, conductors, or gutter openings are located more than ten (10) feet from a window, scuttle, or air shaft, a trap shall not be required. Traps shall be set below the frost line or on the inside of the building. Where there is a storm or combined sewer available, it may discharge into a drainage area unless otherwise prohibited by the proper authorities. When such drains are not connected to a combined sewer a trap is not required.

Section 22. Size of Rain Water Leader. No inside leader shall be less size than the following:

Area of Roof (In Square Feet)	Leader, Diameter (Inches)
Up to 90	1 1/2
91 to 270	2
271 to 810	3
811 to 1,800	3 1/2
1,801 to 3,600	4
3,601 to 5,500	5
5,501 to 9,600	6

Section 23. Inside Conductors or Roof Leaders. When conductors and roof leaders are placed within the walls of any building, or in an interior court or ventilating pipe shaft, they shall be constructed of cast iron pipe, galvanized wrought iron, galvanized steel, copper, aluminum, schedule 40 ABS/PVC DMV pipe or reinforced thermosetting resin pipe conforming to ASTM D-2996 (red and silver thread). The vertical distance of PVC or ABS conductors shall not exceed forty-five (45) [thirty (30)] feet from the base through the terminus through the roof. Provisions shall be made for the expansion and contraction of plastic pipe.

Section 24. Outside Conductors. When outside sheet metal conductors or downspouts are connected to a house drain, they shall be connected by means of a cast iron pipe extending vertically at least one (1) foot above the grade line. Along public driveways, without side walks, they shall be placed in niches in the walls, protected by wheel guards, or enter the building through the wall at a forty-five (45) degree slope at least twelve (12) inches above the grade.

Section 25. Defective Conductor Pipes. When an existing sheet metal conductor pipe within the walls of any building becomes defective, such a conductor shall be replaced by one which conforms to this code.

Section 26. Vent Connections with Conductors Prohibited. A conductor pipe shall not be used as a soil, waste or vent pipe, nor shall any soil, waste, or vent pipe be used as a conductor.

Section 27. Overflow Pipes. Overflow pipes from cisterns, supply tanks, expansion tanks, or drip pans shall connect only indirectly with any house sewer, house drain, soil or waste pipe.

Section 28. Subsoil Drains, Below Sewer Level. Subsoil drains shall discharge into a sump or receiving tank. It shall be automatically lifted and discharged into the storm drainage system or upon the ground outside the building that it serves.

CHARLES A. COTTON, Commissioner

THEODORE T. COLLEY, Secretary

APPROVED BY AGENCY: May 9, 1990

FILED WITH LRC: May 11, 1990 at 1 p.m.

PUBLIC HEARING: A public hearing on this regulation shall be held on June 26, 1990 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 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 June 21, 1990, the hearing may be cancelled.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith G. Walden

(1) Type and number of entities affected: Users of State Plumbing Code.

(a) Direct and indirect costs or savings to those affected: No costs or savings effected by this amendment.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition): State Plumbing Code enforced statewide; no competition.

(b) Reporting and paperwork requirements: Updating code and distributing amendments to users.

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Amending regulation and updating code.

(3) Assessment of anticipated effect on state and local revenues: State or local revenues should not be affected.

(4) Assessment of alternative methods; reasons why alternatives were rejected: State Plumbing Code Committee and Board of Housing review proposed amendments and accept on basis within limits defined.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: No known conflict.

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? Yes

CABINET FOR HUMAN RESOURCES Department for Health Services Division of Maternal and Child Health Metabolic Screening Program (Proposed Amendment)

902 KAR 4:030. Tests for inborn errors of metabolism.

RELATES TO: KRS 214.155

STATUTORY AUTHORITY: KRS 194.050, 211.090, 214.155[, HB 516 Part IIA #42 of the 1988 GA]

NECESSITY AND FUNCTION: The Cabinet for Human Resources is authorized by KRS 214.155 to require infants to be tested for inborn errors of metabolism, including but not limited to phenylketonuria (PKU), and to establish a schedule of fees to cover the actual costs to the cabinet for testing samples for errors of inborn metabolism. The purpose of this regulation is to require infants to be tested for phenylketonuria (PKU), galactosemia, and hypothyroidism, which are inborn errors of metabolism, and to establish the schedule of fees to cover actual costs of testing.

Section 1. Tests for Inborn Errors of Metabolism for Newborn Babies. (1) Except as otherwise provided in KRS 214.155(2), the administrative officer, or other person in charge of the hospital or other institution caring for infants twenty-eight (28) days or less of age and the attending physician or midwife shall cause to have administered to every such infant in its or his care a blood test to detect phenylketonuria, galactosemia, and hypothyroidism. In the event a baby is not born in a hospital or institution, the attending physician or midwife shall be solely responsible for causing such tests to be administered at no less than forty-eight (48) hours or more than seven (7) days of life.

(2) A capillary blood specimen shall be obtained from each infant before he or she leaves the hospital regardless of the age of the infant. All infants screened prior to forty-eight (48) hours of life shall be rescreened for phenylketonuria (PKU) and congenital hypothyroidism prior to three (3) weeks of life.

(3) When an infant is transferred from one hospital to another during the newborn hospital stay, the following rules shall apply. If the infant is forty-eight (48) hours of age or more at the time of transfer to another hospital, testing for phenylketonuria (PKU), galactosemia and congenital hypothyroidism shall be the responsibility of the sending hospital. It shall be the responsibility of the receiving hospital to ensure testing for phenylketonuria (PKU), galactosemia and congenital hypothyroidism if the infant is less than forty-eight (48) hours of age at the time of transfer.

(4) A capillary blood specimen shall be obtained on the seventh day of life from all ill, premature, or infants receiving parenteral feeding still hospitalized on that day, for the purpose of screening for phenylketonuria (PKU), galactosemia, and congenital hypothyroidism, unless the particular infant has already been tested in accordance with subsection (3) of this section.

(5) A repeat capillary blood specimen shall be obtained from all infants who were being treated with antibiotics when the original specimen was obtained or within the previous five (5) days. This repeat specimen shall be obtained five (5) to seven (7) days after completing the antibiotic treatment for the purpose of screening for phenylketonuria (PKU) and galactosemia.

(6) A repeat capillary blood specimen shall be obtained for the purpose of screening for phenylketonuria (PKU) from all infants who received parenteral feeding prior to the initial screening. For formula-fed infants, the specimen shall be obtained between forty-eight (48) and seventy-two (72) hours after initiation of feedings. For breast fed infants, the specimen shall be obtained between seven (7) and fourteen (14) days after initiation of feedings.

(7) A repeat capillary blood specimen shall be obtained from all infants who received transfusions prior to the initial screening, according to the following schedule:

(a) Forty-eight (48) - seventy-two (72) hours after transfusion rescreen for phenylketonuria (PKU) and congenital hypothyroidism.

(b) Sixty (60) - sixty-five (65) days after transfusion rescreen for galactosemia.

(8) The capillary blood specimens required in

subsections (1) through (6) of this section shall be obtained by a heel stick and the blood from the heel stick shall be applied directly to filter paper.

(9) All specimens obtained as directed in subsections (1) through (7) of this section shall be mailed or sent to the approved testing laboratory within twenty-four (24) hours of collection of the specimen.

(10) Hospitals and institutions may submit blood samples to the Cabinet for Human Resources, Department for Health Services, Laboratory Services, 275 East Main Street, Frankfort, Kentucky 40621. The Department for Health Services, Laboratory Services, shall report positive results of tests for inborn errors of metabolism as required by KRS 214.155 on behalf of such hospitals and institutions. Hospitals and institutions may conduct their own testing program, within the institution or through a licensed medical laboratory, in which event the cabinet shall be notified and the laboratory procedures approved. A hospital or licensed medical laboratory may be required by the cabinet to demonstrate its proficiency in the performance of such tests. Hospitals and institutions which conduct their own testing program or contract with a licensed medical laboratory shall report positive test results within twenty-four (24) hours of testing to the attending physician and shall report positive test results to the Department for Health Services no later than two (2) working days after the date of testing.

(11) All hospitals that conduct their own testing for congenital hypothyroidism within the institution or through a licensed medical laboratory must perform a TSH on the same blood samples whose initial T4 test resulted in a low value level.

(12) All hospitals which do their own testing or send their blood specimens to a licensed medical laboratory for testing shall complete semiannual or other reports concerning such testing as requested by the Division of Laboratory Services or the Division of Maternal and Child Health.

(13) The Cabinet for Human Resources may share test results with physicians and practitioners other than the attending physician, who inform the cabinet that they are treating the infant who received the test, and with the local health department in the infant's county of residence.

(14) Hospitals or other authorized institutions or individuals submitting blood samples to the Cabinet for Human Resources shall be assessed for each test according to the following schedule:

PKU only.....	\$3.00	[2.50]	per test
Galactosemia only.....	\$3.00	[2.50]	per test
Hypothyroidism.....	\$7.00	[6.00]	per test
Combination test for all three..	\$13.00	[11.00]	

All fees due to the Cabinet for Human Resources shall be collected through a monthly billing system.

C. HERNANDEZ, M.D., Commissioner
HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: May 7, 1990

FILED WITH LRC: May 14, 1990 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for June 21, 1990 at 9 a.m. in the DES Conference Room, Second

Floor, Cabinet for Human Resources Building. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 16, 1990, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Thomas E. Maxon, Dr.P.H.

(1) Type and number of entities affected: All hospitals, physicians, and midwives in the state that provide obstetrical services.

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

1. First year: Increase costs of PKU & Galactosemia tests by \$.50 each and Congenital Hypothyroidism by \$1.00, or the group of tests by \$2.00.

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: Will not require any additional paperwork.

(2) Effects on the promulgating administrative body: Insure the availability of adequate fiscal resources.

(a) Direct and indirect costs or savings:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: No additional.

(3) Assessment of anticipated effect on state and local revenues: Expected increase in state revenue of approximately \$110,000.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Fees are set according to the Consumer Price Index.

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

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

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. The regulation provides uniformity of fees pertaining to all health agencies in the state that provides obstetrical services.

CABINET FOR HUMAN RESOURCES
Department for Health Services
Division of Local Health
(Proposed Amendment)

902 KAR 10:021. License fees for frozen food locker plants.

RELATES TO: KRS 221.020, HB 799 [516]

STATUTORY AUTHORITY: KRS 194.050, 221.020, HB 799 [516 Part IIA #42] of the 1990 [1988] GA

NECESSITY AND FUNCTION: KRS 194.050 and HB 799 [516] authorizes the Secretary for Human Resources to adopt a reasonable schedule of fees covering all charges for health services provided by the Cabinet for Human Resources and

any local health department. This regulation is to set forth a licensing fee relative to frozen food locker plants.

Section 1. All applications for a license to operate a frozen food locker plant or branch frozen food locker plant shall be accompanied by a license fee of eighteen (18) [fifteen (15)] dollars.

C. HERNANDEZ, M.D., Commissioner
HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: May 7, 1990

FILED WITH LRC: May 14, 1990 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for June 21, 1990 at 9 a.m. in the DES Conference Room, Second Floor, Cabinet for Human Resources Building. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 16, 1990, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: James T. Corum

- (1) Type and number of entities affected: 4
 - (a) Direct and indirect costs or savings to those affected:
 1. First year: Increase of \$3 per permit.
 2. Continuing costs or savings: Same cost, \$3 per permit.
 3. Additional factors increasing or decreasing costs (note any effects upon competition): None
 - (b) Reporting and paperwork requirements: None
 - (2) Effects on the promulgating administrative body: Minimal
 - (a) Direct and indirect costs or savings: None
 1. First year: None
 2. Continuing costs or savings: Minimal
 3. Additional factors increasing or decreasing costs: None
 - (b) Reporting and paperwork requirements: None
 - (3) Assessment of anticipated effect on state and local revenues: Increase at \$12.
 - (4) Assessment of alternative methods; reasons why alternatives were rejected: No need since deals with permit fees.
 - (5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
 - (a) Necessity of proposed regulation if in conflict: None
 - (b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: None
 - (6) Any additional information or comments:
- TIERING: Was tiering applied? No. Tiering was not applied because permits are issued on individual basis and requirements apply to all.

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. Local health departments, environmental services.
3. State the aspect or service of local

government to which this administrative regulation relates. Increase state permit fee collected.

4. How does this administrative regulation affect the local government or any service it provides? Increases state permit funds collected by local health departments.

CABINET FOR HUMAN RESOURCES Department for Health Services Division of Local Health (Proposed Amendment)

902 KAR 10:030. Sanitarians.

RELATES TO: KRS 223.010 to 223.080, 223.990
STATUTORY AUTHORITY: KRS 194.050, 211.090, HB 799 [516 Part IIA #42] of the 1990 [1988] GA
NECESSITY AND FUNCTION: KRS 223.010 to 223.080, 223.990 and HB 799 [516] authorizes the Cabinet for Human Resources to establish minimum standards and qualifications for registered sanitarians. This regulation provides uniform standards for registered sanitarians and procedures for processing applications and to establish fees for examination and registration.

Section 1. Definitions. As used in this regulation:

- (1) "Committee" means the Sanitarian Examining Committee consisting of five (5) members who are appointed in accordance with KRS 223.020.
- (2) "Cabinet" means the Cabinet for Human Resources.
- (3) "Registered sanitarian" means a person trained in the field of public health sanitation who has qualified for registration in accordance with the provisions of KRS 223.010 to 223.080 and 223.990, and the regulations promulgated thereunder.
- [(4) "Secretary" means the Secretary of the Cabinet for Human Resources.]

Section 2. Minimum Standards and Qualifications. In addition to the specific requirements provided by KRS 223.030, an applicant for registration as a sanitarian shall:

- (1) Have graduated from an accredited college or university with a baccalaureate or higher degree, which shall include satisfactory completion of at least twenty-seven (27) quarter hours, or eighteen (18) semester hours, of academic training in the basic physical, chemical, biological, or sanitary sciences; and
- (2) Be of good moral character.

Section 3. Applications for Registration. Applications for registration as a registered sanitarian shall be submitted to the committee on forms prepared and issued by them. Each application fee shall be remitted by a Post Office or express money order, bank draft, or check payable to the order of the cabinet. The committee may correspond with any references given on the applicant's application and may also contact any former employer of the applicant concerning his prior service in the field of public health sanitation.

Section 4. Examinations. The committee shall conduct examinations at least once a year at such time and place as it may deem expedient. The examination may be either oral, written, or both. A fee of thirty (30) [twenty-five (25)]

dollars shall accompany the application for examination. All registration certificates issued under the provisions of this regulation shall expire June 30 following date of issue, unless renewed by the payment of a twelve (12) [ten (10)] dollar registration fee.

Section 5. Certificates of Registration. After the committee has approved an application and all the requirements provided by law are fulfilled, the committee shall certify such fact to the secretary, who in turn shall issue a small card to the approved applicant certifying that he holds a certificate of registration. The committee shall assign serial numbers to each certificate of registration.

Section 6. Renewals. It shall be the duty of the secretary-treasurer of the committee to notify all registered sanitarians at least thirty (30) days prior to the expiration date of their certificate that they renew their certificate of registration as provided by law.

Section 7. Revocation of Certificates of Registration. In any action involving the revocation of a certificate of registration, the committee shall refer the matter to the secretary [the secretary shall refer to matter to the committee]. The committee is authorized to set the time and place of a hearing and the respondent shall be given at least thirty (30) days prior notice. At the conclusion of the hearing, the committee shall make a recommendation to the secretary in writing. The secretary is authorized to affirm, reverse, cancel, or modify the recommendation of the committee.

Section 8. Expenditure of Funds. Expenditures for examinations, clerical expenses, training and reference materials, including approved home study courses, and for affiliation with any national sanitarian registration organization, may be made out of the trust and agency fund created by KRS 223.050.

C. HERNANDEZ, M.D., Commissioner
HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: May 7, 1990

FILED WITH LRC: May 14, 1990 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for June 21, 1990 at 9 a.m. in the DES Conference Room, Second Floor, Cabinet for Human Resources Building. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 16, 1990, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: James T. Corum

(1) Type and number of entities affected: 350 registration renewals annually for registered sanitarians.

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

1. First year: Increase renewal fee \$2 and increases examination fee \$5.

2. Continuing costs or savings: Minimal

3. Additional factors increasing or decreasing

costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: N/A

(2) Effects on the promulgating administrative body: Establishes a fee schedule to assist in off-setting program cost.

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

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: N/A

(3) Assessment of anticipated effect on state and local revenues: \$780

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

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

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

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

(6) Any additional information or comments: N/A
TIERING: Was tiering applied? No. There is no way to tier since the registration and test fee applies equally to everyone.

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. Local health departments, environmental services.

3. State the aspect or service of local government to which this administrative regulation relates. Increases inspection and permit fee collected, no change in services.

4. How does this administrative regulation affect the local government or any service it provides? Increases state inspection and permit funds collected by local health departments.

CABINET FOR HUMAN RESOURCES Department for Health Services Division of Local Health (Proposed Amendment)

902 KAR 10:060. On-site sewage disposal.

RELATES TO: KRS 211.350

STATUTORY AUTHORITY: KRS 194.050, 211.350, HB 799 [516 Part IIA #42] of the 1990 [1988] GA

NECESSITY AND FUNCTION: KRS 211.350(5) and HB 799 [516] authorizes the Cabinet for Human Resources to establish a schedule of reasonable fees to cover the costs of services performed by the cabinet with respect to on-site sewage disposal systems. The function of this regulation is to set forth the fee to be charged in order to cover the actual cost to the cabinet of the administration of the on-site sewage disposal system program.

Section 1. All applications for a permit to construct, install, or alter an on-site sewage disposal system filed with the cabinet or its agent shall be accompanied by a fee of twenty-five (25) [twenty (20)] dollars.

C. HERNANDEZ, M.D., Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: May 7, 1990

FILED WITH LRC: May 14, 1990 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for June 21, 1990 at 9 a.m. in the DES Conference Room, Second Floor, Cabinet for Human Resources Building. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 16, 1990, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: James T. Corum

(1) Type and number of entities affected: All applicants requesting to construct, alter, or install an onsite sewage system.

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

1. First year: Increase of \$5 per application.
2. Continuing costs or savings: Minimal
3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: No additional.

(2) Effects on the promulgating administrative body: Establishes a fee schedule to assist in off-setting program cost.

- (a) Direct and indirect costs or savings:
1. First year: No additional.
 2. Continuing costs or savings: Minimal
 3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: No additional.

(3) Assessment of anticipated effect on state and local revenues: Expected increase in state revenue of approximately \$40,000.

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

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

(a) Necessity of proposed regulation if in conflict: None

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. Tiering was not applied because requirements are applied individually to individual permit applicants.

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. Local health departments, environmental services.

3. State the aspect or service of local government to which this administrative regulation relates. Increases inspection and permit fee collected, no change in services.

4. How does this administrative regulation affect the local government or any service it

provides? Increases state inspection and permit funds collected by local health departments.

CABINET FOR HUMAN RESOURCES Department for Health Services Division of Local Health (Proposed Amendment)

902 KAR 10:121. Inspection fees for public swimming and bathing facilities.

RELATES TO: HB 799 [492, HB 516]

STATUTORY AUTHORITY: KRS 194.050, HB 799 [492, HB 516 Part IIA #42] of the 1990 [1988] GA

NECESSITY AND FUNCTION: KRS 194.050 and HB 799 [516] authorizes the Secretary for Human Resources to adopt a schedule of reasonable fees covering the cost of annual inspections provided by the Cabinet for Human Resources and any local health department. This regulation sets forth a schedule of fees for inspectional services related to public swimming and bathing facilities.

Section 1. Fees for Inspections. For inspections conducted by the department or its representatives to determine compliance with regulation 902 KAR 10:120 adopted by the cabinet pursuant to KRS 194.050, HB 492 and HB 516, public swimming and bathing facilities shall be subject to the payment of the following fees:

(1) Swimming and bathing facilities with a total water surface area of less than 1,000 square feet; or beach fronts of less than 150 linear feet - sixty (60) [fifty (50)] dollars per year.

(2) Swimming and bathing facilities with a total water surface area of 1,000 square feet or greater; or beach fronts of 150 linear feet or greater - \$120 [100] per year.

Section 2. Payment of Fees. (1) Fees shall be paid to the local health department having jurisdiction. Fees received by local health department shall be deposited in the Kentucky State Treasury in a trust and agency account for use solely in administering the program. Inspection fees shall be submitted annually prior to July 1. For newly constructed facilities such fees shall be initially submitted at the preopening inspection and at each July 1 date thereafter.

C. HERNANDEZ, M.D., Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: May 7, 1990

FILED WITH LRC: May 14, 1990 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for June 21, 1990 at 9 a.m. in the DES Conference Room, Second Floor, Cabinet for Human Resources Building. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 16, 1990, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: James T. Corum

(1) Type and number of entities affected: All public swimming pools and bathing area owners.

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

1. First year: Increase smaller pool and beach inspection fee \$10 and larger ones \$20.

2. Continuing costs or savings: Minimal

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

(b) Reporting and paperwork requirements: No additional.

(2) Effects on the promulgating administrative body: Establishes a fee schedule to assist in off-setting program cost.

(a) Direct and indirect costs or savings: Minimal

1. First year: Minimal

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: No additional.

(b) Reporting and paperwork requirements: No additional.

(3) Assessment of anticipated effect on state and local revenues: Expected increase in state revenue of approximately \$19,460.

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

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

(a) Necessity of proposed regulation if in conflict: None

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

(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. Local health departments, environmental services.

3. State the aspect or service of local government to which this administrative regulation relates. Increases inspection and permit fees collected, no change in services.

4. How does this administrative regulation affect the local government or any service it provides? Increases state inspection and permit funds collected by local health departments.

CABINET FOR HUMAN RESOURCES Department for Health Services Division of Local Health (Proposed Amendment)

902 KAR 10:130. Licensing fee for septic tank servicing.

RELATES TO: KRS 211.972, HB 799 [516]

STATUTORY AUTHORITY: KRS 194.050, 211.972, HB 799 [516 Part IIA #42] of the 1990 [1988] GA

NECESSITY AND FUNCTION: KRS 194.050 and HB 799 [516] authorizes the Secretary for Human Resources to adopt a reasonable schedule of fees to cover all charges for health services provided by the Cabinet for Human Resources with respect to the servicing of septic tanks. The

function of this regulation is to set forth the fees to be charged.

Section 1. All applications for a business license to service or maintain a septic tank, seepage pits, or cesspools shall be accompanied by a license fee of \$110 [ninety (90) dollars].

Section 2. All applications for a vehicle license to service or maintain septic tanks, seepage pits, or cesspools shall be accompanied by a license fee of thirty-five (35) [(30)] dollars for each vehicle.

C. HERNANDEZ, M.D., Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: May 7, 1990

FILED WITH LRC: May 14, 1990 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for June 21, 1990 at 9 a.m. in the DES Conference Room, Second Floor, Cabinet for Human Resources Building. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 16, 1990, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: James T. Corum

(1) Type and number of entities affected: All septic tank servicing companies.

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

1. First year: Average increase of \$20 per company and \$5 per vehicle.

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: No additional.

(2) Effects on the promulgating administrative body: Establishes a fee schedule to assist in off-setting program cost.

(a) Direct and indirect costs or savings:

1. First year: Minimal

2. Continuing costs or savings: Minimal

3. Additional factors increasing or decreasing costs: No additional.

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: \$6,645

(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. It is not possible to tier or make distinction between companies and trucks since licenses and inspection services are the same and applied individually.

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. Local health departments, environmental services.

3. State the aspect or service of local government to which this administrative regulation relates. Increases business and vehicle license fees collected, no change in services.

4. How does this administrative regulation affect the local government or any service it provides? Increases state license fees collected by local health departments.

CABINET FOR HUMAN RESOURCES
Department for Health Services
(Proposed Amendment)

902 KAR 13:030. Fees.

RELATES TO: KRS 211.960 to 211.968, 211.990(5)
 STATUTORY AUTHORITY: KRS 211.964, 211.966, HB 799 Part II [516 Part IIA #42] of the 1990 [1988] GA

NECESSITY AND FUNCTION: KRS 211.964 directs the Cabinet for Human Resources to adopt rules and regulations relating to emergency medical technicians and KRS 211.966 permits the Cabinet for Human Resources to prescribe a schedule of fees and charges for services to Emergency medical technicians. The function of this regulation is to establish a fee schedule.

Section 1. Fees. The following schedule of fees is established pursuant to KRS 211.966:

(1) EMT certification, examination fee: nineteen (19) [sixteen (16)] dollars;

(2) EMT recertification fee: nineteen (19) [sixteen (16)] dollars;

(3) EMT-first responder certification, examination fee: thirteen (13) [eleven (11)] dollars;

[(4) Fee for antishock trouser certification: eleven (11) dollars.]

(4) [(5)] EMT-first responder recertification fee: thirteen (13) [eleven (11)] dollars.

C. HERNANDEZ, M.D., Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: April 30, 1990

FILED WITH LRC: May 9, 1990 at 3 p.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for June 21, 1990 at 9 a.m. in the DES Conference Room, Second Floor, Cabinet for Human Resources Building, 275 E. Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 16, 1990, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Robert P. Calhoun

(1) Type and number of entities affected: Kentucky certified emergency medical technicians

(EMTs), approximately 10,000; and EMT-first responders, approximately 200.

(a) Direct and indirect costs or savings to those affected: Direct increase of approximately 19% to present certification fee.

1. First year: Approximately 1/3 to 1/2 the EMT population will be affected the first year.

2. Continuing costs or savings: The 19% increase in the fees will be in effect until the next budget review.

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

(b) Reporting and paperwork requirements: No change.

(2) Effects on the promulgating administrative body: Negligible.

(a) Direct and indirect costs or savings: Negligible.

1. First year: Negligible.

2. Continuing costs or savings: Negligible.

3. Additional factors increasing or decreasing costs: Paperwork.

(b) Reporting and paperwork requirements: Minimal increase in administrative process to notify affected parties of fee change.

(3) Assessment of anticipated effect on state and local revenues: 19% increase to revenue intake for each certification.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The alternative to decrease the amount of fees was not part of HB 799 approved budget proposal.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: No other administrative regulation or government policy conflicts with, overlaps or duplicates this regulation.

(a) Necessity of proposed regulation if in conflict: No conflict.

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

(6) Any additional information or comments:

TIERING: Was tiering applied? No. The 19% fee increase applies to all persons seeking certification at the EMT or EMT-first responder level. A tiering effect, that did not change, was already in existence in that the total fee is greater for the EMT than the EMT-first responder.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. There is no federal statute mandating the regulation.

2. State compliance standards. The standards will reflect a set dollar amount required for emergency medical technician certification fee.

3. Minimum or uniform standards contained in the federal mandate. No federal mandate to this regulation.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No federal mandate for this regulation.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. No federal mandate with which to compare.

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 No X

2. State whether this administrative regulation will affect the local government or only a part or division of the local government. Will affect only those local governments that voluntarily pay emergency medical technician (EMT) fees as part of a volunteer staff incentive program.

3. State the aspect or service of local government to which this administrative regulation relates. County fiscal court or city council, if they voluntarily pay EMT certification fees.

4. How does this administrative regulation affect the local government or any service it provides? Budget, if local government contributes to cover certification fees of EMTs.

CABINET FOR HUMAN RESOURCES
Department for Health Services
Division of Local Health
(Proposed Amendment)

902 KAR 45:110. Inspection fees; permit fees; food plants, markets, warehouses and distributors, vending machine companies and machines.

RELATES TO: KRS 217.025, 217.035, 217.037, 217.125, 217.811

STATUTORY AUTHORITY: KRS 194.050, 217.125(2), 217.811, HB 799 [516 Part IIA #42] of the 1990 [1988] GA

NECESSITY AND FUNCTION: KRS 217.125(2), 217.811, and HB 799 [516] authorizes the Secretary of Human Resources to provide by regulation a schedule of reasonable fees to be paid by food manufacturing plants, food storage warehouses, retail food markets, salvage distributors, salvage processing plants, and vending machine companies for inspectional activities carried out by the Cabinet for Human Resources. This regulation is to set forth the fee to be charged.

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

[(2) "Department" means Department for Health Services and local health departments having jurisdiction.]

Section 1. [2.] Fees for Inspections. (1) For inspections conducted by the department or its representatives to determine compliance with regulations adopted by the cabinet for salvage distributors and salvage processing plants, and to determine compliance with KRS 217.025, 217.035 and 217.037 applicable to food manufacturing plants and food storage warehouses, a fee of twenty-five (25) [(20)] dollars per inspection hour not to exceed the total amount of \$300 [250] per year shall be assessed.

(2) With respect to retail food markets, for inspections conducted by the department or its representative to determine compliance with regulations adopted by the cabinet pertaining to adulteration, misbranding, packaging and labeling of food products pursuant to KRS

217.025, 217.035, 217.037 and 217.125, a fee of twenty-five (25) [(20)] dollars per inspection hour shall be assessed. In no event shall the fee exceed in any year the sum of seventy (70) [sixty (60)] dollars.

(3) With respect to vending companies, each application for a permit shall be accompanied by a fee of eighteen (18) [fifteen (15)] dollars for each vending commissary plus a fee for the total number of vending machines operated by the applicant as follows:

1-25 machines	Fee	\$ 70	[60]
26-50 machines	Fee	\$110	[95]
51-100 machines	Fee	\$150	[125]
101-150 machines	Fee	\$180	[150]
151 and over machines	Fee	\$300	[250]

Section 2. [3.] Payment of Fees. (1) Payment of fees shall be made to the local health department having jurisdiction. Fees received by local health departments shall be deposited in the Kentucky State Treasury.

(2) Inspection fees shall be due thirty (30) days from the date of the billing.

Section 3. [4.] Exemptions. State and local government agencies shall be exempt from the payment of fees.

C. HERNANDEZ, M.D., Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: May 7, 1990

FILED WITH LRC: May 14, 1990 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for June 21, 1990 at 9 a.m. in the DES Conference Room, Second Floor, Cabinet for Human Resources Building. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 16, 1990, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: James T. Corum

(1) Type and number of entities affected: All food manufacturing plants, retail food markets, food vending companies, warehouses and distributors.

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

1. First year: Increase of \$5 per inspection hours for food manufacturing and retail food markets. Increase of \$3 for vending commissaries and tiers a minimal increase of \$10 to a maximum increase of \$50 for numbers of machines owned.

2. Continuing costs or savings: Minimal

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

(b) Reporting and paperwork requirements: No additional.

(2) Effects on the promulgating administrative body: Establishes a fee schedule to assist in off-setting program cost.

(a) Direct and indirect costs or savings:

1. First year: Minimal

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: No additional.

(3) Assessment of anticipated effect on state and local revenues: \$28,740

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

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

(a) Necessity of proposed regulation if in conflict: None

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: None

(6) Any additional information or comments:

TIERING: Was tiering applied? 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. Local health departments, environmental services.

3. State the aspect or service of local government to which this administrative regulation relates. Increases inspection and permit fees collected, no change in services.

4. How does this administrative regulation affect the local government or any service it provides? Increases state inspection and permit funds collected by local health departments.

CABINET FOR HUMAN RESOURCES Department for Health Services Division of Local Health (Proposed Amendment)

902 KAR 45:120. Inspection fees; permit fees; food service establishments, hotels, mobile home and recreational vehicle parks.

RELATES TO: KRS 219.031, 219.041, 219.330, 219.350

STATUTORY AUTHORITY: KRS 194.050, 219.041(4), 219.340, 219.350, HB 799 of the 1990 GA [516 Part IIA #42 of the 1988 GA]

NECESSITY AND FUNCTION: KRS 219.041(4) and HB 799 [516] authorizes the Secretary for Human Resources to provide by regulation a schedule of reasonable fees to be paid by food service establishments and hotels, mobile home and recreational vehicle parks to cover the cost of inspection activities carried out by the Cabinet for Human Resources. This regulation is to set forth the fees to be charged.

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

[(2) "Department" means Department for Health Services and local health departments having jurisdiction.]

Section 1. [2.] Fees for Inspections. For inspections conducted by the department or its representative to determine compliance with regulations adopted by the cabinet pursuant to KRS 219.041, food service establishments and hotels shall be subject to the payment of the following fees:

(1) Hotels with twenty-five (25) rooms or less - thirty-five (35) [thirty (30)] dollars per year.

(2) Hotels with twenty-six (26) rooms or more - seventy (70) [sixty (60)] dollars per year.

(3) Permanent food service establishments with no seats or twenty-five (25) seats or less - forty (40) [thirty-five (35)] dollars per year.

(4) Permanent food service establishments with twenty-six (26) to fifty (50) seats - sixty (60) [fifty (50)] dollars per year.

(5) Permanent food service establishments with more than fifty (50) seats - seventy (70) [sixty (60)] dollars per year.

Section 2. [3.] Permit Fees for Hotels and Mobile Home and Recreational Vehicle Parks, and Food Service Establishments. (1) Each application for an annual permit to operate a food service establishment shall be accompanied by a fee of thirty-five (35) [thirty (30)] dollars.

(2) Applications for a permit to operate a temporary food service establishment shall be accompanied by a fee of eighteen (18) [fifteen (15)] dollars.

(3) Each application for an annual permit to operate a hotel, shall be accompanied by a fee as follows: Hotels - thirty-five (35) [thirty (30)] dollars per year.

(4) Each application for an annual permit to operate a mobile home or recreational vehicle park shall be accompanied by a fee as follows:

(a) Mobile home or recreational vehicle park with ten (10) spaces or less - seventy (70) [sixty (60)] dollars.

(b) Parks with more than ten (10) spaces - \$110 [ninety-five (95) dollars].

(5) Each application for a permit to construct or alter a mobile home or recreational vehicle park shall be accompanied by a fee of thirty-five (35) [thirty (30)] dollars.

Section 3. [4.] Payment of Fees. (1) Fees shall be paid to the local health department having jurisdiction. Fees received by local health departments shall be deposited in the Kentucky State Treasury. Inspection fees shall be submitted with the application for a permit to operate as required by KRS 219.021 or 219.340 as applicable.

Section 4. [5.] Exemptions. Private, parochial, and public school cafeterias or lunchroom facilities through the 12th grade and all facilities operated by the Cabinet for Human Resources or the Corrections Cabinet shall be exempt from the payment of inspection fees.

C. HERNANDEZ, M.D., Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: May 7, 1990

FILED WITH LRC: May 14, 1990 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for June 21, 1990 at 9 a.m. in the DES Conference Room, Second Floor, Cabinet for Human Resources Building. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 16, 1990, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: James T. Corum

(1) Type and number of entities affected: All food service establishments, hotels, mobile home and recreational vehicle parks.

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

1. First year: Increase in inspection fees of \$5-\$10 for food service, hotels and mobile home parks. Increase in permit fees of \$5 for food service and hotels, \$10-\$15 for mobile home parks and \$5 for mobile home construction permits. Temporary food service permit \$3.

2. Continuing costs or savings: Minimal

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

(b) Reporting and paperwork requirements: No additional.

(2) Effects on the promulgating administrative body: Establishes a fee schedule to assist in off-setting program cost.

(a) Direct and indirect costs or savings: Replaces general fund dollars in budget and assists in off-setting program cost.

1. First year: Minimal

2. Continuing costs or savings: Minimal

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: No additional.

(3) Assessment of anticipated effect on state and local revenues: \$179,070.

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

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

(a) Necessity of proposed regulation if in conflict: None

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: None

(6) Any additional information or comments: 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. Local health departments, environmental services.

3. State the aspect or service of local government to which this administrative regulation relates. Increases inspection and permit fees collected, no change in services.

4. How does this administrative regulation affect the local government or any service it provides? Increases state inspection and permit funds collected by local health departments.

CABINET FOR HUMAN RESOURCES
Department for Social Insurance
Division of Management and Development
(Proposed Amendment)

904 KAR 3:020. Eligibility requirements.

RELATES TO: KRS 194.050

STATUTORY AUTHORITY: KRS 194.050

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

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

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

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

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

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

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

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

(6) Assistance payments from federal or federally aided public assistance such as supplemental security income (SSI) or aid to families with dependent children (AFDC); general assistance (GA) programs, or other assistance programs based on need.

(7) Annuities; pensions; retirement; veteran's or disability benefits; worker's or unemployment compensation; strike pay; old-age, survivors, or social security benefits; foster care payments

for children or adults; gross income minus the cost of doing business derived from rental property in which a household member is not actively engaged in the management of the property at least twenty (20) hours a week.

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

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

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

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

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

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

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

(15) Earnings to individuals who are participating in on-the-job training programs under the Job Training Partnership Act. This provision does not apply to household members under nineteen (19) years of age who are under the parental control of another adult member.

(16) Portions of Indian Per Capita payments made pursuant to P.L. 98-64 in excess of \$2,000 per payment per individual, effective September 1, 1989.

(17) Payments from HUD or Section 8 which are paid directly to the household or utility provider as a utility subsidy.

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

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

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

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

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

(5) Any income in the certification period which is received too infrequently or irregularly to be reasonably anticipated, but not in excess of thirty (30) dollars in a quarter.

(6) As defined in 7 CFR 273.9(c), educational loans on which payment is deferred, grants, scholarships, fellowships, veteran educational benefits, and the like to the extent that they are made available for tuition and mandatory fees at an institution of post secondary education, including correspondence schools at that level, or a school at any level for the physically or mentally handicapped. Origination fees and insurance premiums on student loans are excludable charges. For federal education assistance programs funded under Title IV of the Higher Education Act or effective December 1, 1988, Student Assistance Programs under the Bureau of Indian Affairs, additional income exclusions include costs of books, transportation, [travel, routine] supplies, [and] costs for rental or purchase of equipment or materials required for all students in the same course of study, and miscellaneous personal expenses [used for educational purposes]. Portions of nonfederal (state, local, or private) deferred payment educational loans are excluded based on provisions contained in 7 CFR 273.9(c)(4).

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

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

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

(10) The earned income of children who are members of the household, who are students at least half time and who have not attained their 18th birthday.

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

(12) The cost of producing self-employment income. If the cost of producing farm self-employment income exceeds the income derived from self-employment farming as defined in 7 CFR 273.11(a), such losses shall be offset against any other countable income in the household.

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

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

(15) Any cash donations based on need received on or after February 1, 1988 from nonprofit charitable organizations, not to exceed \$300 in a federal fiscal quarter in accordance with 7 CFR 273.9(iv)(2).

(16) Foster care payments for foster children. This provision applies only when the household requests that the foster children be excluded from the household in determining eligibility (effective February 1, 1989).

(17) Up to \$12,000 to Aleuts and \$20,000 to individuals of Japanese ancestry for payments made by the U.S. to compensate for hardships experienced during World War II (effective February 1, 1989).

(18) Monies received under Section 3507 of the Internal Revenue Code (advanced payment of earned income credit).

(19) Indian Per Capita payments made pursuant to P.L. 98-64 as distribution from judgment awards and trust funds of \$2,000 or less per individual per payment, effective September 1, 1989.

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

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

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

(3) All other households shall have their gross income (total income after excluded income has been disregarded but before any deductions have been made) compared to 130 percent of the federal income poverty guidelines and their net income compared to 100 percent of the federal income poverty guidelines.

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

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

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

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

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

shall be adjusted at least annually to reflect changes in the cost of utilities.

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

(a) Medical and dental care;

(b) Hospitalization or outpatient treatment and nursing care;

(c) Medication and medical supplies;

(d) Health and hospitalization premiums; and

(e) Dentures, hearing aids, eyeglasses and prosthetics.

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

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

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

(3) Households which are categorically eligible as defined in 7 CFR 273.2 shall be considered as having met the food stamp resource requirement.

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

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

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

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

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

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

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

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

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

(9) Resources which have been prorated as income.

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

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

statute.

(12) Up to \$12,000 to Aleuts and \$20,000 to individuals of Japanese ancestry for payments made by the U.S. to compensate for hardships experienced during World War II (effective February 1, 1989).

(13) Income which is withheld by the employer to pay certain expenses directly to a third party as a vendor payment. This income is an excludable resource only if the remainder of the withheld income is not accessible to the household at the end of the year, effective September 1, 1989.

(14) Indian Per Capita payments made pursuant to P.L. 98-64 as distribution from judgment awards and trust funds of \$2,000 or less per individual per payment, effective September 1, 1989.

(15) Purchases of \$2,000 or less which are made solely with Indian Per Capita payments after December 31, 1981 but prior to January 12, 1983 are totally excluded from resources, effective September 1, 1989.

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

Section 9. Nonfinancial Criteria. Nonfinancial eligibility standards apply equally to all households and consist of:

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

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

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

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

(5) Students. Persons aged eighteen (18) to sixty (60) who are physically and mentally fit and enrolled at least half time in an institution of higher education are ineligible to participate unless they meet criteria specified in 7 CFR 273.5.

(6) Mandatory monthly reporting (MMR). Households shall be required to file monthly reports in accordance with 7 CFR 273.21 unless otherwise exempted by the appropriate federal agency.

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

(8) Work registration. All household members, except those exempt in 7 CFR 273.7(b), shall be

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

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

[Section 10. Provisions contained in this regulation shall become effective December 1, 1989 unless otherwise specified.]

MIKE ROBINSON, Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: May 9, 1990

FILED WITH LRC: May 14, 1990 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 21, 1990 at 9 a.m. in the Department for Employment Services Second Floor Conference Room. Individuals interested in attending this hearing shall notify this agency in writing by June 16, 1990, five days prior to 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: James E. Randall

(1) Type and number of entities affected: An indeterminable number of food stamp recipients live in subsidized housing. Only a small portion of recipients living in such housing are also eligible to receive a utility subsidy in addition to their rent assistance. No data is available to determine the number of food stamp recipients affected. Also, the number of students who are eligible for food stamps and are entitled to the additional Title IV educational income exclusions is unknown. The affected section and item of the specified administrative regulation is being revised for clarity. Therefore, eligible students who are currently receiving food stamps would not be affected as a result of the specified amendment.

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

1. First year: Insignificant

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

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

(b) Reporting and paperwork requirements: Insignificant

(2) Effects on the promulgating administrative

body:

(a) Direct and indirect costs or savings:
Insignificant

1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None

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

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

(a) Necessity of proposed regulation if in conflict:

(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. Federal and state statutes mandate that eligibility requirements for the Food Stamp Program be implemented in a like manner on a statewide basis, thereby prohibiting tiering.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 7 CFR 273.9(c)(1)(iv); 7 CFR 273.9-c-15, FNS/SERO Regulations Supplement 90-6; 7 CFR 273.9-c-9, FNS/SERO Regulation Supplement Transmittal 87-5 & 88-3.

2. State compliance standards. This regulation allows the state agency to count or exclude certain types of income/resources as prescribed by the Food and Nutrition Service for the food stamp purposes.

3. Minimum or uniform standards contained in the federal mandate. The federal regulations and regulations supplements allow the state agency to consider as countable income payments from HUD or Section 8 which are paid directly to the household or utility provider as a utility subsidy in accordance with 7 CFR 273.9(c)(1)(iv). Also, federal regulations and regulations supplements allow additional income exclusions for federal education assistance payments which are funded under Title IV of the Higher Education Act or effective December 1, 1988, Student Assistance Programs under the Bureau of Indian Affairs, including the costs of books, transportation, supplies, costs for rental or purchase of equipment or materials required for all students in the same course of study, and miscellaneous personal expenses.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No. The provisions of this administrative regulation coincide with those mandated by the Food and Nutrition Service. The guidelines for these provisions are specific with respect to the application of these policy amendments.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation will not impose any stricter requirements or any additional or different responsibilities than those required by the federal mandate.

CABINET FOR HUMAN RESOURCES Department for Mental Health and Mental Retardation Services Division of Administration & Financial Management (Proposed Amendment)

908 KAR 3:120. Policies and procedures of Western 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 persons, 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 Western State Hospital as set forth in the May 15, 1990 [August 15, 1989], edition of the Western State Hospital policy manual consisting of thirteen (13) volumes relating to the operation of Western State Hospital are incorporated by reference.

Section 2. These policies and procedures are in thirteen (13) volumes with a total of 225 pages. They are available for inspection and copy at the office of the Commissioner for the Department for Mental Health and Mental Retardation Services, 275 East Main Street, Frankfort, Kentucky 40621, and in the office of the Director, Western State Hospital, P.O. Box 2200, Hopkinsville, Kentucky 42240.

DENNIS D. BOYD, Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: May 1, 1990

FILED WITH LRC: May 9, 1990 at 3 p.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for June 21, 1990 at 9 a.m. in the DES Conference Room, Second Floor, Cabinet for Human Resources Building. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 16, 1990, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Dennis D. Boyd

(1) Type and number of entities affected: Those affected are 950 mentally ill patients admitted each year from 42 counties along with their families.

(a) Direct and indirect costs or savings to those affected: These policies and procedures are concerned with care and treatment and are not directly related to budget.

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 to be considered.

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body: There will be very little change in the operation of the hospital.

(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 will have no effect on 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.

PROPOSED ADMINISTRATIVE REGULATIONS RECEIVED THROUGH MAY 15, 1990

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 8:030. Teacher scholarships.

RELATES TO: KRS 164.744(2), 164.753(3)
 STATUTORY AUTHORITY: KRS 164.748(4),
 164.753(3), HB 799 (1990 RS), Part I, F., 46.,
 p. 52

NECESSITY AND FUNCTION: KRS 164.744(2) authorizes the authority to provide scholarships, and KRS 164.753(3) prescribes certain standards for scholarship programs. House Bill 799 appropriated funds for a new program of teacher scholarships. The General Assembly has expressed a desire, in a budget memorandum prepared under KRS 48.300(2) to accompany House Bill 799, that prior recipients of loans pursuant to KRS 156.611, 156.613, 164.768 and 164.770 should be eligible for benefits under this new program. This regulation delineates eligibility criteria and repayment obligations related to scholarships provided under the new program and establishes a capability for refinancing of prior loans.

Section 1. Definitions. As used in this regulation, the terms listed below shall have the following meanings:

(1) "Critical shortage area" means an understaffing of teachers for particular subjects, grade levels, or geographic locations as determined by the authority from any sources considered reliable, including, but not limited to, consultation with local and state school officials.

(2) "Eligible program of study" means an undergraduate or graduate program of study which is preparatory to initial teacher certification or recertification, and which does not lead to a certificate, diploma, or degree in theology, divinity, or religious education.

(3) "Qualified teaching service" means teaching the major portion of each school day for at least seventy (70) days each semester in a school, accredited by the Commonwealth, located in Kentucky.

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

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

Section 2. Eligibility. (1) The authority may, to the extent of appropriations and other funds available to it for this purpose, award teacher scholarships to persons enrolled or accepted for enrollment at participating institutions, who declare an intention to enter the teaching profession in state accredited schools of the Commonwealth, and who are eligible under subsections (3) and (4) of this section.

(2) The authority shall, except for limitations imposed by subsection (5) of this section, cancel the repayment obligation of recipients of teacher scholarships who render qualified teaching service in accordance with

Section 5 of this regulation.

(3) Kentucky residents who are enrolled or accepted for enrollment in an eligible program of study on a full-time basis at a participating institution and who agree to render qualified teaching service upon completion of the program of study shall be eligible, except for limitations imposed by subsection (5) of this section, to apply for teacher scholarships if they meet the following criteria:

(a) High school graduates with no college hours must rank academically in the top ten (10) percent of their high school graduating class or score at or above the 80th percentile on an instrument approved by the Council on Higher Education for admission to Kentucky's institutions of higher education.

(b) Certified teachers seeking recertification in order to teach in a critical shortage area must have a cumulative grade point average of at least the equivalent of 2.5 on a 4.0 scale on prior undergraduate studies or a 3.0 on a 4.0 scale on prior graduate studies.

(c) Applicants with earned college hours must have attained at least the equivalent of a 2.5 grade point average on a 4.0 scale for all undergraduate work and a 3.0 on a 4.0 scale for all graduate work and must be currently enrolled or accepted for enrollment in a postsecondary institution.

(4) Persons enrolled full time at a participating institution in an eligible program of study who have previously received a teacher loan or a mathematics and science incentive loan, pursuant to KRS 156.611, 156.613, 164.768 and 164.770, or a teacher scholarship pursuant to this section, not in excess of the aggregate limit prescribed by Section 3 of this regulation, shall be eligible, except for limitations imposed by subsection (5) of this section, to apply for additional teacher scholarships if they:

(a) Have maintained continuous full-time enrollment, exclusive of periods of approved deferment, in an eligible program of study;

(b) Have made satisfactory progress toward completion of the eligible program of study in accordance with standards prescribed by the participating institution; and

(c) Have attained a cumulative grade point average of at least the equivalent of 2.5 on a 4.0 scale on all prior undergraduate studies and at least 3.0 on a 4.0 scale on all prior graduate studies.

(5) No teacher scholarship shall be awarded nor promissory note cancellation granted to any person who is in default on any obligation to the authority under any program administered by the authority pursuant to KRS 164.740 to 164.785 until such financial obligations to the authority are satisfied, except that ineligibility for this reason may be waived by the executive director of the authority at the recommendation of a designated staff review committee, for cause.

(6) Selection process. Applicants shall be considered and teacher scholarships shall be awarded in the following descending order until funds are depleted:

(a) Qualified renewal applicants pursuant to subsection (4) of this section;

(b) Certified teachers seeking recertification

in a critical shortage area;

(c) Currently enrolled postsecondary students who have been admitted to a teacher education program;

(d) Currently enrolled postsecondary students who have not yet been admitted to a teacher education program; and

(e) High school seniors ranked by weighted selection scores that include rank in high school class (thirty (30) percent), high school grade point average (forty (40) percent), and American College Test (ACT) Composite Standard Score (thirty (30) percent).

Section 3. Award Maximums. The maximum teacher scholarship award shall be \$1,250 for a summer session, \$2,500 for a semester, and \$5,000 for an academic year (exclusive of a summer session). Awards shall not exceed the student's total cost of attendance less other aid received as determined by the participating institution. The aggregate maximum of teacher scholarship awards shall not exceed \$20,000 per individual.

Section 4. Disbursements. Disbursement of teacher scholarships shall be made at the beginning of each semester or summer session and each disbursement shall be evidenced by a promissory note, prescribed by the authority, in which the scholarship recipient shall agree to repay the scholarship funds or render qualified teaching service in lieu thereof.

Section 5. Cancellation. (1) Recipients shall render one (1) semester of qualified teaching service as repayment for each semester or summer term of scholarship received, except that recipients who teach in a critical shortage area shall render one (1) semester of qualified teaching service as repayment for two (2) semesters or summer terms of scholarships received.

(2) Recipients who have outstanding mathematics and science incentive loans or teacher loans pursuant to KRS 156.611, 156.613, 164.768 or 164.770 may execute a new promissory note under the terms of this program in full satisfaction of the outstanding balance of prior promissory notes. The new promissory notes shall be cancelled in accordance with subsection (1) of this section.

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

(4) Verification of qualified teaching service shall be submitted to the authority in writing, signed by the local school district superintendent or building principal.

Section 6. Repayment. (1) If a recipient ceases to be enrolled on a full-time basis in an eligible program of study at a participating institution prior to completion of the program of study or otherwise fails to attain certification after completion of the eligible program of study, he shall immediately become liable to the authority to pay the sum of all

teacher scholarships received and accrued interest thereon, unless the authority, in its sole discretion, grants a deferment for cause.

(2) Recipients failing to render qualified teaching service within the six (6) month period following completion of the eligible program of study shall immediately become liable to the authority to pay the sum of all outstanding teacher scholarships and accrued interest thereon, unless the authority, in its sole discretion, grants a deferment for cause.

(3) Persons liable for repayment of teacher scholarships under this section shall be liable for interest accruing on each promissory note from the respective dates on which the teacher scholarships were disbursed.

(4) The interest rate applicable to repayment of a teacher scholarship under this section shall be twelve (12) percent per annum, except that promissory notes shall provide that if a judgment is rendered to recover payment, the judgment shall bear interest at a rate five (5) percent greater than the rate actually charged on the promissory note.

Section 7. Notifications. Recipients shall notify the authority within thirty (30) days of:

- (1) Change in enrollment status;
- (2) Cessation of full-time enrollment in an eligible program of study;
- (3) Employment in a qualified teaching service position; or
- (4) Change of name or address.

Section 8. Repayment Schedule. Written notification of demand for repayment shall be sent by the authority to the scholarship recipient's last known address and shall be effective upon mailing. The authority may agree, in its sole discretion, to accept repayment in installments in accordance with a schedule established by the authority. Payments shall first be applied to interest and then to principal on the earliest unpaid promissory note.

Section 9. Records. A participating institution shall maintain complete and accurate records pertaining to the eligibility, enrollment and progress of students receiving aid under this program and the disbursement of funds and institutional charges as may be necessary to audit the disposition of funds hereunder. Such records shall be maintained for at least five (5) years after the student ceases to be enrolled at the institution.

Section 10. Refunds. A participating institution shall refund to the authority, within forty (40) days of a recipient's last date of attendance, any amount attributable to this program which is determined to be due under the institution's refund policy.

Section 11. Information Dissemination and Recruitment. The authority shall disseminate information through high school principals, counselors, and school superintendents about this program to potential recipients. Participating institutions shall provide assurances that program information will be disseminated to students enrolled at their institutions. Participating institutions shall actively recruit students from minority population groups for participation in this program.

WAYNE STRATTON, Chairman

APPROVED BY AGENCY: May 15, 1990

FILED WITH LRC: May 15, 1990 at noon

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Tuesday, June 26, 1990 at 10 a.m. at 1050 U.S. 127 South, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 21, 1990, five days prior to 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: Mr. Paul P. Borden, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Paul P. Borden

(1) Type and number of entities affected: Approximately 420 teachers will receive stipends to enter or continue enrollment in teacher training programs in Kentucky degree-granting institutions. Additionally, recipients of the former math/science scholarships and teacher scholarships will be offered cancellation provisions as provided to recipients of the new scholarships which are substantially broader than were such provisions under the former scholarship programs.

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

1. First year: Recipients of the scholarships will receive stipends of up to \$5000 per year, which amount would reduce the financial outlay to the student or family of an equivalent amount, provided these students meet the cancellation provisions.

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

3. Additional factors increasing or decreasing costs (note any effects upon competition): Recipients who enter the teaching field in Kentucky can have cancelled their entire teacher scholarship obligation, up to the maximum of \$20,000, at the rate of one year of teaching for one year of borrowing. Additionally, teachers who serve in certain critical fields with respect to grade level, subject taught, and geographical location can have their obligations cancelled at double the regular rate.

(b) Reporting and paperwork requirements: Recipients are required to inform the authority of changes in their eligibility and enrollment status. After recipients enter the teaching field, they will notify the authority of satisfaction of cancellation requirements.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: The promulgating body has appropriated from its loan reserve funds \$1,292,700 for each year of the biennium.

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

3. Additional factors increasing or decreasing costs: There will be no appreciable increase or decrease in other costs.

(b) Reporting and paperwork requirements: The promulgating body will receive, process, and evaluate all application documentation, determine and notify recipients, and disburse awards to the students.

(3) Assessment of anticipated effect on state and local revenues: Implementation of the regulation will have no effect on state or local revenues.

(4) Assessment of alternative methods, reasons why alternatives were rejected: The regulation merely implements the provision of the budget memorandum relating to appropriations enacted by the 1990 General Assembly providing for expanded benefits for prior recipients of teacher scholarships.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: KRS 164.768 and 164.770.

(a) Necessity of proposed regulation if in conflict: KRS 164.768 and 164.770 authorize programs of teacher loans. The budget memorandum expressed a legislative intent that benefits of those programs should be merged into a single program structure. Those statutes were not repealed. Funds were appropriated by the 1990 General Assembly for teacher scholarships. This regulation is intended to carry out the legislative intent by establishing expanded benefits and providing for refinancing of prior teacher loans to phase out the old programs under the existing statutes.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: 11 KAR 8:010 and 8:020 are being amended to redesignate the existing program authorized by KRS 164.770 to avoid confusion with this regulation.

(6) Any additional information or comments: The teacher scholarship program provides expanded benefits for former recipients of math/science incentive loans and teacher loans.

TIERING: Was tiering applied? Yes. The rate of cancellation for service is accelerated for teaching service in critical shortage fields.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 8:040. Deferment of teacher scholarship repayment.

RELATES TO: KRS 164.744(2), 164.753(3)

STATUTORY AUTHORITY: KRS 164.748(4)

NECESSITY AND FUNCTION: KRS 164.744(2) authorizes the authority to provide scholarships, and KRS 164.753(3) prescribes certain standards for scholarship programs. House Bill 799 appropriated funds for a new program of teacher scholarships. The General Assembly has expressed a desire, in a budget memorandum prepared under KRS 48.300(2) to accompany House Bill 799, that prior recipients of loans pursuant to KRS 156.611, 156.613, 164.768 and 164.770 should be eligible for benefits under this new program. 11 KAR 8:030 establishes a repayment obligation for teacher scholarship recipients. This regulation

prescribes conditions for deferment of that repayment obligation.

Section 1. Definitions. Unless otherwise specified, the words and phrases used herein shall have the same meaning as set forth in 11 KAR 8:030. "Deferment" means a temporary waiver of the obligation of a teacher scholarship recipient to make payments to the authority, pursuant to one (1) or more promissory notes executed between the recipient and the authority, which is granted by the authority, for a specified period of time, upon a showing of cause by the recipient.

Section 2. Request for Deferment. The recipient must request a deferment in writing by submitting complete and accurate information on a form prescribed by the authority. The recipient's submission of a request for deferment shall constitute authorization for the authority to request and receive such verification of facts represented by the recipient as may be deemed necessary by the authority.

Section 3. Effect on Repayments. During a deferment, no principal or interest repayments shall be required but interest shall continue to accrue on the unpaid principal balance owed by the recipient during period specified in Section 4(1) and (3) of this regulation. No interest shall accrue during a period specified in Section 4(2) of this regulation. Nothing contained herein shall require the authority to grant a deferment if such deferment would legally impair the ultimate recovery of the principal and accrued interest otherwise owed by the recipient. If, during a deferment, the recipient resumes full-time enrollment in a teacher education program at a participating institution or renders qualified teaching service, then the deferment shall nullify the prior commencement of repayment, such that any promissory note so deferred may be subsequently cancelled in accordance with 11 KAR 8:030.

Section 4. Types of Deferments. The following deferments may be granted by the authority:

(1) Enrollment deferment. A deferment granted to a recipient who is enrolled on at least a half-time basis at a business school, college, vocational school or school of nursing (as those terms are defined in KRS 164.740) in the United States. Each semester, the recipient must provide to the authority evidence of such enrollment on properly completed forms provided by the authority.

(2) The authority may grant deferment of repayment for periods not to exceed an aggregate of thirty-six (36) months for any one (1) or combination of the following circumstances:

(a) Disability deferment. A deferment granted to a recipient who is temporarily totally disabled and, therefore, unable to obtain any full-time employment or to attend school; or, a deferment granted to a recipient who is unable to obtain any full-time employment or attend school due to the temporary total disability of the recipient's spouse who requires continuous (twenty-four (24) hour) nursing or similar care by the recipient. For purposes of this deferment, a recipient, or the spouse of a recipient, is temporarily totally disabled if he/she suffers an injury or illness which

necessitates an extended or indefinite period of recovery which can be expected to preclude gainful employment or school attendance and, in the case of a recipient's spouse, he/she is not confined to a hospital, nursing home, intermediate care facility, or similar institution. The recipient must provide to the authority a statement from a licensed physician certifying that the recipient or spouse is temporarily totally disabled in accordance with the preceding terms and conditions. The recipient is solely responsible for securing the physician's certifications. This deferment may, at the authority's discretion, be granted subject to annual review of a physician's certification. After the third year of any deferment, pursuant to this subsection, the authority may, in its sole discretion, cancel the debt if it appears that the disability is expected to continue for an indefinite time.

(b) Unemployment deferment. A recipient seeking, but unable to obtain, a qualified teaching service position within six (6) months following completion of a teacher education program at a participating institution may be granted a deferment. The recipient must have applied for a qualified teaching service position with at least three (3) state accredited school districts and must not have refused an offer of employment in a qualified teaching service position in such state accredited school districts or in any other state accredited school districts to which the recipient may have applied, and must provide the authority a signed statement which sets forth:

1. The recipient's current address;
2. The names of state accredited school districts to which the recipient has applied for qualified teaching service employment; and
3. The recipient's agreement to notify the authority when he/she obtains full-time employment in a qualified teaching service position.

(c) Hardship deferment. If enrollment in a teacher education program or employment in a qualified teaching service position is temporarily interrupted due to circumstances beyond the recipient's control, including, but not limited to, major illness, accident or death in the family, after which the recipient intends to resume such enrollment or qualified teaching position, or if the recipient is insolvent due to circumstances beyond his control, including natural disaster, involuntary unemployment or unforeseen medical expenses, then the authority may determine that a hardship exists and may grant a deferment.

(3) Qualified teaching service deferment.

(a) Deferments may be granted, from time to time, to a recipient who, due to current employment in a qualified teaching service position, may reasonably be expected, solely with the passage of six (6) months or less time, to qualify for cancellation benefits pursuant to 11 KAR 8:030.

(b) In the event that a recipient has received loans or scholarships from more than one (1) program administered by the authority, which require a period of qualified teaching service for repayment or cancellation, and the recipient is either:

1. Obligated to concurrently make cash payments on the teacher scholarship and another such program; or
2. Performing qualified teaching service to

fulfill the requirement of another such program; then a deferment of repayment of the teacher scholarship may be granted during the period in which the recipient is making payments or performing qualified teaching service in accordance with the requirements of the other program.

WAYNE STRATTON, Chairman

APPROVED BY AGENCY: May 15, 1990

FILED WITH LRC: May 15, 1990 at noon

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Tuesday, June 26, 1990 at 10 a.m. at 1050 U.S. 127 South, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 21, 1990, five days prior to 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: Mr. Paul P. Borden, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Paul P. Borden

(1) Type and number of entities affected: An undetermined number of former recipients of math/science incentive loans and teacher loans could conceivably be affected. About 420 new scholarships will be awarded each year, but it cannot be determined how many of these will be entering deferment each year.

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

1. First year: A deferment delays payments for a predetermined period of time. In cases of hardship, interest will not accrue during the deferment.

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: Borrowers seeking deferment must submit documentation substantiating deferment eligibility.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: Granting of deferments would result in a slight extension of the repayment period. In cases of hardship, interest will not accrue during the deferment. It is assumed the dollar volume so affected would be inconsequential.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: The agency will maintain and monitor records to ensure that accounts are kept in proper status.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: No viable alternative methods were devised.

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

(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: A deferment policy is established to recognize that extenuating circumstances sometimes create undue financial difficulties to the debtor.

TIERING: Was tiering applied? No. The concept of tiering is not applicable. Deferment eligibility requirements are applied equally to all applicants.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 11:010. College access program grants: establishment and eligibility.

RELATES TO: KRS 164.744(2), 164.753(4)

STATUTORY AUTHORITY: KRS 164.748(4), HB 799 (1990 RS), Part I, F., 46., p. 51 and 52

NECESSITY AND FUNCTION: House Bill 799 authorized and directed the authority to provide grants to assist financially needy part-time and full-time freshmen and sophomores to attend eligible public and private nonprofit colleges and universities in Kentucky. That budget bill also authorized the authority to promulgate administrative regulations pertaining to administration of those grants. This regulation establishes and names the program, and prescribes eligibility requirements.

Section 1. Definitions. (1) The terms "college" and "grant" shall have the meanings prescribed in KRS 164.740.

(2) "Participating institution" shall mean a public or private nonprofit college, located in the Commonwealth, which has in force an agreement with the authority providing for administration of this program.

Section 2. (1) The authority may award college access program grants, hereafter referred to as "CAP grants", to students who demonstrate financial need in accordance with procedures delineated in 11 KAR 11:020 and 11:030 and are accepted for enrollment or enrolled for three (3) or more semester hours in courses creditable toward a degree or courses required as prerequisites to enrollment in courses toward a degree at a participating institution.

(2) CAP grants shall be made only to students who have not previously earned a degree and who are enrolled or accepted for enrollment at a single participating institution that offers only two (2) year programs or who are classified as freshmen or sophomores by a participating institution.

(3) CAP grants shall be restricted to individuals who are classified as resident students, under administrative regulations

promulgated by the council on higher education, and are not enrolled in a program of study leading to a certificate, diploma, or degree, in theology, divinity, or religious education.

(4) No CAP grant shall be awarded or disbursed to any person who is in default on any financial obligation to the authority under any program administered by the authority pursuant to KRS 164.740 to 164.785 until that financial obligation to the authority is satisfied, except that ineligibility for this reason may be waived by the executive director of the authority, at the recommendation of a designated staff review committee, for cause.

WAYNE STRATTON, Chairman

APPROVED BY AGENCY: May 15, 1990

FILED WITH LRC: May 15, 1990 at noon

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Tuesday, June 26, 1990 at 10 a.m. at 1050 U.S. 127 South, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 21, 1990, five days prior to 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: Mr. Paul P. Borden, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Paul P. Borden

(1) Type and number of entities affected: An undetermined number, though estimated at 15,600, of residents of Kentucky attending the first two (2) years of school at a Kentucky college or university.

(a) Direct and indirect costs or savings to those affected: Recipients of the grants would receive up to \$640 per year (equal to the amount currently charged for tuition at Kentucky's Community Colleges).

1. First year: Theoretically, the savings to the student would equal the total of appropriation for the first year - \$7,727,400.

2. Continuing costs or savings: The appropriation for the second year is \$7,417,200. Theoretically, that would be the amount of savings for the recipients.

3. Additional factors increasing or decreasing costs (note any effects upon competition): No other factors are perceived.

(b) Reporting and paperwork requirements: Schools process, evaluate and forward student eligibility documents to the agency.

(2) Effects on the promulgating administrative body: Additional staffing will be required to handle the flow of additional paperwork requisite to the administration of the program.

(a) Direct and indirect costs or savings:

1. First year: The direct costs of the program

(grant awards are paid from the general fund appropriations. Indirect costs cannot be determined at this time.

2. Continuing costs or savings: Continuing costs are expected to remain generally constant.

3. Additional factors increasing or decreasing costs: If the charge for tuition at the community colleges were to increase, there would be a comparable increase in the dollar amount of the awards, thereby affecting a greater savings for the recipients but a corresponding reduction in the number of awards.

(b) Reporting and paperwork requirements: Promulgating body will compile documentation, compute the amount of the award, and disburse the funds.

(3) Assessment of anticipated effect on state and local revenues: There is no anticipated effect on state and local revenues. Theoretically, the program could effect an increase in the number of Kentucky residents continuing their education in Kentucky colleges and universities.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The program is mandated by the General Assembly. The procedures and policies are the most equitable and efficient that could be devised. There are no viable alternatives.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: The regulation does not conflict with, overlap, or duplicate any statute, administrative regulation, or government policy.

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? Yes. Students enrolled less than half-time will be permitted to submit a simplified application and need analysis. Students receiving public assistance benefits will be presumed to have demonstrated financial need.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 11:020. Student application.

RELATES TO: KRS 164.744(2), 164.753(4)

STATUTORY AUTHORITY: KRS 164.748(4), HB 799 (1990 RS), Part I, F., 46., p. 51 and 52

NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority administers grant programs to provide financial assistance to students to attend Kentucky educational institutions. This regulation prescribes the forms to be used by students to apply for and establish financial need for CAP grant program.

Section 1. Definitions. (1) "Expected family contribution" shall mean the amount which a student and his/her family are expected to contribute toward the cost of the student's education determined in accordance with congressional methodology, prescribed in Title IV, Part F of the federal act (20 U.S.C. §1087kk through §1087vv).

(2) "KHEAA grant program officer" or "KGPO" means the official designated on the administrative agreement, pursuant to KRS

164.748(5), to serve as the authority's on-campus agent to certify all institutional transactions and activities with respect to the CAP grant program.

(3) "Pell grant" means an award under the Pell Grant Program operated by the United States Government under the provision of 20 U.S.C. 1070a.

Section 2. In order to receive CAP grant program benefits for the 1990-91 academic year, the 1990-91 Kentucky Financial Aid Form shall be completed and submitted, in accordance with the instructions provided by the authority, by students accepted for enrollment on at least a half-time basis, as determined by the participating institution. The application and instructions are available from the authority at its office at 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky. An applicant shall indicate the choice of an educational institution on the application to be considered for the CAP grant. The participating institution listed first shall be used in the determination of a CAP grant program award. If the student provides written notification of change of first choice educational institution, on or before August 1 or December 1, prior to the commencement of the respective fall or spring semester for which a CAP grant is sought, grant program eligibility shall be redetermined and award determination shall be recomputed by the authority based upon the new choice of educational institution. If the student changes his/her choice of educational institution after August 1, any CAP grant award for the succeeding fall academic term shall be revoked, and grant program eligibility shall be recomputed for the spring academic term. If the student changes his/her choice of educational institution after December 1, any CAP grant award for the succeeding spring term shall be revoked.

Section 3. (1) Students accepted for enrollment on less than a half-time basis, as determined by the participating institution, may apply for a CAP grant by completing and submitting to the KGPO at the participating institution a "College Access Program (CAP) Grant Application For Less Than Half-time Students." This form is available from the KGPO at each participating institution or from KHEAA. Except for applicants described in subsection (2) of this section the applicant shall also provide to the KGPO information sufficient to allow the KGPO to determine the expected family contribution.

(2) A student who receives benefits on his or her behalf under the Aid to Families with Dependent Children (AFDC), Medicaid, or Food Stamp program or income based participation in the Job Training Partnership Act Program administered by the Kentucky Cabinet for Human Resources, Bureau for Social Insurance, or the Social Security Insurance (SSI) Program administered by the federal government shall provide, with the application form, a document received from the provider of benefits, bearing the student's name and Social Security Number, sufficient to indicate receipt of the specified public assistance benefits. If the applicant is not named on the documentation of public assistance benefits, the applicant shall also provide a copy of a federal income tax return for the preceding tax year recognizing the

applicant as a dependent of the person named on the public assistance documentation.

Section 4. To properly complete the CAP grant application procedure, each applicant described in Section 2 of this regulation who receives payments for himself/herself or whose parent receives payments on behalf of the applicant under the program known as "Aid to Families with Dependent Children (AFDC)" administered by the Kentucky Cabinet for Human Resources, Bureau for Social Insurance, (CHR, BSI), shall indicate in the designated place on the application that these benefits are received. The authority shall request data from the CHR, BSI to verify that the family is a current, bona fide recipient of payments under the AFDC program.

Section 5. A CAP grant recipient, who, on the basis of information submitted on the Kentucky Financial Aid Form, is potentially eligible for a Pell grant must apply for the Pell grant prior to disbursement of the spring semester portion of the CAP grant. Recipients subject to this regulation will be notified by the authority in advance of cancellation of the undisbursed portion of the CAP grant. If, within a reasonable time period following such notification, the student fails to provide documentation of filing for a Pell grant, the undisbursed portion of the CAP grant shall be cancelled.

WAYNE STRATTON, Chairman

APPROVED BY AGENCY: May 15, 1990

FILED WITH LRC: May 15, 1990 at noon

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Tuesday, June 26, 1990 at 10 a.m. at 1050 U.S. 127 South, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 21, 1990, five days prior to 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: Mr. Paul P. Borden, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Paul P. Borden

(1) Type and number of entities affected: All freshmen and sophomores applying for College Access Program grants (approximately 15,600) must submit a financial need analysis form.

(a) Direct and indirect costs or savings to those affected: Applicants enrolled for six credit hours or more must process the Kentucky Financial Aid Form. Those enrolled for three to five hours will process a simplified analysis form.

1. First year: The Kentucky Financial Aid Form

costs \$11.25 per person to process. The simplified form will not have a charge.

2. Continuing costs or savings: The cost for processing the Kentucky Financial Aid Form is expected to remain constant for some period of time.

3. Additional factors increasing or decreasing costs (note any effects upon competition): No additional costs are anticipated.

(b) Reporting and paperwork requirements: Applicants are required to submit only one form as an application. Public assistance recipients are required to submit supporting documentation verifying receipt of benefits.

(2) Effects on the promulgating administrative body: Adoption of an application form creates no effect 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: There will be no effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Alternative financial aid application forms were not considered because the Kentucky Financial Aid Form is required for virtually all need-based student financial assistance programs in Kentucky.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: This regulation does not conflict with, overlap, or duplicate any statute, administrative regulation, or government policy.

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: The Kentucky Financial Aid Form is almost universally required or approved by the financial aid community in Kentucky.

TIERING: Was tiering applied? Yes. Students enrolled for 3-5 hours may establish eligibility by producing documentation that they are receiving various forms of public assistance or that they have an expected family contribution of not greater than \$2,000.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 11:030. Award determination procedure.

RELATES TO: KRS 164.744(2), 164.753(4)

STATUTORY AUTHORITY: KRS 164.748(4), HB 799 (1990 RS), Part I, F., 46., p. 51 and 52

NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority administers grant programs to provide financial assistance to students to attend Kentucky educational institutions. This regulation prescribes the award determination procedures for the CAP grant program.

Section 1. Definitions. (1) "Expected family contributions" shall mean the amount which a student and his/her family may be expected to contribute toward the cost of the student's

education determined, except as provided in Section 3 of this regulation, in accordance with congressional methodology, prescribed in Title IV, Part F of the federal act (20 U.S.C. §1087kk through §1087vv).

(2) "KHEAA grant program officer" or "KGPO" means the official designated on the administrative agreement, pursuant to KRS 164.748(5), to serve as the authority's on-campus agent to certify all institutional transactions and activities with respect to the CAP grant program.

(3) "Overaward" means provision through any and all sources of financial assistance to meet educational expenses in excess of a student's need.

Section 2. Each application shall be reviewed for determination that all eligibility requirements set forth in 11 KAR 11:010 are met. To qualify for a CAP award the applicant's expected family contribution shall be \$2,000 or less.

Section 3. Each verified applicant receiving public assistance benefits specified in 11 KAR 11:020, Sections 3 or 4, shall be presumed to have an expected family contribution of zero.

Section 4. Maximum Award. (1) Except as provided in subsection (3) of this section, the maximum CAP grant shall be \$320 per semester for an applicant accepted for enrollment on a full-time basis as determined by the participating institution.

(2) Except as provided in subsection (3) of this section, the maximum CAP grant shall be \$27 per semester credit hour (not in excess of the maximum specified in subsection (1) of this section) for an applicant accepted for enrollment on less than a full-time basis as determined by the participating institution.

(3) In no event shall the CAP grant award exceed the applicant's cost of education less expected family contribution and other anticipated student financial assistance.

(4) The maximum awards specified in subsections (1) and (2) of this section shall be adjusted by the authority as necessary to conform those maximums to the tuition rate generally charged for attendance at the Commonwealth's publicly supported community colleges, as determined by the Council on Higher Education.

Section 5. The authority shall reduce or revoke a CAP grant upon receipt of documentation that financial assistance from other sources in combination with the CAP grant exceeds the determination of financial need for that student. The KHEAA grant program officer (KGPO) shall reduce a CAP grant by the corresponding amount of any waiver of tuition or financial assistance exclusively designated for tuition. The KHEAA grant program officer (KGPO) and the grant recipient shall make every reasonable effort to provide the authority the information needed to prevent an overaward.

Section 6. If the authority receives revised data that, upon recomputation, results in the student becoming ineligible for a CAP grant that has already been offered, but not disbursed, the grant shall be revoked. If the student is determined to be ineligible after the CAP grant

has been disbursed, the student shall repay to the authority the entire amount of the CAP grant.

Section 7. If the authority receives revised data that, upon recomputation, necessitates reduction of the CAP grant and the grant has not yet been disbursed, the reduction shall be made to both the fall and spring disbursements, and the student shall be notified of the reduction. If the grant for the fall academic term has already been disbursed, then the reduction shall be made to the spring disbursement. If both the fall and spring disbursements have been made, the student shall repay the overaward to the authority.

Section 8. Students requested by the institution to provide verification of data for any financial assistance program shall provide the verification before receiving disbursement of a CAP grant. Any student who is awarded a CAP grant who fails to provide verification requested by the participating institution shall be deemed ineligible, and the grant shall be revoked.

WAYNE STRATTON, Chairman

APPROVED BY AGENCY: May 15, 1990

FILED WITH LRC: May 15, 1990 at noon

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Tuesday, June 26, 1990 at 10 a.m. at 1050 U.S. 127 South, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 21, 1990, five days prior to 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: Mr. Paul P. Borden, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Paul P. Borden

(1) Type and number of entities affected: An estimated 15,600 Kentucky freshman and sophomore students enrolled at Kentucky colleges and universities who will be eligible for college access program grants.

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

1. First year: The ostensible savings for each recipient is the equivalent of the cost of tuition at Kentucky's community colleges (except Lexington), a maximum amount of \$640 for the year.

2. Continuing costs or savings: Absent an increase in community college tuition charges, the annual savings, per recipient, would remain unchanged.

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

(b) Reporting and paperwork requirements: The implementation of maximum grant awards does not create any reporting or paperwork requirements for the affected entities.

(2) Effects on the promulgating administrative body: This regulation merely sets the maximum limits on grant awards. Any administrative responsibilities would be addressed by separate regulations with respect to application and disbursement.

(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: There were no alternatives to consider. The maximums were mandated by the General Assembly.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. The concept of tiering is not applicable to this regulation. The difference in maximum awards is based on academic credit hour load.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 11:040. Notification of award.

RELATES TO: KRS 164.744(2), 164.753(4)

STATUTORY AUTHORITY: KRS 164.748(4), HB 799 (1990 RS), Part I, F., 46., p. 51 and 52

NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority administers grant programs to provide financial assistance to students to attend Kentucky educational institutions. This regulation sets forth the procedures for notification to CAP grant applicants and to participating institutions.

Section 1. Definitions. "KHEAA grant program officer" or "KGPO" means the official designated on the administrative agreement, pursuant to KRS 164.748(5), to serve as the authority's on-campus agent to certify all institutional transactions and activities with respect to the CAP grant programs.

Section 2. Each CAP grant recipient that applied, using the Kentucky Financial Aid Form, shall be notified by the authority of the amount of award together with disbursement information. The recipient shall notify the authority of any incorrect information appearing on the notice, including name, address, Social Security Number or institutional choice errors or changes.

Section 3. So long as funds are available, the authority shall individually notify applicants

of the reason for their denial. When funds are no longer available, public, rather than individual, notification shall be given.

Section 4. Periodically, the authority shall forward to the KGPO at each participating institution a report listing student applicants who have applied using the Kentucky Financial Aid Form and indicated that institution as the one in which they plan to enroll.

Section 5. Applicants using a "College Access Program (CAP) Grant Application for Less than Half-time Students" shall be notified of the award or the reason for denial by the KGPO at the participating institution.

WAYNE STRATTON, Chairman

APPROVED BY AGENCY: May 15, 1990

FILED WITH LRC: May 15, 1990 at noon

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Tuesday, June 26, 1990 at 10 a.m. at 1050 U.S. 127 South, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 21, 1990, five days prior to 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: Mr. Paul P. Borden, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Paul P. Borden

(1) Type and number of entities affected: This regulation affects approximately 15,600 applicants for college access program grants.

(a) Direct and indirect costs or savings to those affected: There are no costs or savings, to applicants, created by this regulation.

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: The recipients shall notify the authority of any incorrect information appearing on notices sent by the authority.

(2) Effects on the promulgating administrative body: The promulgating body shall notify each recipient of the amount of the award together with disbursement information. So long as funds are available, any applicants denied grants will individually be notified of the reason for the denial. When funds are exhausted, public notification will be given.

(a) Direct and indirect costs or savings: The only costs will be the costs of notifying the applicant of the granting or denial of the awards.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Notification of the awards and denials will create no additional reporting or paperwork requirements.

(3) Assessment of anticipated effect on state and local revenues: There is no effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No viable cost-efficient and effective alternatives were available.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: This regulation does not conflict with, overlap, or duplicate any statute, administrative regulation, or government policy.

(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. Concept of tiering was not applicable to the notification procedure.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 11:050. Disbursement procedures.

RELATES TO: KRS 164.744(2), 164.753(4)

STATUTORY AUTHORITY: KRS 164.748(4), HB 799 (1990 RS), Part I, F., 46., p. 51 and 52

NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority administers grant programs to provide financial assistance to students to attend Kentucky educational institutions. This regulation sets forth the disbursement procedures for the CAP grant program.

Section 1. Definitions. "KHEAA grant program officer" or "KGPO" means the official designated on the administrative agreement, pursuant to KRS 164.748(5), to serve as the authority's on-campus agent to certify all institutional transactions and activities with respect to the KHEAA grant programs.

Section 2. Eligibility Verification. (1) The CAP grant program eligibility verification roster for applicants who file the Kentucky Financial Aid Form shall be forwarded to the KGPO at each participating institution prior to the beginning of each semester.

(2) The KGPO shall certify the eligibility of CAP grant recipients according to instructions attached to the roster, which shall include:

(a) Conditions under which a CAP grant shall be disbursed to the benefit of the CAP grant recipient;

(b) Conditions under which CAP grant funds shall be returned to the authority; and

(c) The date on which any undisbursed CAP grant funds shall be returned to the authority.

(3) The KGPO shall certify and submit to the authority, not later than three (3) weeks after the last date for students to enroll for that semester, the information establishing the

eligibility of students that applied using a "College Access Program (CAP) Grant Application for Less than Half-time Students."

Section 3. Disbursement of Funds. (1) The authority shall transfer funds to the KGPO at the time the eligibility verification roster is transmitted. Upon receipt of the properly certified eligibility verification roster, the authority shall transfer additional CAP grant funds, if necessary, to the KGPO as payment on behalf of each eligible CAP grant recipient.

(2) An institution which has not returned an eligibility verification roster or completed it according to instructions shall not receive additional funds until it has satisfied the requirements in Section 2(2) of this regulation.

Section 4. The participating institution shall be responsible for verification of continued eligibility at the time of disbursement of CAP grants. The institution shall be liable for disbursement to the wrong student or to an ineligible student, and shall make restitution to the authority of any amount improperly disbursed. Failure of the institution to make restitution when required shall, without precluding other remedies, be deemed cause for limitation, suspension or termination of the participation of the institution in accordance with 11 KAR 4:020.

WAYNE STRATTON, Chairman

APPROVED BY AGENCY: May 15, 1990

FILED WITH LRC: May 15, 1990 at noon

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Tuesday, June 26, 1990 at 10 a.m. at 1050 U.S. 127 South, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 21, 1990, five days prior to 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: Mr. Paul P. Borden, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Paul P. Borden

(1) Type and number of entities affected: This regulation affects approximately 15,600 recipients of college access program grants and the 42 colleges and universities eligible for participation in the program.

(a) Direct and indirect costs or savings to those affected: There are no costs or savings for the affected entities attributable to this regulation.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing

costs (note any effects upon competition):

(b) Reporting and paperwork requirements: The schools, upon receipt of eligibility verification rosters, certify recipient eligibility and notify the authority of eligibility.

(2) Effects on the promulgating administrative body: The promulgating body will transfer to the schools grant funds as payment on behalf of each award recipient.

(a) Direct and indirect costs or savings: There are no substantial costs associated with this procedure for disbursement. It is considerably more cost and time efficient than disbursements to individual recipients.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: The authority will maintain cumulative records of sufficient scope to satisfy prudent recordkeeping requirements.

(3) Assessment of anticipated effect on state and local revenues: This disbursement procedure imposes no effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The alternative, direct disbursement to individual recipients, would have been far more costly in terms of time and monetary costs and would have been administratively burdensome for both the schools and the authority.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: This disbursement procedure does not conflict with, overlap, or duplicate any statute, administrative regulation, or governmental policy.

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? No. The concept of tiering is not applicable to disbursement procedure. All recipients are treated equally.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 11:060. Refund and repayment policy.

RELATES TO: KRS 164.748(4), (8), (12), (14), 164.753(4)(a)

STATUTORY AUTHORITY: KRS 164.748(4), HB 799 (1990 RS), Part I, F., 46., p. 51 and 52

NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority administers grant programs to provide financial assistance to students to attend Kentucky educational institutions. This regulation sets forth the apportionment of financial aid refunds from institutions for the CAP grant programs.

Section 1. Definitions. "Overaward" means provision through any and all sources of financial assistance to meet educational expenses in excess of a student's need.

Section 2. A CAP grant recipient who fails to enroll, withdraws or changes enrollment status may be due a refund of monies paid to the

participating institution or may owe a repayment of cash disbursements made to the student for educationally related expenses. If the student received financial aid, a portion of the refund or repayment shall be due to the financial aid programs.

Section 3. The amount of the refund or repayment shall be determined in accordance with the participating institution's refund and repayment policies relative to financial aid funds, except as provided in Section 4 of this regulation. These policies shall be published and consistently administered. The policies shall be filed with the authority. The authority shall be notified in writing of any changes in such policies.

Section 4. When a CAP grant recipient officially or unofficially withdraws from or is expelled by an institution before the first day of classes of the award period, the award shall be deemed an overaward, and a full refund or repayment of the CAP grant shall be required, notwithstanding any institutional policy to the contrary. In cases of unofficial withdrawal, the institution shall use the last recorded date of class attendance by the student as the end of the student's enrollment. If the institution is unable to document the student's last date of attendance, any CAP grant disbursement for that award period shall be subject to full refund and repayment. If, at any time, a CAP grant recipient's enrollment is terminated with no assessment of tuition and fees by the institution, then the full CAP grant shall be refunded by the institution to the authority. The institution shall multiply the total financial aid refund amount by the following fraction to determine the portion of the refund to be returned to the authority:

$$\frac{\text{CAP grant for the term}}{\text{Total aid awarded for the term} \\ (\text{Minus work earnings})}$$

Section 5. (1) If, under the institution's financial aid repayment policy, the student owes a repayment, the CAP grant or a portion thereof shall be repaid to the authority by the student. The institution shall calculate the amount of repayment due to the authority and notify the student and the authority in a timely fashion regarding the amount due to the authority. Students are required to make such repayments by certified check or money order payable to the authority. The institution shall multiply the total financial aid repayment amount by the following fraction to determine the portion of the repayment to be paid to the authority by the student:

$$\frac{\text{CAP grant for the term}}{\text{Total aid awarded for the term} \\ (\text{Minus work earnings})}$$

(2) The authority shall notify the student and the institution when repayment is received.

Section 6. Participating institutions shall tender to the authority any refunds due and notify the authority of any refund or repayment determined to be due. Notifications of refunds by institutions and notifications of student repayment obligations shall include the

student's name and Social Security Number, the reason for the refund or repayment, date of enrollment status change, the semester and year, and calculation used for determining each refund or repayment.

WAYNE STRATTON, Chairman

APPROVED BY AGENCY: May 15, 1990

FILED WITH LRC: May 15, 1990 at noon

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Tuesday, June 26, 1990 at 10 a.m. at 1050 U.S. 127 South, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 21, 1990, five days prior to 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: Mr. Paul P. Borden, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Paul P. Borden

(1) Type and number of entities affected: All college access program grant recipients (about 15,600) and 42 participating colleges and universities are affected.

(a) Direct and indirect costs or savings to those affected: Implementation of this refund policy does not create a cost or savings to the entities. The institution already maintains sufficient recordkeeping facilities to satisfy this requirement.

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: Schools are required to maintain records of sufficient scope to determine whether a refund is due, and to whom and in what proportions a refund should be made. This recordkeeping is already required by existing student financial aid programs.

(2) Effects on the promulgating administrative body: The promulgating body will generally receive a portion of any refund made by or on behalf of a college access program grant recipient, such refund having been determined and calculated in conformity with the provisions of this regulation.

(a) Direct and indirect costs or savings: The amount of savings cannot be estimated.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: Implementation of the refund policy will have no effect on state and local

revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: There was no need to consider alternatives. This refund policy incorporates the basic features of widely accepted refund policies of other student financial assistance programs.

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

(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 refund policy for a new student aid program merely adopts procedures generally used in other student aid programs.

TIERING: Was tiering applied? No. Concept of tiering does not apply to this refund procedure. All parties are afforded equal treatment.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 11:070. Records and reports.

RELATES TO: KRS 164.744(2), 164.748(5), 164.753(4)

STATUTORY AUTHORITY: KRS 164.748(4), HB 799 (1990 RS), Part I, F., 46., p. 51 and 52

NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority administers grant programs to provide financial assistance to students to attend Kentucky educational institutions. This regulation requires that participating institutions provide records and reports to the authority related to the CAP grant program.

Section 1. Records and Reports. Any participating institution shall establish an organized system of records pertaining to CAP grant recipients, maintain those records for not less than five (5) years after the award year in which the recipient ceased enrollment, and upon written request, make available to the authority:

(1) All records relied upon by that institution to certify that any recipient of funds from the authority is an eligible student pursuing an eligible course of study; and

(2) Information necessary to verify that the institution has complied with 11 KAR Chapter 11 and with the representations and requirements contained in its agreement with the authority.

WAYNE STRATTON, Chairman

APPROVED BY AGENCY: May 15, 1990

FILED WITH LRC: May 15, 1990 at noon

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Tuesday, June 26, 1990 at 10 a.m. at 1050 U.S. 127 South, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 21, 1990, five days prior to 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: Mr. Paul P. Borden, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Paul P. Borden

(1) Type and number of entities affected: The 42 colleges and universities which participate in the College Access Program are the only entities affected.

(a) Direct and indirect costs or savings to those affected: There are no appreciable costs or savings associated with the implementation of this regulation. The regulation merely requires the institutions to conform to generally accepted recordkeeping requirements of other student financial assistance programs. The participating institutions already have the capacity to fulfill this requirement.

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: This regulation merely requires the institutions to maintain certain specific data for a period of not less than five years and to provide such data to the agency upon request.

(2) Effects on the promulgating administrative body: The regulation does not place any administrative responsibility on the authority.

(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: There is no effect on local or state revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: There are no viable alternatives to prudent recordkeeping.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: This regulation does not conflict with, overlap, or duplicate any statute, administrative regulation or government policy.

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: The requirements imposed by this regulation are generally recognized by the student financial assistance community as being the standard.

TIERING: Was tiering applied? No. The concept of tiering is not applicable to recordkeeping. All affected entities are afforded equal treatment.

TRANSPORTATION CABINET
Department of Vehicle Regulation
Division of Driver Licensing

601 KAR 13:025. Point system.

RELATES TO: KRS 186.570, 186.572, 189.990(5)
 STATUTORY AUTHORITY: KRS 186.400

NECESSITY AND FUNCTION: This regulation specifies the driver licensing point system in which traffic offense convictions are assigned a certain number of points, according to the seriousness of the offense as determined by either accident-cause statistics or by statute. Certain offenses have proven so dangerous that they are made cause for suspension periods rather than point accumulation. The purpose of the point system is to establish a criterion whereby the discretion allowed the Transportation Cabinet in determining the "habitually reckless or negligent driver" or the "serious violator" is not exercised arbitrarily and capriciously, but each license holder will be treated like every other one, and each will know or can determine his point status at any given time.

This administrative regulation is being promulgated to replace 601 KAR 13:020 which expired on July 13, 1990 after having been found not to be in conformance with state law by both the Administrative Regulations Review Subcommittee and the Interim Joint Transportation Committee. Section 4 of this regulation which contained the problem language has been revised so that it is now in conformance with state law.

Section 1. Definitions. "Probation" means that a pending driving privilege suspension period is held in abeyance provided the person attends an approved driver improvement clinic and provided his driving privilege has not been withdrawn in any other jurisdiction.

Section 2. To assist the Transportation Cabinet in making a determination that a person is a habitually reckless or negligent driver of a motor vehicle or has committed a serious violation of the motor vehicle laws in accordance with KRS 186.570 a schedule of penalty points is established for the purpose of denying, withdrawing, suspending or revoking that person's driving privilege and operator's license. Value points for the various classifications of moving traffic offenses, or a driving privilege suspension period for certain named offenses, shall be assessed as set out in Sections 3 and 4 of this regulation for all persons. Points shall be assessed or driving privilege suspensions invoked for conviction, forfeiture of bail, or payment of fine, with or without a court appearance, for the enumerated offenses whether the conviction is received from a court of competent jurisdiction within the Commonwealth of Kentucky or any other jurisdiction, except that out-of-state speeding offenses shall not be considered by the cabinet. Information regarding convictions may be secured from any official source or record available to public or cabinet inspection. Complete records of driving privilege suspensions and point system assessments shall be maintained in the Transportation Cabinet for a period of five (5) years.

Section 3. Conviction for one (1) of the following serious violations of the motor vehicle laws may be cause for suspension of the driving privilege of the person so convicted for the period of time indicated:

Racing.....90 days
 Speeding 26 MPH or more over limit.....90 days
 Attempting to elude law enforcement officer by use of motor vehicle.....90 days

Section 4. Conviction for any one of the following moving traffic offenses shall be cause for assessment of the points indicated:

Speeding 15 MPH or less over the limit.....3
 (Except as provided in KRS 186.572)
 Speeding 16 MPH or more, but less than 26 MPH, over the limit.....6
 Failure to stop for church or school bus.....6
 Improper passing.....5
 Reckless driving.....4
 Driving on wrong side of road.....4
 Following too closely.....4
 Failure to yield to emergency vehicle.....4
 Changing drivers in a moving vehicle.....4
 Vehicle not under control.....4
 Stop violation (electric signal, railroad crossing, stop sign).....3
 Failure to yield.....3
 Wrong way on one-way street.....3
 Too fast for conditions.....3
 Too slow for conditions.....3
 Improper start.....3
 Improper driving.....3
 Careless driving.....3
 Failure to yield left lane.....3
 Improper lane usage.....3
 Failure to illuminate headlights.....3
 Failure to dim headlights.....3
 Any other moving hazardous violations.....3
 Commission of a moving hazardous violation which involves an accident.....6
 Combination of two (2) or more moving hazardous violations in any one (1) occurrence..6

Section 5. If a person accumulates six (6) or more penalty points within a two (2) year period, the Transportation Cabinet may send a letter to the address shown on his driving history record that shall advise him of the number of penalty points on his driving history record. The letter shall inform the person of the penalties which may be imposed if he were to accumulate twelve (12) points within two (2) years.

Section 6. (1) If a person accumulates twelve (12) points within a period of two (2) years, the cabinet may suspend the driving privilege of such person for a period of six (6) months for the first such accumulation of twelve (12) points, one (1) year for the second such accumulation of twelve (12) points, and two (2) years for any subsequent accumulation of twelve (12) points within a two (2) year period.

(2) For any offense for which the suspension of the driving privilege is six (6) months or less for the first offense, the second conviction of a similar offense shall result in a suspension period of not less than one (1) year, and any subsequent conviction for any similar offense not less than two (2) years.

Section 7. If the cabinet suspends the driving privilege of a person more than one (1) time under the provisions of this administrative

regulation, the suspension times shall run consecutively.

Section 8. (1) Any person who accumulates twelve (12) points or more within a period of two (2) years, or who is convicted of any offense that could result in a suspension of his driving privilege under the provisions of this regulation, may be placed on probation in lieu of suspension. The probation period shall be two (2) times the length of time the suspension would have been if imposed.

(2) If a person on probation receives an additional conviction for a moving traffic offense with or without court appearance, or upon his failure to successfully enroll in and complete the driver improvement clinic, the person shall have his driving privilege in Kentucky suspended for the period of time outlined in Section 6(1) and (2) of this regulation.

(3) Once a person has been placed on probation by the cabinet, he shall not be considered for probation again until a lapse of two (2) years from the ending date of the probation period granted, whether served or not.

(4) If a person whose driving privilege has been suspended under the provisions of this administrative regulation becomes eligible for probation, the cabinet may waive the remainder of a driving privilege suspension period. Upon this waiver, the cabinet shall place the driver on probation for two (2) times the amount of time remaining on the suspension period.

Section 9. Any person who holds a valid operator's license from another licensing jurisdiction and who after establishing residence in Kentucky applies to become a valid license holder may be considered for an operator's license in Kentucky. However, such person's driving privilege shall not be under suspension or revocation by any jurisdiction at the time of his application in Kentucky.

Section 10. When a conviction report is used by the Transportation Cabinet to impose a driving privilege suspension or probation, it shall never be used for the imposition of an unrelated suspension or probation. It may be used to show that the person's driving privilege has previously been suspended.

Section 11. No person's driving privilege shall be suspended under any section of this regulation without his first being offered a hearing, unless the hearing offer has been waived.

Section 12. (1) As soon as the Transportation Cabinet is made aware that a person has committed sufficient offenses that his driving privilege is placed in jeopardy, the cabinet shall establish a time and place for the hearing on the matter. The cabinet shall notify that person of the hearing by first class mail delivered to his last known address as reflected on the person's driving history record.

(2) The person shall appear for the hearing at the established time and place. The hearing shall be conducted by an appointed representative of the Transportation Cabinet. The testimony given at the hearing shall be recorded and such recordings retained by the cabinet for a period of sixty (60) days.

(3) Based upon the evidence and testimony received at the hearing and the person's driving history record, the hearing officer shall determine whether the cabinet may withdraw the person's driving privilege. If he determines that the cabinet may withdraw the person's driving privilege, he may either order suspending the person's driving privilege or grant probation to the person.

(4) If probation is granted, the terms shall be carefully explained to the person. The person shall indicate his understanding and acceptance of those terms by signing a standard form prepared by the Transportation Cabinet.

(5) If probation is not granted the person, the hearing officer shall prepare the order suspending the person's driving privilege at the close of the hearing. The effective date of the suspension shall be included in the order. The hearing officer shall hand the order to the person prior to his departure.

(6) The person may in writing file a grievance with the Transportation Cabinet if he is aggrieved by any action taken by the cabinet under the guidelines of this administrative regulation. The grievance shall state the reasons he believes the Transportation Cabinet has taken erroneous action. In not less than fifteen (15) nor more than thirty (30) days thereafter the aggrieved party may file an action against the Transportation Cabinet in the circuit court of the county in which he resides or in Franklin Circuit Court.

Section 13. 601 KAR 13:020, Point system is hereby repealed.

JEROME LENTZ, Acting Commissioner

MILO D. BRYANT, Secretary

APPROVED BY AGENCY: May 7, 1990

FILED WITH LRC: May 14, 1990 at 2 p.m.

PUBLIC HEARING: A public comment hearing will be held on this administrative regulation on June 26, 1990 at 11 a.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 June 21, 1990 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 June 21, 1990. 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: 2.5 million licensed drivers in Kentucky.

(a) Direct and indirect costs or savings to

those affected: Those people found guilty of speeding 10 mph or less over the limited on a limited access highway where the speed limit is 55 miles per hour will be assessed 3 points where now there are no points assessed. In almost all cases this will mean no change in the individual's driving privilege. Therefore, there would be no cost or savings involved. This would cause a very few individuals to have accumulated sufficient points to possibly have his driving privilege withdrawn or to be placed on probation.

1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
 - (b) Reporting and paperwork requirements:
 - (2) Effects on the promulgating administrative body:
 - (a) Direct and indirect costs or savings:
 1. First year: The driver licensing computer system will have to have minor reprogramming. The cost will only be approximately \$5,000.
 2. Continuing costs or savings:
 3. Additional factors increasing or decreasing costs:
 - (b) Reporting and paperwork requirements:
 - (3) Assessment of anticipated effect on state and local revenues: None
 - (4) Assessment of alternative methods; reasons why alternatives were rejected: No alternative. The existing administrative regulation 601 KAR 13:020 was found to be in noncompliance by two Legislative Research Commission committees and will expire on July 13, 1990.
 - (5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
 - (a) Necessity of proposed regulation if in conflict: None
 - (b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
 - (6) Any additional information or comments: TIERING: Was tiering applied? Yes. Tiering was applied by setting a graduated system of point accumulation. Therefore, Kentucky's better drivers are allowed more highway privileges than the poorer drivers.

EDUCATION AND HUMANITIES CABINET

Department of Education

Office of Education for Exceptional Children

707 KAR 1:015. Policies and procedures related to the use of education of the handicapped act (EHA) part B funds.

RELATES TO: KRS 156.035, 157.200 to 157.290
STATUTORY AUTHORITY: KRS 156.035, 156.070, 157.220, 157.221

NECESSITY AND FUNCTION: KRS 157.200 to 157.290 establish the statutory framework for special education programs in local school districts. KRS 157.221 mandates that the State Board for Elementary and Secondary Education adopt rules and regulations to generally carry out these programs. KRS 156.035 sets forth the authority of the State Board for Elementary and Secondary Education to implement any act of Congress appropriating funds to the state and to provide for the proper apportionment and disbursement of such funds in accordance with state and federal laws. This regulation adopts the "Policies and Procedures for the Use of Education of the

Handicapped Act (EHA) Part B Funds" which provides policies and procedures to assure the apportionment and disbursement of federal funds for exceptional child programs in accordance with applicable laws.

Section 1. Pursuant to the authority vested in the Kentucky State Board for Elementary and Secondary Education, the "Policies and Procedures for the Use of Education of the Handicapped Act (EHA) Part B Funds, May, 1990", is hereby approved and incorporated herein by reference. Copies of the document may be inspected and copied at the Office of Education for Exceptional Children, Department of Education, 8th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, 8 a.m. to 4:30 p.m., Monday through Friday.

Section 2. 707 KAR 1:003, Annual program plan for the administration of the education of the handicapped act, is hereby repealed.

HENRY E. POGUE, IV, Chairman

APPROVED BY AGENCY: May 9, 1990

FILED WITH LRC: May 11, 1990 at 1 p.m.

PUBLIC HEARING: A public hearing has been scheduled on Thursday, June 28, 1990 at 10 a.m. EDT, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky, to review the regulations adopted by the State Board for Elementary and Secondary Education at its May meeting. Those persons wishing to provide written testimony or attend and testify shall contact in writing: Dr. Dan H. Branham, Secretary, State Board for Elementary and Secondary Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before June 23, 1990. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Linda F. Hargan

(1) Type and number of entities affected: 177 local school districts, Kentucky Department of Education.

(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: No additional requirements.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No additional requirements.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: Methods contained in the regulation reflect required federal mandates. (Policies previously incorporated in 707 KAR 1:003)

(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. Federal mandates regarding the use of EHA-B funds require their consistent application to all local school districts receiving funding.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 20 U.S.C. §1412, 1413, 1414.

2. State compliance standards. Kentucky State Plan for Federal Fiscal Years 1991, 1992 and 1993 under Part B of the Education of the Handicapped Act as amended.

3. Minimum or uniform standards contained in the federal mandate. Fiscal and program management standards.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Not applicable.

PUBLIC PROTECTION AND REGULATION CABINET Department of Financial Institutions Division of Banking

808 KAR 1:110. Investment of bank funds.

RELATES TO: KRS 287.100(7)

STATUTORY AUTHORITY: KRS 287.011, 287.020

NECESSITY AND FUNCTION: To allow state chartered banks to invest in a particular series of a mutual fund. Many mutual funds are divided into series to save administrative expense. The investment objectives of a particular series of a mutual fund is as restrictive as those of a mutual fund that is not divided into series, thereby making a particular series just as suitable of an investment as a particular mutual fund.

Section 1. A bank may invest its funds in a particular series of a mutual fund if that series meets the requirements of KRS 287.100(7).

EDWARD B. HATCHETT, JR., Commissioner

APPROVED BY AGENCY: May 14, 1990

FILED WITH LRC: May 15, 1990 at 9 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 22, 1990 at 10 a.m. at the Department of Financial Institutions, 911 Leawood Drive, Frankfort, Kentucky 40601. Individuals interested in attending this hearing shall notify this agency in writing by June 18, 1990, 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 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: J. Rick Jones, Department of Financial Institutions, 911 Leawood Drive, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Thomas W. Stout

(1) Type and number of entities affected: State chartered banks, numbering 250.

(a) Direct and indirect costs or savings to those affected: No determinable costs, possible savings from new investment authority.

1. First year: Indeterminable

2. Continuing costs or savings: Indeterminable

3. Additional factors increasing or decreasing costs (note any effects upon competition): Will make Kentucky state-chartered banks more competitive with national banks.

(b) Reporting and paperwork requirements: No change in amount already required.

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: None

1. First year: N/A

2. Continuing costs or savings: N/A

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: No change in amount already required.

(3) Assessment of anticipated effect on state and local revenues: Possible increase in tax revenues if bank profits increase.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternative other than promulgation of regulation.

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

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

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. All state banks could benefit from this clarification of their investment authority.

PUBLIC PROTECTION & REGULATION CABINET Department of Financial Institutions Division of Banking

808 KAR 1:120. Loans secured by government obligations.

RELATES TO: KRS 287.290(2)

STATUTORY AUTHORITY: KRS 287.290(2)

NECESSITY AND FUNCTION: To provide for an exception to the bank lending limits for loans or extensions of credit secured by certain types of government obligations.

Section 1. The lending limits set out in KRS 287.280 shall not apply to loans or extensions of credit secured by:

(1) Bonds, notes, certificates of indebtedness, treasury bills, and other direct obligations of the United States; or

(2) General obligations of the Commonwealth of Kentucky.

Section 2. The government obligations listed in Section 1 of this regulation must have a face value at least equal to the total of the principal of the loan or extension of credit, and must mature within five (5) years of the date of the loan or extension of credit.

EDWARD B. HATCHETT, JR., Commissioner

APPROVED BY AGENCY: May 14, 1990

FILED WITH LRC: May 15, 1990 at 9 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 22, 1990 at 10 a.m. at the Department of Financial Institutions, 911 Leawood Drive, Frankfort, Kentucky 40601. Individuals interested in attending this hearing shall notify this agency in writing by June 18, 1990, 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 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: J. Rick Jones, Department of Financial Institutions, 911 Leawood Drive, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Thomas W. Stout

(1) Type and number of entities affected: State chartered banks, numbering 250.

(a) Direct and indirect costs or savings to those affected: No costs; possible savings from state banks being more competitive with national banks.

1. First year: Indeterminable

2. Continuing costs or savings: Indeterminable

3. Additional factors increasing or decreasing costs (note any effects upon competition): Will make Kentucky state-chartered banks more competitive with national banks.

(b) Reporting and paperwork requirements: No change in amount already required.

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: None

1. First year: N/A

2. Continuing costs or savings: N/A

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: No change in amount already required.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternative other than promulgation of regulation.

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

(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. The regulation applies to all state banks; there was no reason to tier by size or location, since this regulation is of benefit to all state banks.

PUBLIC PROTECTION AND REGULATION CABINET

Department of Financial Institutions

Division of Thrift Institutions

808 KAR 12:020. Claims of exemption.

RELATES TO: KRS 294.020

STATUTORY AUTHORITY: KRS 294.140(1)

NECESSITY AND FUNCTION: To establish procedures for filing a claim of exemption.

Section 1. Pursuant to KRS 294.020(2), any person relying on an exemption under KRS 294.020(1) shall file with the commissioner a claim of exemption. In submitting the application to the commissioner, the applicant shall:

(1) Submit the application on the form prescribed by the commissioner;

(2) Enclose with the application any documentation which the commissioner may require to support the applicant's claim of exemption;

(3) Enclose the fee for the application in the amount of fifty (50) dollars.

Section 2. Information contained in applications for exemption which are approved shall be updated on a yearly basis on July 1. The yearly update shall be:

(1) Submitted on the form prescribed by the commissioner;

(2) Accompanied by a fee of twenty-five (25) dollars.

EDWARD B. HATCHEETT, JR., Commissioner

APPROVED BY AGENCY: May 14, 1990

FILED WITH LRC: May 15, 1990 at 9 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 22, 1990 at 10 a.m. at the Department of Financial Institutions, 911 Leawood Drive, Frankfort, Kentucky 40601. Individuals interested in attending this hearing shall notify this agency in writing by June 18, 1990, 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 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: J. Rick Jones, Department of Financial Institutions, 911 Leawood Drive, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Thomas W. Stout

(1) Type and number of entities affected: Exempt mortgage loan companies, which presently number 248.

(a) Direct and indirect costs or savings to those affected: Direct costs would be either \$50 or \$25; indirect costs would involve filling out the yearly update form.

1. First year: \$50, if filing for initial exemption; all existing exempt companies would only have to submit a yearly update.

2. Continuing costs or savings: \$25 per year to update the exemption application.

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

(b) Reporting and paperwork requirements: A renewal form would have to be filled out each year.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: Department would have to review renewal forms each year.

1. First year: Estimated 40 additional hours to process renewals.

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

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: No significant change in amount currently required.

(3) Assessment of anticipated effect on state and local revenues: Agency revenue would increase by \$6,200 if all exempt companies renew.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No other alternatives other than fee assessments would raise the funds necessary to help cover administrative expenses in processing exemptions.

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

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

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. The exemption procedure applies equally to all companies requesting an exemption. The statute does not differentiate between exempt companies.

PUBLIC PROTECTION & REGULATION CABINET
Department of Housing, Buildings & Construction
Office of State Fire Marshal

815 KAR 10:040. Fire Prevention Code.

RELATES TO: KRS Chapters 198B, 227

STATUTORY AUTHORITY: KRS 227.300

NECESSITY AND FUNCTION: The Commissioner of the Department of Housing, Buildings and Construction is required by KRS 227.300 to establish reasonable regulations based upon good engineering practice and principles providing a reasonable degree of safety for human life against the emergencies of fire and panic, and insuring, as far as practicable, against fire loss. Such regulations shall constitute the fire

prevention code for Kentucky which shall be known as the Kentucky Standards of Safety. They shall be used, where applicable, as a supplement to the Kentucky Building Code. This regulation is necessary to establish minimum fire safety standards especially for buildings not constructed in accordance with applicable building codes in existence at time of construction. These standards are enforceable by the State Fire Marshal, pursuant to KRS Chapter 227 and local authorities pursuant to KRS 227.320. This regulation includes the substance of 815 KAR 10:020, which is being repealed.

Section 1. Definitions. Definitions in this section shall apply to this regulation and shall be incorporated into Article 2, Section 201 of the Kentucky Standards of Safety.

(1) "Alternate" or "alternative" means a system, condition, arrangement, materials or equipment submitted to or accepted by the State Fire Marshal or other fire code official as a substitute for another code requirement because the substitute meets the intent of the code.

(2) "Code official" means the State Fire Marshal or other enforcement officer designated by the appointing authority of a local governmental jurisdiction for the enforcement of this code and the codes and standards adopted herein. (See "Fire code official")

(3) "Combustible" means capable of burning or producing flame at ordinary temperatures or being easily ignited.

(4) "Common path of travel" means that portion of exit access that must be traversed before two (2) separate and distinct paths of travel to two (2) exits are available. Paths that merge are common paths of travel. Common path of travel is measured in the same manner as travel distance but terminates at that point where two (2) separate and distinct routes become available.

(5) "Distinct hazard" means any situation, process, material or condition which is likely to cause a fire or explosion or provide a ready fuel supply to augment the spread or intensity of the fire or explosion which poses a threat to life or the property of others, and including any condition likely to result in collapse of some portion of the structure in case of such fire or explosion or other impending disaster that may be a threat to life or property.

(6) "Dwelling or private dwelling" means a single unit providing complete and independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

(7) "Fire chief" means the authorized head of a fire department that is recognized by the State Fire Marshal's Office.

(8) "Fire code official" means the State Fire Marshal or other enforcement officer designated by the appointing authority of a local governmental jurisdiction for the enforcement of this regulation and the codes and standards adopted herein. (See "Code official")

(9) "Fire department" means a fire department recognized by the State Fire Marshal's Office.

(10) "Fire lane" means the road, path, or other passageway developed to allow the passage of fire apparatus through congested areas (both built-up and wildland).

(11) "Fire prevention code" means the BOCA National Fire Prevention Code, 1990 edition, as adopted by the Commissioner of the Department of Housing, Buildings and Construction and

otherwise known as the Kentucky Standards of Safety.

(12) "Fire suppression system" means a fixed system of approved appliances/devices, valves and piping designed and installed to control/suppress fire either by means of manual or automatic activation.

(13) "Fire suppression system inspector" means any individual having met the minimum requirements adopted by the Office of the State Fire Marshal.

(14) "Floor loading" means forces or other actions that arise on structural systems from the weight of all permanent construction, occupants and their possessions including:

(a) "Dead load" the weight of all permanent structural and nonstructural components of a building, such as walls, floors, roofs, ceilings, stairways and fixed service equipment.

(b) "Live load" the weight superimposed by the use and occupancy of the building, not including the wind load, earthquake load, or dead load.

(15) "Historic building" means an existing building or structure identified and classified as historic property by the Kentucky Heritage Commission or the National Register of Historic Places.

(16) "Kentucky fire incident report" means a form for the reporting of fires which is obtained pursuant to KRS 304.13-380 from the State Fire Marshal for use by fire departments.

(17) "LED" means level of exit discharge.

(18) "NFPA" means the National Fire Protection Association.

(19) "Occupancy classification" means the various use groups as classified in the Kentucky building code and set forth in Section F-202.0 of this regulation.

(20) "Place of assembly" means buildings or portions thereof used for gathering together fifty (50) or more persons for purposes set forth in F-202.0, Use Group A, of this code.

(21) "Process" means the manufacturing, handling, blending, conversion, purification, recovery, separation, synthesis or use or any combination of any commodity or material regulated by this code.

(22) "Single family dwelling" means one (1) unit providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation, and which is not connected to any other unit or building.

(23) "Smoke barrier" means a continuous membrane, either vertical or horizontal, such as a wall, floor, approved door, or ceiling assembly, that is designed and erected with construction materials to restrict the movement of smoke. A smoke barrier may or may not have a fire resistance rating. Such barriers shall have protected openings.

(24) "Smoking" means a lighting, igniting, holding or possession of any lighted cigar, cigarette or pipe.

(25) "State Fire Marshal" means the administrative head of the Division of Fire Prevention, Department of Housing, Buildings and Construction, Commonwealth of Kentucky, and signified by the abbreviation, "SFM".

(26) "Unfriendly fire" means a fire that is deliberately set (arson) or ignites through carelessness, negligence, or other cause in such a manner as to endanger the safety of any person or property.

(27) "Use group" means the classification of a

building or structure based on the purpose for which it is intended to be used.

Section 2. Adoption of Fire Prevention Code. The BOCA National Fire Prevention Code/1990, 8th Edition, published by and copies available from Building Officials and Code Administrators International, Inc., 4051 W. Flossmoor Road, Country Club Hills, Illinois 60477, is hereby incorporated by reference as it is set forth at length in this regulation, with specific changes set forth in Sections 3 through 17 of this regulation. Copies are available at the Department of Housing, Buildings and Construction, 1047 U.S. 127 South, Frankfort, Kentucky, between 8 a.m. and 4:30 p.m., Monday through Friday.

Section 3. Article 1. (1) Amend subsection F-100.1 to read as follows: "F-100.1 Title: These regulations as set forth herein shall be known as the Kentucky Standards of Safety (Fire Prevention Code) and are herein referred to as such or as "this code"."

(2) Create a new subsection to read as follows: "F-100.5 Intent of Code: It is the express intent of this code to provide a reasonable degree of safety for human life. Therefore, where the purpose of any provision of this regulation can be fulfilled by other means, the specific requirements of this code may be modified by the code official to allow alternative arrangements that will secure as nearly equivalent safety from fire as practical. Nothing in this code is intended to invalidate any lawfully adopted local government ordinance."

(3) Create a new subsection, "F-100.6 Continuation of Use" to read as follows:

(a) "F-100.6.1 The use and occupancy of any building which was constructed after the implementation of the Kentucky Building Code and for which there has been issued a lawful certificate of use or occupancy by the building code official may be continued without change so long as it is maintained and used as originally permitted and approved."

(b) "F-100.6.2 The use and occupancy of any building, other than a building covered by F-100.6.1, existing on the date of adoption of this code may be continued without change except as may be specifically covered by this code and deemed necessary by written decision of the fire code official for the life safety of the occupants and the public under Article 1 and 4 of this code."

(4) Create a new subsection, "F-100.7 Change in Use" to read as follows:

(a) "F-100.7.1 It shall be unlawful to make any change in the use of any structure or portion thereof with the potential to create a greater hazard to the public because of increased structural or fire loading or inadequate exits for the number of occupants without the written approval of the building official when required by the Kentucky Building Code."

(b) "F-100.7.2 Any proposed new use not subject to the building code shall comply with the provisions of this code relating to the new use, as required by the fire code official."

(5) Create subsection F-100.8 to read as follows: "F-100.8 Certificate of Use and Occupancy. If the fire code official finds an existing building or facility to be in substantial compliance with the intent of this

code and that there are no violations of any order of the building official or State Fire Marshal pending, he may issue a certificate authorizing the legal use and occupancy of the building or facility and that use may continue without change as allowed by F-100.6.1. Upon request, the building code official shall cooperate with the fire code official, pursuant to Section 106 of the Kentucky Building Code, in assessing existing buildings for relative fire safety."

(6) Amend subsection F-101.2 to read as follows: "F-101.2 Existing buildings: Buildings built under and in full compliance with the codes in force at the time of construction or alteration thereof, and that have been properly maintained and used for such use as originally permitted, shall be exempt from the requirements of this code pertaining to any of the following matters:

1. Fire protection of structural elements.

2. Exits required, except as provided for existing buildings under this code.

3. Isolation of hazardous operations and mixed uses; provided, however, that the code official shall require the installation of fire safety devices or systems (fire extinguishers, fire alarms, fire detection devices, sprinklers or similar systems) where they are necessary to provide safety to life and property. In lieu of requiring the installation of safety devices or systems or when necessary to secure safety in addition thereto, the code official shall prescribe limitations on the handling and storage of materials or substances or upon operations that are liable to cause fire, contribute to the spread of fire, or endanger life or property."

(7) Amend subsection F-101.3 to read as follows: "F-101.3 Application of building code: The planning, design and construction of new buildings and structures to provide egress facilities, fire protection, and built-in fire protection equipment shall be controlled by the Kentucky Building Code and any alterations, additions or changes in buildings required by the provisions of this code which are within the scope of the Kentucky Building Code shall be made in accordance with the standards set forth therein."

(8) Delete subsections F-101.4 and F-101.4.1 from Article 1 of the 1990 Edition of the BOCA National Fire Prevention Code in their entirety.

(9) Amend subsection "F-101.6 Compliance Alternatives" as follows:

(a) "F-101.6.1 Whenever this code requires a particular system, condition, arrangement, material, equipment, or any other particular provision, the fire official may grant alternatives if he finds that the alternative(s) are consistent with the intent of this code to provide adequate protection for life safety. The decision shall be written and shall provide a reasonable time to comply with the terms of the alternatives."

(b) "F-101.6.2 An application for an alternative may be filed with the fire official by the owner or occupant and shall be accompanied by such evidence, letters, statutes, results of tests or other supporting information as may be required to justify the request. The fire official shall keep a record of action on such applications and a signed copy of the fire official's decision shall be provided for the applicant. Acceptance of any alternative by the

fire official shall signify compliance with this code under the provision for which an alternative is offered. Failure of the property owner or occupant to comply with the alternatives granted shall void the alternative."

(10) Create subsection "F-101.7 Exempted Facilities" to read as follows:

(a) "F-101.7.1 State prisons, day care centers, hospitals, nursing homes and other facilities required to be licensed by the Kentucky Cabinet for Human Resources or the Corrections Cabinet are not required to comply with the provisions of the fire prevention code if they are inspected and approved in accordance with applicable edition or editions of the Life Safety Code."

(b) "F-101.7.2 This code does not apply to single family dwellings."

(11) Amend F-104.1 to read as follows: "F-104.1 Enforcement officer: It shall be the duty and responsibility of the State Fire Marshal, his designee, or local fire code official acting pursuant to lawful ordinance adopting this code to enforce the provisions of the fire prevention code as herein set forth. The designated enforcement officer of this code is herein referred to as the code official."

(12) Create a new subsection to read as follows: "F-104.9 Interpretations: Formal interpretations of the provisions of this code shall be issued by the State Fire Marshal upon written request, and a record of these interpretations shall be maintained by the State Fire Marshal and regularly communicated to all persons who purchased the Fire Prevention Code book and others who are registered with the State Fire Marshal to be on the mailing list."

(13) Delete subsections F-105.6; F-105.7 and F-105.8 from Article 1 of the 1990 Edition of the BOCA National Fire Prevention Code in their entirety.

(14) Amend subsection F-106.2 to read as follows: "F-106.2 Permits required: Permits, if adopted by city or county ordinance, shall be obtained from the local code official according to the local adopting legislation. Inspection or permit fees, if any, shall be stipulated in the local adopting legislation. Permits shall at all times be kept in the premises designated therein and shall at all times be subject to inspection by the code official."

(15) Create subsection F-106.8 to read as follows: "F-106.8 The State Fire Marshal shall not become involved in the local permit process, and where local permits are required, the State Fire Marshal shall not perform any related inspections. Exception: Permits required by law to be issued by the State Fire Marshal, shall be issued according to state statute or regulations and inspected accordingly."

(16) Amend Section "F-108.0 Means of Appeal" to read as follows:

(a) "F-108.1 Local Appeals: Any party aggrieved by a decision of the local fire code official and any local fire code official desiring a ruling, may appeal to the local appeals body as provided by local ordinance."

(b) "F-108.1.1 State Fire Marshal appeals: Appeals from decisions of the State Fire Marshal or by his authority, pursuant to KRS 227.230, shall be made in accordance with the provisions of KRS Chapter 227."

(17) Amend subsection F-109.3 to read as follows: "F-109.3 Unsafe buildings. All buildings and structures that are or shall

hereafter become unsafe or deficient in adequate exit facilities or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or by reason of illegal or improper use, occupancy or maintenance or which have sustained structural damage by reason of fire, explosion, or natural disaster shall be deemed unsafe buildings or structures. A vacant building, or portion of a building, unguarded or open at door or window shall be deemed a fire hazard and unsafe within the meaning of this code. The fire code official or authorized fire chief shall order the unsafe conditions to be remedied in accordance with this regulation or removed."

(18) Amend subsection F-111.2 to read as follows: "F-111.2 Failure to correct violations: If the notice of violation is not complied with within the time specified by the code official, the code official shall request the legal counsel of the jurisdiction to institute the appropriate legal proceedings to restrain, correct or abate such violation or to require removal or termination of the unlawful use of the building or structure in violation of the provisions of this code or of any order or direction made pursuant thereto."

(19) Delete subsections F-112.0 through F-112.7 from Article 1 of the 1990 edition of the BOCA National Fire Prevention Code in their entirety.

Section 4. Article 2. Create a new Section, F-202 and subsections F-202.1 through F-202.12 which shall be entitled, "Use Group Classification" and which shall read as follows:

(1) "F-202.1 General: All buildings and structures shall be classified with respect to use in one (1) of the use groups listed in Table 202 below.

TABLE 202

1. Use Group A	assembly (See Section F-202.2)
2. Use Group B	business (See Section F-202.3)
3. Use Group E	educational (See Section F-202.4)
4. Use Group F	factory and industrial (See Section F-202.5)
5. Use Group H	high hazard (See Section F-202.6)
6. Use Group I	institutional (See Section F-202.7)
7. Use Group M	mercantile (See Section F-202.8)
8. Use Group R	residential (See Section F-202.9)
9. Use Group S	storage (See Section F-202.10)
10. Use Group U	utility and miscellaneous (See Section F-202.11)"

(2) "F-202.2 USE GROUP A, ASSEMBLY USES:"

(a) "202.2.1 General. All buildings and structures, or parts thereof, shall be classified in Use Group A which are used or designed for the gathering together of persons for purposes such as civic, social or religious functions, recreation, food or drink consumption or awaiting transportation. Exception: Assembly type uses with a total occupant load of less than fifty (50) shall be classified as Use Group B (Business)."

(b) "202.2.2 Use Group A-1, theaters: This use group shall include all theaters and all other buildings and structures, or parts thereof,

intended for the production and viewing of the performing arts or motion pictures and usually provided with fixed seats, including theaters, motion picture theaters and television and radio studios admitting an audience. Stages and platforms shall comply with the applicable provisions of the Kentucky Building Code."

(c) "F-202.2.3 Use Group A-2 structures: This use group shall include all buildings and places of public assembly, without theatrical stage accessories, designed for use as dance halls, night clubs and for similar purposes, including all rooms, lobbies and other spaces connected thereto with a common means of egress and entrance."

(d) "F-202.2.4 Use Group A-3 structures: This use group shall include all buildings with or without an auditorium in which persons assemble for amusement, entertainment or recreation, and incidental motion picture, dramatic or theatrical presentations, lectures or other similar purposes without theatrical stage other than a raised platform; and principally used without permanent seating facilities, including art galleries, exhibition halls, museums, lecture halls, libraries, restaurants other than night clubs, and recreation centers; and buildings designed for other similar assembly purposes including passenger terminals."

(e) "F-202.2.5 Use Group A-4 structures: This use group shall include all buildings used as churches and for similar religious purposes."

(f) "F-202.2.6 Use Group A-5, outdoor assembly: This use group shall include structures used for outdoor assembly intended for participation in or reviewing activities including grandstands, bleachers, coliseums, stadiums, amusement park structures and fair or carnival structures. Such structures shall comply with the provisions of the building code listed in Appendix A for special uses and occupancies."

(3) "F-202.3 USE GROUP B, BUSINESS USES: F-202.3.1 General: All buildings and structures, or parts thereof, shall be classified in Use Group B which are used for the transaction of business, for the rendering of professional services, or for other special services that involve stocks of goods, wares or merchandise in limited quantities for use incidental to office uses or sample purposes."

(4) "F-202.4 USE GROUP E, EDUCATIONAL USES. F-202.4.1 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 in 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."

(5) "F-202.5 USE GROUP F, FACTORY AND INDUSTRIAL USES."

(a) "202.5.1 General. All buildings and structures, or parts thereof, in which occupants are engaged in performing work or labor in the fabricating, assembling or processing of products or materials shall be classified in Use Group F, including, among others, factories, assembling plants, industrial laboratories and all other industrial and manufacturing uses,

except those of Use Group H involving highly combustible, flammable or explosive products and materials."

(b) "202.5.2 Use Group F-1 structures: Factory and industrial use which are not otherwise classified as low hazard Use Group F-2, shall be classified as moderate hazard factory and industrial, Use Group F-1."

(c) "202.5.3 Use Group F-2 structures: Factory and industrial uses which involve the fabrication or manufacturing of noncombustible materials which during finishing, packing or processing do not involve a significant fire hazard shall be classified as Use Group F-2."

(6) "F-202.6 USE GROUP H, HIGH HAZARD USES."

(a) "202.6.1 General: All buildings and structures, or parts thereof, shall be classified in Use Group H which are used for the manufacturing, processing, generation or storage of corrosive, highly toxic, highly combustible, flammable or explosive materials that constitute a high fire or explosion hazard, including loose combustible fibers, dust and unstable materials."

(b) "202.6.2 Exceptions: The following shall not be classified as Use Group H but shall be classified in the usage group which they most nearly resemble:

1. Any building or portion of a building containing less than the exempt amount of those materials shown in Table 202.6 when maintained in accordance with this code.

2. Buildings containing rooms conforming to the requirements of Article 6 of the building code listed in Appendix A.

3. Rooms containing flammable liquids in tightly-closed containers of one (1) gallon (0.0038 m³) capacity or less for retail sale or private use on the premises and in quantities not exceeding two (2) gallons per square foot (0.082 m³/m²) of room area.

4. Rooms used for preparation or storage of food products for retail sale on the premises.

5. Retail paint salesrooms with quantities of paint not exceeding two (2) gallons per square foot (0.082 m³/m²) of room area.

6. Liquor stores and distributors without bulk storage.

7. The storage or use of materials for agricultural purposes for use on the premises.

8. Closed systems housing flammable or combustible liquids or gases used for the operations of machinery or equipment.

9. Cleaning establishments which utilize combustible liquid solvents having a flash point of 140 degrees F. (60 degrees C.) or higher in closed systems employing equipment listed by an approved testing laboratory, provided this use is separated from all other areas of the building by one (1) hour fire-resistance rated construction.

10. Cleaning establishments which utilize a liquid solvent having a flash point at or above 200 degrees F. (93 degrees C.).

11. Refrigeration systems.

12. Tire retail stores without bulk storage.

13. Any other building or portion thereof which is exempt from this classification by the Kentucky Building Code."

(c) The following table shall apply to this section:

"TABLE 202.6
EXEMPT AMOUNTS OF HAZARDOUS MATERIALS,
LIQUIDS AND CHEMICALS

Material	Maximum quantities ^e
1. Flammable Liquids	
Class 1-A	30 gal. ^b
Class 1-B	60 gal. ^b
Class 1-C	90 gal. ^b
2. Combustible liquids ^c	
Class II	120 gal. ^b
Class III-A	250 gal. ^b
3. Combination flammable liquids ^a	120 gal. ^b
4. Flammable gases	3,000 cu. ft. at one atmosphere of pressure at 70°F.
5. Liquefied flammable gases	60 gal.
6. Combustible fibers-loose	100 cu. ft.
7. Combustible fibers-baled	1,000 cu. ft.
8. Flammable solids	500 lbs.
9. Unstable material	No exemptions
10. Corrosive liquids	55 gal.
11. Oxidizing material-gases	6,000 cu. ft.
12. Oxidizing material-liquids	50 gal.
13. Oxidizing material-solids	500 lbs.
14. Organic peroxides	10 lbs.
15. Nitromethane (unstable materials)	No exemptions
16. Ammonium nitrate	1,000 lbs.
17. Ammonium nitrate compound mixtures containing more than 60% nitrate and poisonous gas	1,000 lbs.
18. Highly toxic material and poisonous gas	No exemptions
19. Smokeless powder	20 lbs. ^d
20. Black sporting powder	5 lbs. ^d

Note a. Containing not more than the exempt amounts of Class 1-A, 1-B or 1-C flammable liquids.

Note b. The maximum quantities shall be increased by 100 percent in areas which are not accessible to the public. In buildings where automatic fire suppression systems are installed, the maximum quantities shall be increased 100 percent in the areas accessible to the public.

Note c. Tank storage up to 660 gallons for fuel burning equipment meeting the requirements of the mechanical code in Appendix A shall be permitted.

Note d. Maximum quantities in the amount specified by NFPA 495 shall be permitted when stored in accordance with NFPA 495 listed in Appendix A.

Note e. 1 gallon = 0.00379 m³, 1 cubic foot = 0.028 m³, 1 pound = 0.454 kg."

(c) "202.6.3 Multiple hazards. Buildings in this category shall be further classified H1 - H4 as set forth in the Kentucky Building Code and materials representing hazards that are classified in one or more of the Use Group H subuses shall conform to the code requirements for each of the use groups so classified."

(7) "F-202.7 USE GROUP I, INSTITUTIONAL USES."

(a) "F-202.7.1 General. Licensed institutional facilities shall conform to Section F-101.2.1."

(b) "F-202.7.2 Jails. Jails shall conform to

the requirements of the Corrections Cabinet. State prisons shall conform to the requirements of the Life Safety Code, NFPA 101."

(8) "F-202.8 USE GROUP M, MERCANTILE USES. F-202.8.1 General: All buildings and structures, or parts thereof, shall be classified in Use Group M which are used for display and sales purposes involving stocks of goods, wares or merchandise incidental to such purposes and accessible to the public; including, among others, retail stores, motor fuel service stations, shops and salesrooms and markets. Highly combustible goods shall be limited to small quantities that do not constitute a high hazard; and if not so limited, the construction shall comply with the requirements for Use Group H as set forth in the provisions of the building code in appendix A."

(9) "F-202.9 USE GROUP R, RESIDENTIAL USES."

(a) "F-202.9.1 General: All buildings and structures, or parts thereof, shall be classified in Use Group R in which families or households live, or in which sleeping accommodations are provided for individuals with or without dining facilities, excluding those that are classified as institutional buildings."

(b) "F-202.9.2 Use Group R-1 structures. This use group shall include all hotels, motels, boarding houses and similar buildings arranged for shelter and sleeping accommodations and in which the occupants are primarily transient in nature, making use of the facilities for a period of less than thirty (30) days."

(c) "F-202.9.3 Use Group R-2 structures: This use group shall include all multiple-family dwellings (apartment buildings) having more than two (2) dwelling units, except as provided in Section F-202.9.4 and shall also include all boarding houses and similar buildings arranged for shelter and sleeping accommodations in which the occupants are primarily not transient in nature."

(d) "F-202.9.3.1 Dormitories: A dormitory facility which accommodates more than five (5) persons more than two and one-half (2 1/2) years of age shall be classified as Use Group R-2. Exception: Licensed facilities."

(e) "F-202.9.4 Use Group R-3 structures: This use group shall include all buildings arranged for the use of one (1) or two (2) family dwelling units adjacent to or located above one another provided they are completely separated by fire-resistance rating, if required by the Kentucky Building Code, and each unit has independent means of egress."

(f) "F-202.9.5 Use Group R-4 structures: This use group shall include all detached one (1) or two (2) family dwellings not more than three (3) stories in height, and their accessory structures as indicated in the One and Two Family Dwelling Code listed in Appendix A."

(10) "F-202.10 USE GROUP S, STORAGE USES."

(a) "F-202.10.1 General: All buildings and structures, or parts thereof, shall be classified in Use Group S which are used primarily for the storage of goods, wares or merchandise, except those of Use Group H that involve highly combustible or explosive products or materials; including, among others, warehouses, storehouses and freight depots."

(b) "F-202.10.2 Moderate hazard uses: Buildings used for the storage of moderate hazard contents which are likely to burn with moderate rapidity, but which do not produce either poisonous gases, fumes or explosives,

shall be classified in Use Group S-1."

(c) "F-202.10.3 Low hazard uses: Low hazard uses shall include buildings used for the storage of noncombustible materials, and of low hazard wares that do not ordinarily burn rapidly such as products on wood pallets or in paper cartons without significant amounts of combustible wrappings, but with a negligible amount of plastic trim such as knobs, handles or film wrapping. Such uses shall be classified as Use Group S-2."

(11) "F-202.11 USE GROUP U, UTILITY AND MISCELLANEOUS USES. F-202.11.1 General: All buildings and structures of an accessory character and miscellaneous structures not classified in any specific use group shall be constructed, equipped and maintained to meet the requirements of this code commensurate with the fire and life hazard incidental to their use. Utility and miscellaneous uses shall include fences over six (6) feet (1829 mm) high, tanks, cooling towers, retaining walls and buildings such as private garages, carports, sheds and agricultural buildings."

(12) "F-202.12 Further identification on use group classification shall be found in the building code listed in Appendix A."

Section 5. Article 3. (1) Amend subsection F-302.1 to read as follows: "F-302.1 General: A person shall not deposit hot ashes or cinders, or smoldering coals, or greasy or oily substances susceptible to spontaneous ignition, into any combustible container or place the same within ten (10) feet (3048 mm) of any combustible materials, except in metal or other noncombustible covered receptacles. Such receptacles, unless resting on a noncombustible floor or on the ground outside of the building, shall be placed on noncombustible stands and in every case shall be kept at least two (2) feet (610 mm) away from any combustible wall or partition, or exterior window or door opening."

(2) Amend subsection F-303.1 to read as follows: "F-303.1 General: Any person using a torch or other flame or heat producing device for removing paint from any building or structure shall provide one (1) approved fire extinguisher or water hose connected to the water supply on the premises where such burning is done. In all cases, the person doing the burning shall remain on the premises one (1) hour after each use of the torch, flame or heat producing device."

(3) Create subsection F-304.2 to read as follows: "F-304.2 Dumpsters: Dumpsters that are located adjacent to buildings for collection of trash and debris shall not be placed within ten (10) feet of a combustible portion of a building, including the eave of a roof. Exception: Where approved by the fire code official."

(4) Amend subsection F-305.1 to read as follows: "F-305.1 General: The storage of combustible or flammable material shall conform to the requirements of this code and NFPA 30, 40, 231, 231C, 231D and 231F, as listed in Appendix A."

(5) Amend subsection F-306.1 as follows: "F-306.1 General: Combustible materials such as cotton batting, straw, dry vines, leaves, trees, artificial flowers or shrubbery and foam plastic materials shall not be used for decorative purposes in show windows or other parts of buildings in such a quantity to constitute a

fire hazard, unless the materials are flame retardant."

(6) Amend subsection F-306.2.2 to read as follows: "F-306.2.2 Special effects: Any parade float utilizing special effects which are designed to create smoke, flame, heat or sparking conditions shall be approved by the local fire code official prior to utilization."

(7) Create a new subsection, F-306.4, to read as follows: "F-306.4 Decorations. Furnishings or decorations of an explosive or highly combustible character shall not be used."

(8) Amend Section F-307 as follows: "F-307.3 Candles: The use of candles and open flame devices in places of assembly shall conform to the requirements of Subsections F-701.4 and F-701.5."

(9) Delete subsection F-307.3.1 from Article 1 of the 1990 Edition of the BOCA National Fire Prevention Code in its entirety.

(10) Amend Section F-310.1 to read: "F-310.1 Commercial kitchen exhaust systems shall be cleaned at frequent intervals to remove deposits of residue and grease in the system whenever buildup of residue and grease is apparent."

(11) Delete subsection F-310.1.1 from Article 1 of the 1990 Edition of the BOCA National Fire Prevention Code in its entirety.

(12) Create a new subsection, F-310.2, to read as follows: "F-310.2 Maintenance and inspection of commercial kitchen exhaust systems shall be in conformance to this section and Article 5."

(13) Create a new subsection, F-310.3, to read as follows: "F-310.3 An inspection and servicing of the fire extinguishing system shall be made in accordance with F-507.2."

(14) Create a new subsection, "F-310.4 Cleaning", to read as follows:

(a) "F-310.4.1 Flammable solvents or other flammable cleaning aids shall not be used."

(b) "F-310.4.2 At the start of the cleaning process, electrical switches, detection devices and system components that may be accidentally activated shall be locked, pinned, protectively covered or sealed."

(c) "F-310.4.3 Care shall be taken not to apply cleaning chemicals on fusible links or other detection devices of the automatic extinguishing system."

(d) "F-310.4.4 When cleaning procedures are completed, all electrical switches, detection devices, and system components shall be returned to an operable state by qualified personnel. Cover plates shall be replaced and dampers and diffusers shall be positioned for proper air flow."

(15) Amend subsection F-312.2 to read as follows: "F-312.2 Prohibited areas: Smoking shall be prohibited where conditions are such as to make smoking a fire hazard including areas of piers, wharves, warehouses, stores, industrial plants, institutions, schools, and in spaces where combustible materials are stored or handled. Smoking in places of assembly shall conform to Section 701.6."

(16) Amend subsection F-312.6 to read as follows: "F-312.6 Ashtrays: Where smoking is permitted, there shall be provided on each table and at other convenient locations noncombustible ashtrays or match receivers. Ashtrays shall be designed with deep grooves or snuffers that hold cigarettes securely. The sides shall be steep enough to force smokers to place cigarettes entirely within the ashtray. Commercial type ashtrays filled with sand or with closing lids

shall be used where appropriate."

(17) Amend subsection F-313.1 to read as follows: "F-313.1 Required access for fire apparatus: All premises which the fire department may be called upon to protect in case of fire and which are not readily accessible from public roads shall be provided with suitable gates, access roads, and fire lanes so that all buildings and water supplies on the premises are at all times accessible to fire apparatus. The designation, maintenance and marking of fire lanes on private property shall be accomplished as specified by the locally authorized fire department of the jurisdiction. The designation, maintenance and marking of fire lanes on public ways shall be accomplished by local ordinance on recommendation of the local fire department. No person shall park a motor vehicle on, or otherwise obstruct, any required fire lane and no person shall park a motor vehicle within ten (10) feet of a fire hydrant. Enforcement of designated fire lanes and fire hydrant clearance shall be the responsibility of the local police or other authority as determined by local ordinance of the jurisdiction within which the lanes and hydrants are located."

(18) Amend subsection F-313.2 to read as follows: "F-313.2 Vertical clearance. All fire apparatus access roads shall have an unobstructed vertical clearance of not less than thirteen (13) feet six (6) inches. Exception: Upon approval, vertical clearance may be reduced, provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance."

(19) Amend subsection F-314.1 to read as follows: "F-314.1 Abatement of electrical hazards: When any electrical hazards are identified, such conditions shall be abated. All identified hazardous electrical conditions in permanent wiring shall be corrected in accordance with NFPA 70 listed in Appendix A."

(20) Amend subsection F-315.1 to read as follows: "F-315.1 Applicability. This section shall apply to portable equipment, either with or without wheels, used for heating tar, pitch, asphalt, or other similar substances for application on roofs, streets, floors, pipes, or other objects."

(21) Delete subsection F-315.1.1 from Article 1 of the 1990 Edition of the BOCA National Fire Prevention Code in its entirety.

(22) Create a new subsection, F-315.5, to read as follows: "F-315.5 Certain fuels prohibited. No person shall use solid fuel or Class I flammable liquids as fuel for an asphalt (tar) kettle."

(23) Create a new subsection "F-315.6 Asphalt (Tar) Kettles in Transit" to read as follows:

(a) "F-315.6.1 Open flame. Open flame in an asphalt (tar) kettle while in transit is prohibited."

(b) "F-315.6.2 Latching devices. Kettle doors or lids shall be closed and secured while in transit."

(c) "F-315.6.3 Asphalt (tar) kettles on trucks. Kettles not equipped with wheels shall not be fired or used when mounted on a truck, except if the truck body is of all metal construction and the kettle is securely attached to the bed of the truck. Firing of small patch kettles while located in the bed of a truck is prohibited. Tank trucks and trailers used for

transportation of asphalt or similar substances shall be constructed and operated in accordance with the NFPA 385, Standard for Tank Vehicles for Flammable and Combustible Liquids."

(24) Amend subsection F-316.2 to read as follows: "F-316.2 Permit required: When required by local legislation, a person shall not store, keep or have on hand more than twenty-five (25) pounds (11.35 kg) of nitrate film without securing a permit from the fire code official for such activity. A person shall not sell, lease or otherwise dispose of any nitrate film to any person not having a permit to handle, use or display such film."

(25) Amend subsection F-317.2 to read as follows: "F-317.2 Permit required: When required by local legislation, all retailers, jobbers and wholesalers storing or handling more than twenty-five (25) pounds (11.35 kg) of cellulose nitrate (phroxylin) plastics shall obtain a permit from the local fire code official. A permit shall also be obtained from the local fire code official for the manufacture of articles of cellulose nitrate (pyroxylin) plastics, including the use of cellulose nitrate (pyroxylin) plastics in the manufacture or assembling of other articles."

(26) Create a new Section, "F-319.0 Reporting Fires and Hazardous Substances" and subsections F-319.1 through F-319.3.1 to read as follows:

(a) "F-319.1 Reporting emergency conditions. In the event of an unfriendly fire or accidental release of a hazardous gas, liquid or solid in any building or premises, the discoverer shall immediately spread an alarm to all occupants of the building or premises and to all persons who might be endangered by the fire or release and with all reasonable dispatch and diligence call or otherwise notify the fire department legally committed to serve the area."

1. "F-319.1.1 Unfriendly fires. In the event that an unfriendly fire occurs and is extinguished, the discoverer shall immediately notify the fire department legally committed to serve the area."

2. "F-319.1.2 Hazardous materials. Where state or local legislation has been adopted specifying reportable quantities of hazardous materials released, such notification shall conform to the provisions of such legislation."

(b) "F-319.2 Notification of the State Fire Marshal. The Fire Chief or highest ranking officer shall promptly notify the Office of the State Fire Marshal upon becoming aware of any of the following:

1. A hazardous materials incident.
2. A fire or fire related fatality (including vehicles and single family dwellings).
3. A fire or fire related injury serious enough to become a fatality.
4. A fire involving structural damage in a regulated building, including:
 - a. All institutional, educational, state owned or state leased and high hazard occupancies.
 - b. All business, mercantile and industrial occupancies having a capacity over 100 persons.
 - c. All assembly occupancies, except churches, having a capacity over 100 persons.
 - d. Churches with a capacity over 400 persons and more than 6,000 square feet in floor area.
 - e. Any other building more than three (3) stories in height or 20,000 square feet of floor area."

(c) "F-319.3 Fire Department Operations at Emergencies. The highest ranking officer of the

fire department conducting operations in connection with the extinguishment of any fire, or control of any explosion or other emergency situation shall have full power and authority to direct all operations for extinguishment or control and to take the necessary precautions to save life, protect property and prevent further injury or damage. In the pursuit of such operations, including the investigation of the cause of such emergency or the situation which required fire department notification, the senior fire department official may control or prohibit the approach to the scene of such emergency by any vehicle, vessel, thing or person." "F-319.3.1 Fire scene control. No person shall obstruct the operations of the fire department in connection with the extinguishment of any fire, or the actions relative to other emergencies, or disobey any lawful command of the senior fire department official in charge of the emergency or any part thereof, or any lawful order of a police officer assisting the fire department."

Section 6. Article 4. (1) Create a new subsection "F-400.4 Purpose and Intent" to read as follows:

(a) "F-400.4.1 Every building or structure shall be provided with exits of kinds, numbers, location and capacity appropriate to the individual building or structure, with due regard to the character of the occupancy, the number of persons exposed, the fire protection available, and the height and type of construction of the building or structure, to afford all occupants convenient facilities for escape."

(b) "F-400.4.2 In existing buildings, it is not always practical to strictly apply the provisions of this code. Physical limitations may require disproportionate effort or expense with little increase in life safety. In such cases, the code official shall be satisfied that reasonable safety is assured."

(c) "F-400.4.3 In existing building, it is intended that any condition that represents a serious threat to life be mitigated by application of appropriate safeguards. It is not intended to require modifications for conditions that do not represent a significant threat to life even though the circumstances are not literally in compliance with the code."

(d) "F-400.4.4 The requirements for existing buildings may be modified if their application clearly would be impractical in the judgment of the code official, but only where it is clearly evident that a reasonable degree of safety is provided."

(2) Create a new subsection F-400.5 to read as follows: "F-400.5 Alternatives and Modifications. Compliance with this section may be used by the fire code official in lieu of other specific provisions of the code to satisfy the intent of the code as it relates to inadequate number of exits, excessive travel distances to exits, unenclosed or improperly enclosed exit stairs, inadequate fire separation or smoke barriers and lack of protection of openings in exterior walls in existing buildings and other appropriate circumstances. Because all building systems interact with each other, any consideration of compliance alternatives should take into account all existing and proposed conditions to determine their original or continued acceptability."

These alternatives are not all-inclusive and do not preclude consideration and approval of other appropriate alternatives by the code official. Buildings with alternative fire protection features accepted by the fire code official shall be considered as conforming with the code."

(a) "F-400.5.1 Inadequate number of exits:

1. Provide connecting fire-exit balconies, acceptable to the enforcement authority, between buildings; or

2. Provide alternate exit or egress facilities leading to safety outside the building or to a place of safe refuge in the building or an adjoining building, acceptable to the enforcement authority; or

3. Provide an exterior fire escape(s), acceptable to the enforcement authority, where the providing of enclosed interior or enclosed exterior stairs is not practical; or

4. Install approved smoke detectors or fire suppression system."

(b) "F-400.5.2 Excessive travel distances to exits:

1. Install an approved smoke detection system throughout the building; or

2. Install an approved complete automatic fire suppression system; or

3. Subdivide the exit travel route with smoke barriers acceptable to the enforcement authority; or

4. Increase the fire resistance rating of corridor walls and doors acceptable to the enforcement authority; or

5. Provide additional approved means of escape."

(c) "F-400.5.3 Unenclosed or improperly enclosed exit stairs to the satisfaction of the code official as follows:

1. Improve enclosure or exit stairway; or

2. Add a partial fire suppression system; or

3. Add a sprinkler draft curtain; or

4. Add a smoke detection system."

(d) "F-400.5.4 Inadequate fire separation walls or smoke barriers to the satisfaction of the code official as follows:

1. Improve enclosure or exit stairway; or

2. Add a partial fire suppression system; or

3. Add a sprinkler draft curtain; or

4. Add a smoke detection system."

(e) "F-400.5.5 Acceptance of Alternatives. The acceptance of any alternative(s) shall be in writing and shall be deemed to satisfy the intent of this code as it relates to the provisions for which the alternative(s) is offered as listed below:

1. Any alternative(s) specifically listed in F-400.5.1 through F-400.5.4 and complied with as set forth therein;

2. Any other alternative which is accepted or allowed by the code official.

(3) Create a new subsection F-400.6 to read as follows: "F-400.6 Upgrading of Existing Buildings. If, upon inspection, the fire code official finds that enforcement of this code requires alterations to a building, he shall identify the sections of this code which require correction and specify the type of correction necessary in order to achieve compliance. This decision shall be in writing to the owner or occupant and shall include a reasonable time for completion of the corrections. Failure of the owner or occupant to make the corrections described by the fire code official within the time frame specified shall be considered a

violation subject to further action pursuant to F-111.2. Any party aggrieved by a decision of the fire code official may appeal in accordance with F-108.

(4) Amend subsection F-401.1 to read as follows: "F-401.1 Number of Means of Egress: Except as accepted in writing by the fire code official pursuant to Section F-101.6 or F-400.5 or as permitted in any Exception No. 1 - 4 of this section, every floor area of all occupancy types shall be provided the minimum number of approved, remote means of egress based on the occupant load as follows:

500 or fewer persons - two (2) means of egress

501 - 1000 persons - three (3) means of egress

1001 or more persons - four (4) means of egress

Exception No. 1 - Living units in Use Group R-2 (apartment buildings, rooming houses and multiple single family dwelling units)

Living Units. A living unit may have a single exit provided:

a. That living unit has an exit door directly to the street or yard at ground level; or

b. That living unit has direct access to an outside stair serving a maximum of two (2) units both located on the same floor; or

c. That living unit has direct access to an interior stair serving that unit only and separated from all other portions of the building with fire barriers having a one (1)-hour fire resistance rating with no opening therein; or

d. Any individual living unit below the fourth story may have an outside window openable from the inside without the use of tools or special knowledge as the second exit.

Building Exits. A building of three (3) stories or less may have a single exit under the following conditions:

a. The stairway is completely enclosed by smoke barriers; and

b. Doors protecting all openings into the stairs are approved solid wood core or steel doors with self-closing devices; and

c. The stairway does not serve more than one-half (1/2) story below the level of exit discharge; and

d. All corridors serving as access to exits are smoke resistant; and

e. There is not more than approximately thirty-five (35) feet of travel distance from the entrance door of any living unit to an exit; and

f. Three-quarter (3/4) hour rated vertical and horizontal separation between living units is provided.

Fire Tower Exits. A building of any height with not more than four (4) living units per floor, with a smokeproof enclosure or outside stair as the exit, immediately accessible to all living units served thereby, may have a single exit. (A unit is immediately accessible if there is not more than 20 ft. (6.1 m) of travel distance from the entrance door of any living unit to an exit.)

Exception No. 2 - Use Group M:

A. Where no part of the store is more than 75 feet from the exit or covered mall, where it is considered a pedestrian way, a single exit is permitted.

B. Where no part of the store is more than 100 feet from the exit or covered mall, where it is considered a pedestrian way and the story on which it is located is protected throughout by an approved automatic sprinkler system, a single

exit is permitted.

Exception No. 3 - Use Group B:

A. For a room or area with a total occupant load of less than 100 persons having an exit that discharges directly to the outside at the level of exit discharge of the building with a total distance of travel, including travel within the exit, from any point of not over 100 feet (30 m), a single exit may be permitted. Such travel shall be on the same floor level or, if the traversing of stairs is required, such stairs shall not be more than fifteen (15) feet (4.5 m) in height, and they shall be provided with complete enclosures to separate them from any other part of the building, with no door openings therein. A single outside stairway may serve all floors allowed within the fifteen (15) feet (4.5 m) vertical travel limitation.

B. Any business occupancy not over three (3) stories and not exceeding an occupant load of thirty (30) people per floor may be permitted with a single separate exit to each floor if the total travel distance to the outside of the building does not exceed 100 feet (30 m) and if such exit is enclosed and serves no other levels and discharges directly to the outside. A single outside stairway may serve all floors.

Exception No. 4 - Use Group F:

A. In low and ordinary hazard industrial occupancies, a single means of egress shall be permitted from any story or section, provided that the exit can be reached within the distance allowed as common path of travel.

B. There shall be at least two (2) separate means of egress from every high hazard area regardless of size.

Exception No. 5 - Use Group S:

A. In low hazard storage occupancies, a single means of egress shall be permitted from any story or section.

B. In ordinary hazard storage occupancies, a single means of egress shall be permitted from any story or section, provided that the exit can be reached within the distance allowed as common path of travel."

(5) Amend Table F-401.2 to read as follows:

TABLE F-401.2
ENCLOSURE EXCEPTIONS

Building use group	Exception conditions ^a
Business	When connecting not more than two (2) floor levels and less than 3,500 square feet per floor, or when connecting not more than three (3) floor levels and the building is equipped throughout with an approved automatic fire suppression system.
Education	When connecting not more than two (2) floor levels and approved by the State Fire Marshal.
Factory-industrial, storage	When connecting not more than two (2) floor levels, or when connecting not more than three (3) floor levels and the building is equipped throughout with an approved automatic fire suppression system.

Mercantile

When connecting not more than two (2) floor levels and less than 2,000 square feet per floor, or when connecting not more than two (2) floor levels and the building is equipped throughout with an approved automatic fire suppression system.

Residential-hotels

When connecting not more than two (2) floor levels and the building is equipped throughout with an approved automatic fire suppression system.

Note a. 1 square foot = 0.093 m².

(6) Create a new subsection F-401.2.2 to read as follows: "F-401.2.2 Increase in Exits. Additional exits shall be provided to satisfy the travel distance requirements found in Section F-401.5."

(7) Amend subsection F-401.3 and create paragraphs F-401.3.1 through F-401.3.9 to read as follows: "F-401.3 Exit capacity: The capacity of the exits serving a floor shall be sufficient for the occupant load thereof determined as follows:

(a) F-401.3.1 Design occupant load: In determining required facilities, the number of occupants for whom exit facilities shall be provided shall be established by the largest number computed in accordance with each of the following:

a. Actual number: The actual number of occupants for whom each occupied space, floor, or building is designed for.

b. Number by Table F-401.3: The number of occupants computed at the rate of one (1) occupant per unit of area as prescribed in Table F-401.3.

c. Number by combination: The number of occupants of any space as computed in a. and b. above, plus the number of occupants similarly computed for all spaces that discharge through the space in order to gain access to an exit.

(b) F-401.3.2 Increased occupant load: The occupant load permitted in any building or portion thereof is permitted to be increased from that number established for the given use by Table F-401.3 when all other requirements of the code are also met based on such modified number. Where required by the fire code official, an approved aisle, seating, or fixed equipment diagram to substantiate any increase in occupant load shall be submitted. Where required by the fire code official, such diagram shall be posted.

(c) F-401.3.3 Maximum occupant load: The occupant load of any space or portion thereof shall not exceed one (1) occupant per three (3) square feet (0.28 m²) of occupiable floor space.

(d) F-401.3.4 Fixed seats: The occupant load for an assembly or educational area having fixed seats shall be determined by the number of fixed seats installed. The capacity of fixed seats without dividing arms shall equal one (1) person per eighteen (18) inches (457 mm). For booths, the capacity shall be one (1) person for twenty-four (24) inches (610 mm).

(e) F-401.3.5 Mezzanine levels: The occupant load of a mezzanine level discharging through a

floor below shall be added to that floor's occupant load, and the capacity of the exits shall be designed for the total occupant load thus established.

(f) F-401.3.6 Roofs: Roof areas occupied as roof gardens or for assembly, educational, storage or other purposes shall be provided with exit facilities to accommodate the calculated occupant load, but there shall not be less than two (2) approved means of egress from roof areas of Use Groups A and E.

TABLE 401.3
MAXIMUM FLOOR AREA ALLOWANCES PER OCCUPANT

Use	Floor area in square feet per occupant
Assembly with fixed seats	See Section 401.3.4
Assembly without fixed seats	
Concentrated (chairs only/ not fixed)	7 net
Standing space	3 net
Unconcentrated (tables & chairs)	15 net
Bowling alleys, allow 5 persons for each alley including 15 feet of runway and for additional areas	7 net
Business areas	100 gross
Court rooms/other than fixed seating areas	4 net
Educational	
Classroom area	20 net
Shops & other vocational room areas	50 net
Industrial areas	100 gross
Institutional areas	
Inpatient treatment areas	240 gross
Outpatient areas	100 gross
Sleeping areas	120 gross
Library	
Reading rooms	50 net
Stack area	100 gross
Mercantile basement & grade floor areas	30 gross
Areas on other floors	60 gross
Storage, stock, shipping areas	300 gross
Parking garages	200 gross
Residential	200 gross
Storage areas, mechanical equipment room	300 gross

Note a. 1 foot = 304.8 mm; 1 square foot = 0.093m²

(g) F-401.3.7 Assembly buildings: All buildings used for assembly purposes shall front on at least one (1) street on which the main entrance and exit discharge shall be located. Where there is a single main entrance, the entrance shall be capable of serving as the main exit and shall provide an egress capacity for at least one-half (1/2) of the total occupant load. In addition to having access to a main exit, each level of a building of Use Group A shall be provided with additional exits which shall provide an egress capacity for at least two-thirds (2/3) of the total occupant load served by that level.

(h) F-401.3.8 Exit capacity. The capacity of means of egress for a floor, balcony, tier or other occupied space shall be sufficient for the occupant load thereof.

(i) F-401.3.9 Minimum width: The width of each

means of egress component shall be computed in accordance with Table 401.3.1 for the required capacity of the component, but shall not be less than the minimum width as prescribed by this code for each such component.

TABLE F-401.3.1
EGRESS WIDTH PER OCCUPANT

Use group	Without fire suppression system (inches per person) ^a	
	Stairways	Doors, ramps, corridors
A,B,E,F,M,R,S	0.3	0.2
H	-	-
I-1	0.4	0.2
I-2	1.0	0.7
I-3	0.3	0.2

Use group	With fire suppression system (inches per person) ^a	
	Stairways	Doors, ramps, corridors
A,B,E,F,M,R,S	0.2	0.15
H	0.3	0.2
I-1	0.2	0.2
I-2	0.6	0.5
I-3	0.3	0.2

Note a. 1 inch = 25.4mm"

(8) Amend subsection F-401.4 to read as follows: "F-401.4 Corridor enclosure. All corridors serving as an exit access shall be constructed of materials which provide an effective smoke barrier."

(9) Amend subsection F-401.5 to read as follows: "F-401.5 Travel Distance to Exits: Travel distance to at least one (1) exit shall not exceed 200 feet in nonsprinklered buildings and 250 feet in buildings equipped throughout with an approved automatic sprinkler system."

Exceptions:

1. Use Group F-2, S-2 shall not exceed 300 feet without sprinklers and 400 feet with sprinklers.

2. An additional 200 feet is permitted for travel distance within a covered mall.

3. In a high rise occupancy with a complete automatic fire suppression system, 300 feet travel distance is permitted.

4. In Use Group H and a HPM facility travel distance shall be limited to 75 feet."

(1)) Amend Section F-403 by deleting subsections F-403.1, F-403.2 and F-403.3 and replacing with the following new subsections:

(a) "F-403.1. Egress Illumination. Illumination of means of egress shall be provided in accordance with this section for every building and structure. Exception: Means of egress illumination may be eliminated in structures of Use Group F or S occupied only during daylight hours, with skylights or windows arranged to provide, during these hours, the required level of illumination on all portions of the means of egress."

(b) "F-403.1.1 Artificial lighting. Illumination of means of egress shall be continuous during the time that the conditions of occupancy require that the means of egress be available for use. Artificial lighting shall be employed at such places and for such periods of time as required to maintain the illumination to

the minimum foot-candle values herein specified."

(c) "F-403.1.2 Floor lighting. The floors of means of egress shall be illuminated at all points including angles and intersections of corridors and passageways, stairways, landings of stairs, and exit doors to values of not less than 1.0 foot-candle measured at the floor. Exception: In auditoriums, theatres, concert or opera halls, and other places of assembly, the illumination of the floors of exit access may be reduced during such periods of the performances to values not less than one-fifth foot candle."

(d) "F-403.1.3 Any required illumination shall be so arranged that the failure of any single lighting unit, such as the burning out of an electric bulb, will not leave any area in darkness."

(e) "F-403.1.4 The same equipment or units installed to meet the requirements of this Code may also serve the function of illumination of means of egress, provided that all applicable requirements of this section for such illumination are also met."

(f) "F-403.4 Sources of Illumination. Illumination of means of egress shall be from a source of reasonably assured reliability, such as public utility electric service."

(g) F-403.4.1 Electricity. Where electricity is used as a source of illumination of means of egress, the installation shall be properly made in accordance with the National Electrical Code, NFPA 70.

(h) F-403.4.2 Battery powered. No battery operated electric light nor any type of portable lamp or lantern shall be used for primary illumination of means of egress, but may be used as an emergency source to the extent permitted under Emergency Lighting, Section F-403.5.

(i) F-403.4.3 Other lighting sources. No luminescent, fluorescent, or reflective material shall be permitted as a substitute for any of the required illumination herein specified."

(j) "F-403.5 Emergency lighting. Means of egress in all rooms, buildings or spaces with an occupant load of more than 100 persons shall be provided with emergency lighting. Exception: All places of assembly shall have emergency lighting. Churches with an occupant load of 300 persons or less and used only for religious purposes are exempt."

(k) "F-403.5.1 Continuity. Where maintenance of illumination depends upon changing from one energy source to another, there shall be no appreciable interruption of illumination during the changeover. Where emergency lighting is provided by a prime mover-operated electric generator, a delay of not more than ten (10) seconds shall not be permitted."

(l) "F-403.5.2 Duration. Emergency lighting facilities shall be arranged to maintain the specified degree of illumination for a period of one and one-half (1 1/2) hours in the event of failure of the normal lighting."

(m) "F-403.5.3 Approved batteries. Emergency lights shall use only reliable types of storage batteries, provided with suitable facilities for maintenance in properly charged condition. Dry batteries shall not be used to satisfy these requirements. Electric storage batteries used in such lights or units shall be approved for their intended use and shall comply with the National Electrical Code, NFPA 70, listed in Appendix A."

(n) "F-403.5.4 Power failure. An emergency lighting system shall be so arranged as to provide the required illumination automatically

in the event of any interruption of normal lighting, such as any failure of public utility or other outside electrical power supply, opening of a circuit breaker or fuse, or any manual act(s), including accidental opening of a switch controlling normal lighting facilities."

(o) "F-403.5.5 Automation of system. An emergency lighting system either shall be continuously in operation or shall be capable of repeated automatic operation without manual intervention."

(11) Amend Section F-404.5 to read as follows: "F-404.5 Manual alarms. Fire Protective Signaling Systems (manual alarms) shall be required in all buildings of Use Group E; all buildings of Use Group B when three (3) or more stories in height; all buildings of Use Group R-1; all buildings of Use Group R-2 when four (4) or more stories in height."

Exception No. 1 - Buildings of Use Group B less than seven (7) stories in height equipped with a complete approved automatic sprinkler system.

Exception No. 2 - Buildings of Use Group R-1 where each guest room has exterior exit access and the building is not greater than three (3) stories in height."

(12) Create a new Section "F-407.0 Emergency Generators" to read as follows:

(a) "F-407.1 Conduct or Witness Test. The fire code official may conduct or witness a test on the complete system upon installation."

(b) "F-407.2 Tested Periodically. Systems shall be tested periodically on a schedule and in a manner acceptable to the fire code official to assure their maintenance in proper operating condition as required by NFPA 70 listed in Appendix A."

(c) "F-407.3 Battery Systems Maintenance. Where batteries are used for starting or ignition of prime movers, the fire code official shall require periodic maintenance."

(d) "F-407.4 Written Record. A written record shall be kept on such tests and maintenance."

(e) "F-407.5 Testing under Load. Means for testing legally required standby systems under load shall be provided."

(13) Create a new Section "F-408.0 Storage Room Separations" to read as follows: "F-408.1 Storage Rooms. Rooms used for storage in quantities deemed hazardous by the code official in Use Groups A, B, M, E, R-1 and R-2 in excess of twenty-four (24) square feet shall be constructed of materials having a minimum of one (1)-hour fire resistance rating, be protected by an approved automatic fire suppression system or comply with alternatives accepted by the code official pursuant to Section F-400.5."

(14) Create a new Section "F-409.0 Marking of Means of Egress" to read as follows:

(a) "F-409.1 Where required. Exits in all rooms, buildings or spaces with an occupant load greater than fifty (50) persons shall be clearly marked with approved exit signs."

Exceptions:

1. Main exterior doors that obviously and clearly are identifiable as exits.

2. Previously approved exit signs."

(b) "F-409.2 Marking of Signs. Access to exits shall be marked by readily visible signs in all cases where the exit or way to reach it is not immediately visible to the occupants."

(c) "F-409.3 Location and design of signs. Every required sign designating an exit or way of exit access shall be so located and of such

size, distinctive color, and design as to be readily visible and shall provide contrast with decorations, interior finish, or other signs. (See, also, Section F-604.0)"

(d) "F-409.4 Size of Signs. Every sign required by this Code shall have the word "EXIT" or other required wording in plainly legible letters not less than six (6) inches high with the principal strokes of letters not less than three-quarters (3/4) inch wide. Exception: Existing signs having the required wording in plainly legible letters not less than four and one-half (4 1/2) inches high may be continued in use."

(e) "F-409.5 Illumination of Signs. Every sign shall be suitably illuminated by a reliable light source giving a value of not less than five (5) foot-candles on the illuminated surface. Such illumination shall be continuous as required under the provisions of Section 403.0, Illumination and Signs, and where emergency lighting facilities are required, exit

signs shall be illuminated from the same source."

(f) F-409.6 Information signs. A sign shall be provided at each floor landing in all interior stairways more than three (3) stories above grade designating the floor level above the floor of discharge. All elevator lobby call stations on all floor levels in buildings more than seventy-five (75) feet (22860 mm) above the lowest level of fire department access shall be marked with approved signs reading as follows: Use Stairways in Case of Fire - Do Not Use Elevators."

(15) Create a new Section, "F-410.0 Special Occupancy Requirements" to read as follows:

(a) "F-410.0 Special Occupancy Requirements."

(a) "F-410.1 Assembly."

1. "F-410.1.1 Location of Places of Assembly. Places of assembly located above or below the level of exit discharge shall comply with the minimum construction type set forth in Chart 410.1.1."

CHART 410.1.1

Use group	Type of Construction				
	Noncombustible				
	Type 1 Protected 1A	Type 1 1B	Type 2 Protected 2A	Type 2 2B	Unprotected 2C
A-1 Assembly, theaters	N.L.	N.L.	5 St. 65'	3 St. 40'	2 St. 30'
A-2 Assembly, night clubs and similar uses	N.L.	4 St. 50'	3 St. 40'	2 St. 30'	1 St. 20'
A-3 Assembly; lecture halls, recreation centers, terminals, restaurants other than nightclubs	N.L.	N.L.	5 St. 65'	3 St. 40'	2 St. 30'
A-4 Assembly, churches	N.L.	N.L.	5 St. 65'	3 St. 40'	2 St. 30'

Use group	Type of Construction				
	Noncombustible/Combustible			Combustible	
	Type 3 Protected 3A	Type 3 Unprotected 3B	Type 4 Heavy Timber 4	Type 5 Protected 5A	Type 5 Unprotected 5B
A-1 Assembly, theaters	3 St. 40'	2 St. 30'	3 St. 40'	1 St. 20'	1 St. 20'
A-2 Assembly, night clubs and similar uses	2 St. 30'	1 St. 20'	2 St. 30'	1 St. 20'	1 St. 20'
A-3 Assembly; lecture halls, recreation centers, terminals, restaurants other than nightclubs	3 St. 40'	2 St. 30'	3 St. 40'	1 St. 20'	1 St. 20'
A-4 Assembly, churches	3 St. 40'	2 St. 30'	3 St. 40'	1 St. 20'	1 St. 20'

Exception: i Places of assembly are permitted to be one (1) additional story in height than specified in buildings provided with 100% automatic sprinkler protection.
 Exception: ii Places of assembly with an occupant load in excess of fifty (50) may be located on the second story if approved by the code official pursuant to F-400.5.

2. "F-410.1.2 Assembly Aisles: Assembly aisles in buildings or portions of buildings of Use Group A shall conform to the requirements of the Building Code listed in Appendix A."

(b) "F-410.2 Educational."

1. "F-410.2.1 Corridor Width. Exit access corridors shall be not less than six (6) feet clear width."

2. "F-410.2.2 Closets. Janitor closets shall be protected by an automatic sprinkler or an approved automatic detection device."

3. "F-410.2.3 Smoke resistance of interior corridors. Interior corridors shall be smoke resistant. Classroom doors opening into corridors shall have a minimum twenty (20) minute rating or be one and three-quarter (1 3/4) inch solid bonded wood core doors."

Exception 1. When all classrooms served by the corridor have an exterior exit.

Exception 2. When the building has an approved automatic sprinkler system approved by the State Fire Marshal.

Exception 3. When corridor smoke detection is provided and interconnected to the building alarm system."

4. "F-410.2.4 Windowless rooms. Approved emergency lighting shall be installed in windowless classrooms."

(c) "F-410.3 Hotels and Dormitories."

1. "F-410.3.1 Separation of corridors. Guest room doors which open onto an interior exit access corridor shall have a minimum twenty (20) minute fire-resistance rating or be solid wood core or steel door and be self-closing. All self-closing devices used for this purpose shall be approved by the fire code official. Spring-loaded hinges are acceptable."

(d) "F-410.4 Apartments."

1. "F-410.4.1 Protection of corridors. Doors between living units and interior exit access corridors shall have a minimum twenty (20) minute fire-resistance rating or be solid wood core or steel doors. All corridors serving as exit access shall provide an effective smoke barrier."

Exception 1. When the building has an approved sprinkler system in the corridor.

Exception 2. When there are approved interconnected smoke detectors in each corridor on every level. Such detectors shall be spaced not greater than thirty (30) feet on center."

2. "F-410.4.2 Doors. All doors, rated or not, between living units and corridors shall be self-closing. All self-closing devices used for this purpose shall be approved by the code official. Spring loaded hinges are acceptable. Exception: Where accepted by the fire code official pursuant to Section F-101.6 or F-400.5."

3. "F-410.5 Lodging or Rooming Houses."

4. "F-410.5.1 Required means of egress. Lodging or rooming houses shall conform to the requirements of Use Group R-2 in the Building Code listed in Appendix A."

Exception: Lodging or rooming houses which have accommodations for sixteen (16) or fewer persons shall have a primary means of egress available to every sleeping room and a secondary means of escape consisting of one (1) of the following:

a. A door, stairway, passage or hall (independent of and remote from the primary means of escape) which provides an unobstructed way of travel to the exterior at street or ground level, or

b. A passage through an adjacent, nonlockable

space to an approved means of escape which is independent of and remote from the primary means of escape, or

c. A window in accordance with Section F-603.0."

(e) "F-410.6 Mercantile."

1. "F-410.6.1 No dwelling unit may have its sole means of egress through any mercantile occupancy in the same building."

2. "F-410.6.2 Dwelling unit above mercantile prohibited. No multiple dwelling occupancy shall be located above a mercantile occupancy."

Exception 1. When the dwelling and their exits are separated from the mercantile occupancy with one (1) hour construction.

Exception 2. When approved by the fire code official."

3. "F-410.6.3 Door swing. Doors which serve only the street floor in mercantile occupancies with 3,000 square feet or less may swing inward."

(f) "F-410.7 Business."

1. "F-410.7.1 Limitation of dwelling unit over business use. A residential occupancy shall not be permitted over a business occupancy unless the residential occupancy and its exits are separated by one (1) hour construction."

Exception: When approved by the fire code official."

2. "F-410.8 Mixed Uses."

3. "F-410.8.1 Dissimilar use groups. When a building is occupied for two (2) or more uses, not of the same use group, it shall comply with the requirements of the building code listed in Appendix A."

Section 7. Article 5. (1) Amend Section F-500.3 to read as follows: "F-500.3 Acceptance test: All fire protection systems shall be tested in accordance with the requirements of this code and with the building code listed in Appendix A. The tests shall be the responsibility of the owner or an authorized representative, and the code official shall be given an opportunity to be present. All tests required by this code and the standards listed in this code shall be conducted at the expense of the owner or the owner's representative."

(2) Create a new subsection to read as follows: "F-500.7 Inspections and Test Requirements: All inspections and tests required by Sections F-503.0, F-504.0, F-505.0, F-506.0, F-507.0, F-508.0, F-509.0, F-511.0, F-512.0, F-514.0 conducted only by persons authorized by the State Fire Marshal's Office and shall be recorded on forms approved by the State Fire Marshal's Office."

(3) Amend the Exception in F-513.2 to read as follows: "Exception: The written log of tests as specified in Section F-504.1 shall not be required in buildings of Use Group R-2 or R-3."

(4) Create a new "Section F-518.0 Commercial Kitchen Exhaust" to read as follows: "F-518.1 Periodic inspection: An approved inspection shall be performed a minimum of once every six (6) months on each commercial kitchen exhaust suppression system. Inspections and tests shall only be made by a licensed rangehood suppression systems contractor. The inspection shall ascertain that the system will cover all the cooking surfaces with the extinguishing agent when manually or automatically actuated. The manual actuation, automatic actuation, and system interconnections shall also be inspected to determine that they operate as required. All inspections and tests shall be recorded on forms

approved by the State Fire Marshal's office; a copy of the inspection report shall be forwarded to the State Fire Marshal's Office within ten (10) working days of the date of inspection."

(5) Create a new "Section F-519.0 Manual Fire Alarm Systems" to read as follows: "F-519.1 Manual fire alarm systems inspection: Manual fire alarm systems within all buildings shall be checked monthly by the owner or owner's representatives. The use of the system for fire drill purposes shall be accepted as a test of only those parts of the system actually used in the drill procedure. Accurate logs shall be maintained on the premises indicating box number, location, data and type of device tested. Any defect, modification or repair shall be logged, and the log shall be available to the fire department."

Section 8. Article 6 is hereby adopted in its entirety.

Section 9. Article 7. (1) Create a new subsection, "F-700.2 Fire Exit Drills" to read as follows:

(a) "F-700.2.1 Fire exit drills conforming to the provisions of this Article shall be regularly conducted in occupancies where specified by the provisions of this Article or by appropriate action of the fire code official. Drills shall be designed in cooperation with the local authorities."

(b) "F-700.2.2 Fire exit drills, where required by this code, shall be held with sufficient frequency to familiarize all occupants with the drill procedure and to have the conduct of the drill a matter of established routine."

(c) "F-700.2.3 Responsibility for the planning and conduct of drills shall be assigned only to competent persons qualified to exercise leadership under the supervision of the owner-operator or administrator."

(d) "F-700.2.4 In the conduct of drills, emphasis shall be placed upon orderly evacuation under proper discipline rather than upon speed."

(e) "F-700.2.5 Drills shall include suitable procedures to make sure that all persons in the building, or all persons subject to the drill, actually participate."

(f) "F-700.2.6 Drills shall be held at unexpected times and under varying conditions to simulate the unusual conditions that occur in the case of fire."

(g) "F-700.2.7 The fire code official may observe fire exit drills but shall not activate the alarm system."

(h) "F-700.2.8 Records of required drills shall be kept and made available to the code official."

(2) Amend subsection F-701.1 to read as follows: "F-701.1 Drills. The employees or attendants of places of public assembly shall be schooled and drilled in the duties they are to perform in case of fire, panic, or other emergency in order to be of greatest service in effecting orderly exit of assemblages."

(3) Amend subsection F-701.2 to read as follows: "F-701.2 Employees or attendants of assembly occupancies shall be instructed in the proper use of portable fire extinguishers and other manual fire suppression equipment if provided. The management shall be responsible for procuring the required training. Training records shall be kept and made available to the

code official."

(4) Amend subsection F-701.3 to read as follows: "F-701.3 In theaters, motion picture theaters, auditoriums, and other similar assembly occupancies with occupant load of 300 or more, occupancies where there are noncontinuous programs, an audible announcement shall be made prior to the start of each program to notify occupants of the location of the exits to be used in case of fire or other emergency. Exception: Assembly occupancies in schools when used for nonpublic events."

(5) Amend subsection F-701.4 to read as follows: "F-701.4 Open Flame Devices. No open flame devices shall be used in any assembly occupancy."

Exception 1. When necessary for ceremonial, religious, or demonstration purpose, the fire code official may permit open flame devices under such restrictions as are necessary to avoid danger of ignition of combustible materials or injury to occupants.

Exception 2. Open flame devices may be used on stages when a necessary part of theatrical performances, provided adequate precautions satisfactory to the fire code official are taken to prevent ignition of any combustible materials.

Exception 3. Gas lights may be permitted provided adequate precautions satisfactory to the fire code official are taken to prevent ignition of any combustible materials.

Exception 4. Candles may be used on tables if securely supported on substantial noncombustible bases so located as to avoid danger of ignition of combustible materials and only if approved by the fire code official. Candle flames shall be protected.

Exception 5. As permitted in F-701.5."

(6) Create new subsection F-701.5 to read as follows: "F-701.5 Special Food Service Devices. Portable cooking equipment, not flue-connected, shall be permitted only as follows:

1. Equipment fueled by small heat sources that can be readily extinguished by water, such as candles or alcohol-burning equipment (including "solid alcohol"), may be used provided adequate precautions satisfactory to the fire code official are taken to prevent ignition of any combustible materials.

2. Candles may be used on tables used for food service if securely supported on substantial noncombustible bases so located as to avoid danger of ignition of combustible materials and only if approved by the fire code official. Candle flame shall be protected by a suitable noncombustible globe.

3. "Flaming Sword" or other equipment involving open flames and flamed dishes, such as cherries jubilee, crepes suzette, etc., may be permitted provided that necessary precautions are taken and subject to the approval of the fire code official.

(7) Create a new subsection "F-701.6 Smoking" to read as follows:

(a) "F-701.6.1 For purposes of abatement of fire, smoking in assembly occupancies shall be regulated by the fire code official of the jurisdiction."

(b) "F-701.6.2 Smoking in rooms or areas where smoking is prohibited, plainly visible "NO SMOKING" signs shall be posted."

(c) "F-701.6.3 No person shall smoke in prohibited areas that are so posted. Exception: The fire code official may permit smoking on a stage only when it is a necessary and rehearsed

part of a performance and only by a regular performing member of the cast."

(d) "F-701.6.4 Where smoking is permitted, suitable ashtrays or receptacles shall be provided in convenient locations. Ashtrays shall conform to the requirements of F-312.6."

(8) Create a new subsection "F-701.7 Furnishings, Decorations, and Stage Scenery" to read as follows:

(a) "F-701.7.1 Draperies, curtains, and other similar furnishings, decorations, and stage settings shall be in accordance with the provisions of F-306.0."

(b) "F-701.7.2 The fire code official shall impose controls on the amount and arrangement of combustible contents, including decorations, in assembly occupancies to provide an adequate level of safety to life from fire."

(c) "F-701.7.3 There shall be no exposed foamed plastics."

(9) Create a new subsection "F-701.8 Coat Racks" to read as follows: "F-701.8.1 Clothing and personal effects shall not be stored in corridors and lobbies."

(10) Create a new subsection F-701.9 to read as follows: "F-701.9 Unvented fuel fired heaters shall not be used in assembly occupancies."

(11) Amend Section F-702.1 and create paragraphs F-702.1.1 through F-702.1.7 to read as follows: "F-702.1 Drills. Exit drills shall be conducted regularly in accordance with the applicable provisions of this section and Section F-700.2."

(a) "F-702.1.1 Drills shall be executed at different hours of the day or evening; during the changing of classes; when the school is at assembly; during the recess or gymnastic periods; etc., so as to avoid distinction between drills and actual fires. If a drill is called when pupils are going up and down the stairways, as during the time classes are changing, the pupils shall be instructed to form in file and immediately proceed to the nearest available exit in an orderly manner."

(b) "F-702.1.2 Every fire exit drill shall be an exercise in school management for principal and teachers, with the chief purpose of every drill being the complete control of the class so that the teacher will form its ranks quickly and silently, may halt it, turn it, or direct it as desired. Great stress shall be laid upon the execution of each drill in a brisk, quiet, and orderly manner. Running shall be prohibited. In case there are pupils incapable of holding their places in a line moving at a reasonable speed, provisions shall be made to have them taken care of by the more sturdy pupils, who will keep them from moving independently from the regular line of march."

(c) "F-702.1.3 Monitors shall be appointed from the more mature pupils to assist in the proper execution of all drills. They shall be instructed to hold doors open in the line of march or to close doors where necessary to prevent spread of fire or smoke. There shall be at least two (2) substitutes for each appointment so as to provide for proper performance in case of absence of the regular monitors. The searching of toilet or other rooms shall be the duty of the teachers or other members of the staff. If the teachers are to search, it should be done after they have joined their classes to the preceding lines."

(d) "F-702.1.4 As all drills simulate an actual fire condition, pupils shall not be

allowed to obtain clothing after the alarm is sounded, even when in home rooms, on account of the confusion that would result in forming the lines and the danger of tripping over dragging apparel."

(e) "F-702.1.5 Each class or group shall proceed to a predetermined point outside the building and remain there while a check is made to see that all are accounted for, leaving only when a recall signal is given to return to the building, or when dismissed. Such points shall be sufficiently far away from the building and from each other as to avoid danger from any fire in the building, interference with fire department operations, or confusion between different classes or groups."

(f) "F-702.1.6 Where necessary for drill lines to cross roadways, signs reading "STOP! SCHOOL FIRE DRILL," or equivalent, shall be carried by monitors to the traffic intersecting points in order to stop traffic during the period of the drill."

(g) "F-702.1.7 Fire exit drills in schools shall not include any fire extinguishing operations."

(12) Create a new subsection "F-702.5 Fire Alarm Signals" to read as follows:

(a) "F-702.5.1 All fire exit drill alarms shall be sounded on the fire alarm system."

(b) "F-702.5.2 Whenever any of the school authorities determine that an actual fire exists, they shall notify the fire department using the public fire alarm system or such other facilities as are available."

(c) "F-702.5.3 In order to prevent pupils from being returned to a building that is burning, the recall signal shall be one that is separate and distinct from, and cannot be mistaken for, any other signals. Such signals may be given by distinctive colored flags or banners. If the recall signal is electrical, the push buttons or other controls shall be kept under lock, the key for which shall be in the possession of the principal or some other designated person in order to prevent a recall at a time when there is a fire. Regardless of the method of recall, the means of giving the signal shall be kept under a lock."

(d) "F-702.5.4 Inspection."

(e) "F-702.5.4.1 It shall be the duty of principals and teachers to inspect all exit facilities daily in order to make sure that all stairways, doors, and other exits are in proper condition."

(f) "F-702.5.4.2 Open-plan buildings require extra surveillance to ensure that exit paths are maintained clear of obstruction and are obvious."

(13) Delete Section F-703, F-704 and F-705 in their entirety.

(14) Create a new Section, "F-707.0 Residential Occupancies" to read as follows:

(a) "F-707.1 Hotel and Motel Emergency Organization."

1. "F-707.1.1 Hotel and Motel Employee Duties. All employees of hotels shall be instructed and drilled in the duties they are to perform in the event of fire, panic, or other emergency."

2. "F-707.1.2 Monthly drills. Drills of the emergency organization shall be held at monthly intervals, covering such points as the operation and maintenance of the available first aid fire appliances, the testing of guest alerting devices, and a study of instructions for emergency duties."

3. "F-707.1.3 Emergency Duties in Hotels,

Motels and Dormitories. The owner or other person in control of the premises shall take immediate action to control any fire on the premises. Upon discovery of fire, some or all of these duties will become immediately imperative, the number and sequence depending upon the exact situation encountered:

Alarms

- Notify office.
- Notify public fire department.
- Notify private fire brigade.

Guests

- Warn guests or others who are or may become endangered.
- Assist occupants to safety, with special attention to aged, infirm, or otherwise incapacitated persons.
- Search rooms to be sure all occupants have escaped.
- Man all elevators, including those of automatic type, with competent operators.

Extinguishment

- Extinguish or control the fire using available first aid equipment.
- Send messenger to meet public fire department upon arrival in order to direct latter to exact location of fire. (The public fire department is in full command upon arrival.)

Special Equipment

- Fire Pumps - stand by for instant operation.
- Ventilating Equipment - in case of dense smoke, stand by, operate under proper instructions to clear area affected.
- Refrigerating Equipment - if machines are definitely endangered, shut them down and blow refrigerant to sewer or atmosphere to prevent explosion.
- Generators and Motors - protect against water damage with tarpaulins - shut down motors not needed - keep generators operating to furnish lights, elevator power, etc.
- Boilers - if necessary to abandon boiler room, extinguish or dump fire and lower steam pressure by blowing to sewer or atmosphere to prevent possible explosion.

(b) "F-707.2 Dormitory Drills."

- 1. "F-707.2.1 Fire exit drills shall be conducted quarterly in accordance with F-701.0."

(c) "F-707.3 Emergency instructions for Residents or Guests."

- 1. "F-707.3.1 A floor diagram reflecting the actual floor arrangement, exit locations, and room identification shall be posted in a location and manner acceptable to the fire code official on or immediately adjacent to every guest room door in hotels and in every resident room in dormitories."

- 2. "F-707.3.2 Fire safety information shall be provided to allow guests to make a decision to either: evacuate to the outside; evacuate to an area of refuge; remain in place; or any combination of the three (3)."

(d) "F-707.4 Emergency Instructions for Residents of Apartment Buildings."

- 1. "F-707.4.1 Emergency instructions shall be provided to each living unit on a yearly basis indicating the location of alarms, exiting paths, and actions to be taken, both in response to a fire in the living unit and in response to the sounding of the alarm system."

(e) "F-707.5 Furnishings and Decorations."

- 1. "F-707.5.1 New draperies, curtains, and other similar furnishings and decorations in

hotels and dormitories shall be in accordance with the provisions of F-306.0."

(f) "F-707.6 Unvented fuel-fired heaters shall not be used in residential occupancies. Exception: Listed and approved unvented fuel-fired heaters in one (1) and two (2) family dwellings."

(g) "F-707.7 Gas Grills on balconies of multifamily dwellings."

- 1. "F-707.7.1 Gas grills with propane containers shall not be located on balconies above the first floor attached to a multifamily dwelling of three (3) or more living units located one (1) above the other. (See NFPA 58-1989, Section 3-4.9.2)"

(15) Create a new Section, "F-708.0 Mercantile Occupancies" to read as follows:

(a) "F-708.1 Training. In every mercantile store of more than 3,000 gross square feet, employees shall be regularly trained in fire exit drills."

(b) "F-708.2 Fire extinguishers. Employees of mercantile occupancies shall be instructed in the proper use of portable fire extinguishers."

(16) Create a new Section, "F-709.0 Business Occupancies" to read as follows:

(a) "F-709.1 Drills. In any building subject to occupancy by more than 500 persons or more than 100 above or below the street level, employees and supervisory personnel shall be instructed in fire exit drill procedures and shall hold practice drills periodically where practicable."

(b) "F-709.2 Employees of business occupancies shall be instructed in the proper use of portable fire extinguishers."

Section 10. Articles 8 through 16 are adopted in their entirety unchanged.

Section 11. Article 17. Delete subsection F-1700.2 in its entirety.

Section 12. Articles 18 through 26 are adopted in their entirety unchanged.

Section 13. Article 27. (1) Amend Subsection F-2700.1 to read: "'F-2700.1 Scope: See Kentucky Revised Statute 227.750 through 227.810, Title 815, Chapter 30 of Kentucky Administrative Regulations for requirements for fireworks."

(2) Delete Subsections F-2700.2 through F-2701.4 in their entirety.

Section 14. Article 28. (1) Amend Subsection F-2800.3 and create paragraphs F-2800.3.1 through F-2800.3.2 to read as follows:

(a) "F-2800.3 Permit Requirements. A permit shall be obtained as set forth in this Subsection."

(b) "F-2800.3.1 Local Permit Requirements. A permit shall be obtained from an authorized local fire code official for the following:

- 1. The storage or handling of Class I liquids in excess of one (1) gallon in any building of "residential occupancy," in excess of ten (10) gallons inside any other building, and in excess of fifty (50) gallons outside of any building.

- 2. Storage and handling of Class II liquids in excess of ten (10) gallons in any buildings of "residential occupancy," in excess of sixty (60) gallons inside any other building, and in excess of 120 gallons outside of any building.

- 3. The storage and handling of Class III liquids in excess of 275 gallons inside any

building, and in excess of 1,100 gallons outside of any building.

4. Quantities of paints, oil, varnishes, and similar flammable liquids in excess of those given above, for use on the premises, stored for not more than thirty (30) days. For storage exceeding thirty (30) days, a state permit shall be required."

(c) "F-2800.3.2 State Permit Requirements for Flammable Liquids. A permit shall be obtained from the State Fire Marshal for all changes in construction, remodeling or operation of any refinery, bulk storage plant, distributing station, service station, or airports not under jurisdiction of Kentucky Building Code."

Section 15. Article 29 is adopted in its entirety unchanged.

Section 16. Article 30. (1) Amend Subsection F-3000.2 and create paragraphs F-3000.2.1 through F-3000.2.2 to read as follows:

(a) "F-3000.2 State Permits for Liquefied Petroleum Gas. A permit shall be obtained from the State Fire Marshal prior to:"

(b) "F-3000.2.1 The transportation, selling, storing for resale, or delivering of liquefied petroleum gases, or for engaging in the business of installing or servicing liquefied petroleum gas equipment; or for persons who actually perform such installations or servicing operations. Licenses issued under this section shall be in accordance with the provisions of KRS 234.120. Under this section licenses or permits are not required for storage or transportation in quantities of less than one (1) gallon where the gas is an integral part of a device for its utilization, or for use as a motor fuel while in the fuel tank of the motor vehicle."

(c) "F-3000.2.2 The construction or substantial remodeling of any plant or building containing an occupancy for which a license is required under KRS 234.120 relating to the storage and handling of liquefied petroleum gases. This requirement shall be a supplement to any Kentucky Building Code requirement."

Section 17. Articles 31 through 34 and Appendix A are adopted in their entirety unchanged.

Section 18. This regulation repeals 815 KAR 10:020.

CHARLES A. COTTON, Commissioner

THEODORE T. COLLEY, Secretary

APPROVED BY AGENCY: May 14, 1990

FILED WITH LRC: May 15, 1990 at noon

PUBLIC HEARING: A public hearing on this regulation shall be held on June 26, 1990 at 10:30 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 June 21, 1990, the hearing may be cancelled.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith G. Walden

(1) Type and number of entities affected: Existing commercial, public buildings and multifamily dwellings.

(a) Direct and indirect costs or savings to those affected: The regulation will result in costs of making fire safety alterations to buildings but only if a hazard exists in the facility.

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: Regular inspection reports, hearings, etc., as have been carried on for many years. No new costs.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: No increased costs are involved because staff will provide similar inspections.

1. First year: The cost of publication of the new book will be offset by the price for which it is sold.

2. Continuing costs or savings: More efficient than previous codes because they are designed to interact with requirements of the Kentucky Building Code.

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No change in paperwork requirements through the citations for violations, computer adjustments, etc.

(3) Assessment of anticipated effect on state and local revenues: There is no anticipated effect on local revenue except a potential for permits if they so choose.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Adoption of National Fire Codes was rejected in favor of use of BOCA National Fire Code with fire codes referenced in Appendix. Consistency with Kentucky Building Code is important.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: KRS Chapter 198B and uniform standard building code.

(a) Necessity of proposed regulation if in conflict: Need appropriate up-to-date minimum standards to require fire safety in both old buildings and maintenance of fire safety in buildings constructed under the KBC.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Article 1 of the KY Standards of Safety and the KBC are harmonized to avoid conflict. It allows the building official to refer to Standards of Safety if necessary and lets fire official enforce code where it was never approved when built. SFM enforcement powers include the ability to help enforce all laws relating to fire safety.

(6) Any additional information or comments:

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. Intended to affect local government to the extent that every local government is supposed

to adopt and enforce the standards of safety, pursuant to KRS 227.320.

3. State the aspect or service of local government to which this administrative regulation relates. Fire safety inspections, reporting and enforcement.

4. How does this administrative regulation affect the local government or any service it provides? Merely provides appropriate standards for use statewide by each local government.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of the May 11, 1990 Meeting

The May meeting of the Administrative Regulation Review Subcommittee was held on Friday, May 11, 1990 at 10 a.m. in Room 107. Representative Mark D. O'Brien, Chairman, called the meeting to order, and the secretary called the roll. On motion of Senator Quinlan, seconded by Senator Huff, the minutes of the April 12, 1990 meeting were approved.

Present May 11, 1990 were:

Members: Representative Mark D. O'Brien, Chairman; Senators Gene Huff, Pat McCuiston and Bill Quinlan; Representatives Jim Bruce and Tom Kerr.

Guests: John W. Combs, Arthur Hatterick, Jr., Jim Terry, Personnel Board; Daniel F. Egbers, Department of Personnel; John Merchant, Warren Nash, Finance and Administration Cabinet; Richard L. Ross, Board of Pharmacy; Carroll Roberts, Board of Hairdressers; Roger Nesbitt, Department of Agriculture; Terry P. Anderson, Kathryn M. Hargraves, Lewis G. Miller, Michael A. Mills, Tom VanArsdall, Robert W. Ware, Albert Westerman, Jack Wilson, Natural Resources and Environmental Protection Cabinet; Leslie Cole, Cecilia Hayden, Environmental Quality Commission; Michael Bradley, Ellen Tharpe, Corrections Cabinet; Gary Bale, Michael Bidwell, Rodney Kelly, Paul McElwain, Ross B. Payton, Lydia Wells Sledge, Sheila Vice, Akeel Zaheer, Department of Education; Porter Dailey, Morehead State University; Ken Clevidence, Tom Fields, Milton Skeen, Paul C. VanBooven, University of Kentucky; Rex Hunt, John W. McCauley, Labor Cabinet; James Wayne Bates, Ralph Dennis, Public Service Commission; Judith G. Walden, Department of Housing, Buildings and Construction; Joe Anderson, Barbara Coleman, Cabinet for Human Resources; Robert S. Oakley, Baptist Hospital East; Carl E. Beck, St. Joseph Hospital; Kathy Aman, Larry M. Aman, Tony Sholar, Kentucky Chamber of Commerce; Nancy Galvagni, Kentucky Hospital Association; Mike Helton, Kentucky Petroleum Council; Tom Fitzgerald, Kentucky Resources Council, Inc.; Herman D. Regan, Jr., Kenvirons, Inc..

LRC Staff: Susan Wunderlich, Joe Hood, Gregory Karambellas, Carmen Botkin, Donna Pierce, and Carla Arnold.

The Administrative Regulation Review Subcommittee met on May 11, 1990, and submits this report:

The Subcommittee determined that the following administrative regulations, as amended, complied with KRS Chapter 13A:

Personnel Board

101 KAR 1:367 (Standards of conduct and technology governing electronic media and still photography coverage of board proceedings.) Section 1(4) and Section 3(1) were amended to comply with the drafting requirements of KRS 13A.224. Chairman O'Brien asked Board personnel to explain what "legally recognized interest in confidentiality" were protected by Section 8. Board personnel responded that this referred to existing statutory and other legal requirements to protect the identity of certain classes of people: children, prison informants, women involved in sexual harassment cases. Board personnel explained that the record of the

hearing is complete and all information is contained therein; that the restriction dealt only with unwarranted public disclosure through media attendance at a meeting.

Finance and Administration Cabinet: Department for Administration: Travel Expense and Reimbursement

200 KAR 2:006 (Employees' reimbursement for travel.) This administrative regulation was amended to incorporate forms required by this administrative regulation.

General Government Cabinet: Board of Pharmacy

201 KAR 2:076 (Parental pharmaceutical compounding.) An amendment to Section 4(2) had been agreed upon at a meeting of agency personnel and other interested parties to delete the requirement for the retention of the patient profile for five years and to require retention only until patient discharge. Representative Kerr stated that the information contained in the patient profile appeared to be more complete than information contained in the medical administration record (MAR) and should be retained for a period longer than the patient's discharge. The agency agreed to amend Section 4(2) to require that the patient profile be retained for a period of two years following the last dispensing activity. In addition, Section 4(2) was amended to require that the MAR be retained for a period of five years from patient discharge; and, in the case of a minor, for three years after the minor reaches majority or five years, whichever is longer.

Natural Resources and Environmental Protection Cabinet: Department for Environmental Protection: Division of Water: Water Quality

401 KAR 5:026 (Classification of waters.) This regulations was amended to change the designation point in Roundstone Creek from 14.0 to 13.5. The symbol "ORW" for outstanding resource water was also deleted.

401 KAR 5:031 (Surface water standards.) Section 4(1)(h)3 was amended to delete the phrase "an acute toxicity unit of one (1)" and to insert the phrase "0.3 acute toxicity units".

Corrections Cabinet: Office of the Secretary

The following administrative regulations were amended to comply with the drafting requirements of KRS 13A.222.

501 KAR 6:060 (Northpoint Training Center.)

501 KAR 6:110 (Roederer Farm Center.)

Education and Humanities Cabinet: State Board for Elementary and Secondary Education: Office of Administration and Finance: Food Service Programs

702 KAR 6:090 (Competitive food and beverage sales and service requirements.) The last sentence of the "NECESSITY AND FUNCTION" clause and the last sentence of Section 1 were deleted to comply with KRS Chapter 13A.

Office of Local Services: School Terms, Attendance and Operation

702 KAR 7:090 (Requirements for coaches and other personnel staffing interscholastic athletic programs.) Section 1(3)(f) was renumbered for clarification. Section 1(3)(f)2 was amended to add the after the word "person"

the words "so penalized" for clarification. This administrative regulation shall expire July 13, 1990 due to an objection attached by the Subcommittee on March 1, 1989.

The Subcommittee determined that the following regulations complied with KRS Chapter 13A:

Personnel Board

101 KAR 1:365 (Appeal and hearing procedures.)

General Government Cabinet: Board of Hairdressers and Cosmetologists

201 KAR 12:125 (Schools' student regulations.)

Department of Agriculture: Organic Agricultural Product Certification

302 KAR 40:010 (Standard organic agricultural product requirements.)

Natural Resources and Environmental Protection Cabinet: Department for Environmental Protection: Division of Water: Water Quality

401 KAR 5:029 (General provisions.)

Education and Humanities Cabinet: State Board for Elementary and Secondary Education: Office of Administration and Finance: Office of Instruction: Instructional Services

704 KAR 3:304 (Required program of studies.)

704 KAR 3:335 (State plan for the administration of Chapter 2, of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988.)
Teacher Certification

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

704 KAR 20:057 (Certificate endorsements for certain subjects.)

704 KAR 20:570 (Approval for teaching business education, grades 5-8.)

Morehead State University: Board of Regents

755 KAR 1:010 (Acquisition and disbursement of funds, accounting system - records and annual report.)

755 KAR 1:020 (Delegation of financial management responsibility.)

755 KAR 1:030 (Annual audit.)

755 KAR 1:040 (Purchase - inventories - sales of surplus property procedures.)

755 KAR 1:050 (Issuance of bonds.)

755 KAR 1:060 (Fund for excellence.)

Labor Cabinet: Office of Labor-Management Relations: Kentucky Labor-Management Matching Grant Program

803 KAR 6:010 (Kentucky Labor-Management Matching Grant Program.)

Public Protection and Regulation Cabinet: Public Service Commission: Utilities

807 KAR 5:041 (Electric.)

Department of Housing, Buildings and Construction: Division of Plumbing

815 KAR 20:020 (Parts or materials list.)

815 KAR 20:191 (Minimum fixture requirements.)

Cabinet for Human Resources: Department for Employment Services: Division of Unemployment Insurance

903 KAR 5:290 (Employer contribution rates.)

The following regulation was deferred at the promulgating agency's request:

General Government Cabinet: Board of Pharmacy

201 KAR 2:074 (Pharmacy services in hospitals.) At the April Subcommittee meeting, Nancy Galvagni, Kentucky Hospital Association, objected to this administrative regulation on the grounds that it would require all hospitals to operate pharmacies. She stated that the Cabinet for Human Resources, which has authority to establish licensure requirements, does not require this. Rather, the cabinet permits hospitals to maintain "drug rooms", which are rooms in which prescribed medications are stored and from which they are distributed to patients. She felt that the Board had no authority to impose this requirement. A representative of the Cabinet was also present. At the suggestion of Chairman O'Brien, the Cabinet, the Kentucky Hospital Association, and the Board agreed to meet with Subcommittee staff to resolve their differences.

This meeting was held and all parties agreed to defer action until appropriate review of hospital and facilities policies relating to drug rooms had been reviewed by federal authorities.

The following regulation was withdrawn by the promulgating agency:

Education and Humanities Cabinet: State Board for Elementary and Secondary Education: Office of Instruction

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

The Subcommittee had no objections to emergency regulations which had been filed.

The Subcommittee adjourned at 11:00 a.m. until June 11, 1990 at 9 a.m.

OTHER COMMITTEE REPORTS

COMPILER'S NOTE: In accordance with KRS 13A.290(9), the following reports were forwarded to the Legislative Research Commission by the appropriate jurisdictional committees 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 AGRICULTURE
AND NATURAL RESOURCES**
Meeting of May 7-8, 1990

The Interim Joint Committee on Agriculture and Natural Resources met May 7-8, 1990, and submits this report:

May 7, 1990, the committee determined that administrative regulation 301 KAR 1:146 complies with KRS Chapter 13A with the following amendment: Section 3, subsection (1)(a), delete the sentence, "Beginning January 1, 1992, the minimum mesh size shall be three (3) inches for all waters."

The committee also determined that administrative regulation 302 KAR 15:020 complies with KRS Chapter 13A.

The committee recessed at 3:50 p.m., May 7, 1990, until 9:00 a.m., May 8, 1990.

The committee reconvened at 9:00 a.m., May 8, 1990, and determined that the following administrative regulations comply with KRS Chapter 13A:

401 KAR 30:010	401 KAR 47:170
401 KAR 30:020	401 KAR 47:180
401 KAR 40:060	401 KAR 47:190
401 KAR 47:030	401 KAR 48:060
401 KAR 47:070	401 KAR 48:070
401 KAR 47:080	401 KAR 48:080
401 KAR 47:090	401 KAR 48:090
401 KAR 47:100	401 KAR 48:170
401 KAR 47:110	401 KAR 48:200
401 KAR 47:120	401 KAR 48:300
401 KAR 47:130	401 KAR 48:310
401 KAR 47:140	401 KAR 49:010
401 KAR 47:150	401 KAR 49:060
401 KAR 47:160	401 KAR 49:070

The committee determined that administrative regulation 401 KAR 48:050 complies with KRS Chapter 13A with the following amendment: Section 4. Airport Location Criteria, by deleting the language of that section and substituting the following language: No new contained landfill shall be located within 10,000 feet of any airport runway used by turbojet aircraft or within 5,000 feet of any airport runway used by only piston-type aircraft and no landfill shall pose a bird hazard to aircraft.

The committee adjourned at 10:24 a.m., May 8, 1990.

INTERIM JOINT COMMITTEE ON CITIES
Meeting of May 9, 1990

The Interim Joint Committee on Cities met on May 9, 1990, and submits this report:

The Committee determined that the following regulation complied with KRS Chapter 13A and has approved such regulation without objection:

815 KAR 7:010. Kentucky Building Code (administration and enforcement).

INTERIM JOINT COMMITTEE ON LABOR & INDUSTRY
Meeting of May 10, 1990

The Interim Joint Committee on Labor & Industry met on Thursday, May 10, 1990, and submits this report:

The Committee took no action on 803 KAR 1:055 and 803 KAR 2:320.

The Committee adjourned at 11:00 a.m.

CUMULATIVE SUPPLEMENT

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Subject Index to Volume 16.....	L24

LOCATOR INDEX -- EFFECTIVE DATES

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

VOLUME 15

Regulation	15 Ky.R. Page No.	Effective Date	Regulation	15 Ky.R. Page No.	Effective Date
201 KAR 14:051	2465	9-2-89	704 KAR 20:550	2465 (See 16 Ky.R.)	

VOLUME 16

Emergency Regulation	16 Ky.R. Page No.	Effective Date	Emergency Regulation	16 Ky.R. Page No.	Effective Date
101 KAR 2:100E	1122	11-13-89	401 KAR 47:100E	1862	1-16-90
Replaced	1576	2-3-90	Replaced	2352	5-8-90
101 KAR 3:010E	1126	11-13-89	401 KAR 47:110E	1863	1-16-90
Replaced	1580	2-3-90	Replaced	2353	5-8-90
103 KAR 18:110E	2643	4-20-90	401 KAR 47:120E	1864	1-16-90
200 KAR 2:006E	2100	2-22-90	Replaced	2186	5-8-90
200 KAR 16:020E	1321	11-28-89	401 KAR 47:130E	1866	1-16-90
Replaced	1939	3-8-90	Replaced	2355	5-8-90
200 KAR 16:030E	1322	11-28-89	401 KAR 47:140E	1868	1-16-90
Replaced	1940	3-8-90	Replaced	2189	5-8-90
200 KAR 16:040E	1323	11-28-89	401 KAR 47:150E	1872	1-16-90
Replaced	1940	3-8-90	Replaced	2193	5-8-90
200 KAR 16:050E	1324	11-28-89	401 KAR 47:160E	1873	1-16-90
Replaced	1941	3-8-90	Replaced	2357	5-8-90
200 KAR 16:060E	1324	11-28-89	401 KAR 47:170E	1876	1-16-90
Expired		2-5-90	Replaced	2359	5-8-90
200 KAR 16:070E	1325	11-28-89	401 KAR 47:180E	1878	1-16-90
Replaced	1525	3-8-90	Replaced	2361	5-8-90
200 KAR 16:080E	1326	11-28-89	401 KAR 47:190E	1882	1-16-90
Replaced	1941	3-8-90	Replaced	2365	5-8-90
200 KAR 16:090E	1327	11-28-89	401 KAR 48:050E	1884	1-16-90
Replaced	1942	3-8-90	Replaced	2673	5-8-90
200 KAR 17:010E	116	6-15-89	401 KAR 48:060E	1885	1-16-90
Replaced	341	8-22-89	Replaced	2368	5-8-90
201 KAR 10:010E	1131	10-31-89	401 KAR 48:070E	1888	1-16-90
Replaced	1234	2-3-90	Replaced	2371	5-8-90
201 KAR 10:030E	1131	10-31-89	401 KAR 48:080E	1890	1-16-90
Replaced	1234	2-3-90	Replaced	2374	5-8-90
201 KAR 10:040E	1133	10-31-89	401 KAR 48:090E	1895	1-16-90
Replaced	1236	2-3-90	Replaced	2378	5-8-90
201 KAR 10:060E	1134	10-31-89	401 KAR 48:170E	1899	1-16-90
Replaced	1237	2-3-90	Replaced	2382	5-8-90
201 KAR 20:310E	1328	11-20-89	401 KAR 48:200E	1900	1-16-90
Replaced	1400	3-8-90	Replaced	2383	5-8-90
301 KAR 2:044E	531	8-21-89	401 KAR 48:300E	1908	1-16-90
Replaced	594	11-22-89	Replaced	2391	5-8-90
301 KAR 2:220E	1134	10-13-89	401 KAR 48:310E	1915	1-16-90
Replaced	801	1-9-90	Replaced	2398	5-8-90
301 KAR 4:010E	2644	4-23-90	401 KAR 49:010E	1920	1-16-90
401 KAR 30:010E	1832	1-16-90	Replaced	2403	5-8-90
Replaced	2154	5-8-90	401 KAR 49:060E	1922	1-16-90
401 KAR 30:020E	1846	1-16-90	Replaced	2405	5-8-90
Replaced	2344	5-8-90	401 KAR 49:070E	1925	1-16-90
401 KAR 40:060E	1848	1-16-90	Replaced	2408	5-8-90
Replaced	2170	5-8-90	405 KAR 8:010E	321	8-10-89
401 KAR 47:030E	1849	1-16-90	Replaced	1343	11-22-89
Replaced	2346	5-8-90	405 KAR 10:200E	732	9-27-89
401 KAR 47:070E	1852	1-16-90	Replaced	1202	1-9-90
Replaced	2174	5-8-90	501 KAR 6:020E	532	8-21-89
401 KAR 47:080E	1857	1-16-90	Replaced	435	10-17-89
Replaced	2348	5-8-90	Resubmitted	2103	2-21-90
401 KAR 47:090E	1860	1-16-90	Replaced	1963	5-13-90
Replaced	2182	5-8-90			

ADMINISTRATIVE REGISTER - L3

Emergency Regulation	16 Ky.R. Page No.	Effective Date	Emergency Regulation	16 Ky.R. Page No.	Effective Date
501 KAR 6:030E	2105	2-21-90	904 KAR 2:016E	736	10-6-89
Replaced	1965	5-13-90	Replaced	1033	1-12-90
501 KAR 6:040E	2107	2-21-90	Resubmitted	2310	3-29-90
Replaced	1967	5-13-90	904 KAR 2:025E	741	10-9-89
501 KAR 6:050E	1329	11-17-89	Replaced	1106	1-12-90
Replaced	1238	2-3-90	904 KAR 2:055E	1139	10-31-89
Resubmitted	2108	2-21-90	Replaced	1039	1-12-90
Replaced	1968	5-13-90	904 KAR 2:116E	1142	10-26-89
501 KAR 6:060E	2109	2-21-90	Expired		1-2-90
Replaced	1970	5-13-90	Resubmitted	1572	1-12-90
501 KAR 6:070E	2110	2-21-90	Replaced	2146	4-12-90
Replaced	1971	5-13-90	904 KAR 3:020E	1332	12-1-89
501 KAR 6:090E	2112	2-21-90	Replaced	1948	3-8-90
Replaced	1973	5-13-90	907 KAR 1:004E	127	7-14-89
501 KAR 6:110E	2113	2-21-90	Replaced	252	9-20-89
501 KAR 6:120E	2115	2-21-90	Resubmitted	1144	11-2-89
Replaced	1976	5-13-90	Replaced	1068	1-12-90
501 KAR 6:130E	2117	2-21-90	Resubmitted	2316	4-9-90
Replaced	1978	5-13-90	907 KAR 1:011E	2327	4-9-90
501 KAR 6:140E	1330	11-17-89	907 KAR 1:012E	135	7-14-89
Replaced	1240	2-3-90	Replaced	260	9-20-89
501 KAR 6:150E	1929	1-15-90	Resubmitted	1155	10-26-89
Replaced	1822	4-12-90	Replaced	1079	1-12-90
502 KAR 45:010E	119	6-28-89	907 KAR 1:013E	136	7-14-89
Replaced	536	9-19-89	Replaced	558	10-18-89
502 KAR 45:020E	1930	1-17-90	907 KAR 1:022E	138	7-14-89
Replaced	2135	4-12-90	Replaced	264	9-20-89
502 KAR 45:040E	1931	1-17-90	907 KAR 1:026E	141	7-14-89
Replaced	2135	4-12-90	Replaced	267	9-20-89
502 KAR 45:050E	1931	1-17-90	907 KAR 1:027E	142	7-14-89
Replaced	2136	4-12-90	Replaced	269	9-20-89
502 KAR 45:060E	1932	1-17-90	907 KAR 1:031E	144	7-14-89
Replaced	2136	4-12-90	Replaced	270	9-20-89
502 KAR 45:080E	1932	1-17-90	907 KAR 1:036E	146	7-14-89
Replaced	2137	4-12-90	Replaced	561	10-18-89
502 KAR 45:090E	1933	1-17-90	Resubmitted	2331	4-9-90
Replaced	1655	4-12-90	907 KAR 1:045E	153	7-14-89
502 KAR 45:100E	1934	1-17-90	Replaced	280	9-20-89
Replaced	1656	4-12-90	907 KAR 1:054E	2338	4-9-90
502 KAR 45:110E	1934	1-17-90	907 KAR 1:055E	154	7-14-89
Replaced	1657	4-12-90	Replaced	281	9-20-89
502 KAR 45:120E	1935	1-17-90	Resubmitted	2340	4-9-90
Replaced	1658	4-12-90	907 KAR 1:340E	2342	4-9-90
502 KAR 45:125E	119	6-28-89	907 KAR 1:450E	156	7-14-89
Replaced	286	9-19-89	Replaced	551	9-20-89
702 KAR 5:010E	334	7-17-89			
Replaced	538	10-8-89			
702 KAR 5:030E	334	7-17-89			
Replaced	198	10-8-89			
702 KAR 5:080E	335	7-17-89			
Replaced	200	10-8-89			
702 KAR 7:065E	1332	11-17-89			
Replaced	1255	2-3-90			
705 KAR 5:130E	338	8-9-89			
Replaced	212	10-8-89			
709 KAR 1:060E	340	8-9-89			
Replaced	224	10-8-89			
810 KAR 1:050E	2309	3-30-90			
902 KAR 9:010E	2118	2-21-90			
Replaced	2063	5-13-90			
902 KAR 13:030E	2645	5-11-90			
902 KAR 17:020E	2646	4-17-90			
902 KAR 20:280E	120	6-22-89			
Replaced	755	10-18-89			
903 KAR 5:270E	124	6-22-89			
Replaced	237	9-21-89			
903 KAR 5:290E	2122	3-13-90			
904 KAR 2:006E	124	7-14-89			
Replaced	238	9-20-89			
904 KAR 2:015E	1936	1-18-90			
Replaced	2144	4-12-90			
			Regulation	16 Ky.R. Page No.	Effective Date
			1 KAR 4:005		
			Amended	788	1-12-90
			11 KAR 5:030	2682	
			Amended		
			11 KAR 5:130	2684	
			Amended		
			11 KAR 5:140	2686	
			Amended		
			11 KAR 5:160	2688	
			Amended		
			11 KAR 5:180	2690	
			Amended		
			11 KAR 6:010	2691	
			Amended		
			11 KAR 8:010	2694	
			Amended		
			11 KAR 8:020	2696	
			Amended	2794	
			11 KAR 8:030	2796	
			11 KAR 8:040	2796	
			11 KAR 11:010	2798	

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Regulation	16 Ky.R. Page No.	Effective Date	Regulation	16 Ky.R. Page No.	Effective Date
11 KAR 11:030	2801		103 KAR 7:025	2614	
11 KAR 11:040	2802		103 KAR 18:110		
11 KAR 11:050	2803		Amended	2698	
11 KAR 11:060	2804		103 KAR 43:310	674	
11 KAR 11:070	2806		As Amended	1157	11-30-89
15 KAR 1:030			200 KAR 1:020		
Repealed	1713	4-12-90	Amended	373	10-11-89
15 KAR 1:031	1713	4-12-90	200 KAR 2:006		
101 KAR 1:325			Amended	2252	
Amended	372	10-11-89	As Amended	2649	
Amended	2439		200 KAR 5:020	500	
101 KAR 1:335			As Amended	745	10-11-89
Amended	1952		200 KAR 16:020	1518	
Withdrawn		3-30-90	As Amended	1939	3-8-90
101 KAR 1:365			200 KAR 16:030	1520	
Amended	2250		As Amended	1940	3-8-90
101 KAR 1:367	2285		200 KAR 16:040	1521	
As Amended	2648		As Amended	1940	3-8-90
101 KAR 2:006	673	1-12-90	200 KAR 16:050	1522	
101 KAR 2:010			As Amended	1941	3-8-90
Repealed	673	1-12-90	200 KAR 16:060	1524	
101 KAR 2:020			Withdrawn		2-5-90
Amended	568		200 KAR 16:070	1525	3-8-90
As Amended	1575	1-9-90	200 KAR 16:080	1527	
101 KAR 2:030			As Amended	1941	3-8-90
Amended	569	1-12-90	200 KAR 16:090	1528	
101 KAR 2:040			As Amended	1942	3-8-90
Amended	573	1-12-90	200 KAR 17:010	89	
101 KAR 2:050			As Amended	341	8-22-89
Amended	575	1-12-90	201 KAR 2:010		
101 KAR 2:060			Amended	791	1-12-90
Amended	577	1-12-90	201 KAR 2:015		
101 KAR 2:070			Amended	791	1-12-90
Amended	579	1-12-90	201 KAR 2:020		
101 KAR 2:080			Amended	793	1-12-90
Repealed	673	1-12-90	201 KAR 2:030		
101 KAR 2:090			Amended	794	
Amended	581	1-12-90	As Amended	1943	3-8-90
101 KAR 2:100			201 KAR 2:040		
Amended	582		Amended	795	1-12-90
Withdrawn		11-2-89	201 KAR 2:074	1713	
Amended	1208		Amended	2150	
As Amended	1576	2-3-90	201 KAR 2:076	1716	
101 KAR 2:110			Amended	2152	
Repealed	673	1-12-90	As Amended	2652	
101 KAR 2:130			201 KAR 2:080		
Repealed	673	1-12-90	Amended	796	1-12-90
101 KAR 2:150			201 KAR 2:105		
Amended	586		Amended	1597	4-12-90
Withdrawn		11-2-89	201 KAR 2:106	1718	
Amended	1213	2-3-90	As Amended	2123	4-12-90
101 KAR 2:160			201 KAR 2:116	1720	
Amended	587		Amended	2154	5-13-90
Withdrawn		11-2-89	201 KAR 2:120		
Amended	1214	2-3-90	Repealed	674	12-6-89
101 KAR 3:006	673		201 KAR 2:121	674	12-6-89
Withdrawn		11-2-89	201 KAR 2:125		
Resubmitted	1287	2-3-90	Repealed	674	12-6-89
101 KAR 3:010			201 KAR 2:130		
Amended	1215		Repealed	92	9-2-89
As Amended	1580	2-3-90	201 KAR 2:131	92	9-2-89
101 KAR 3:030			201 KAR 2:135		
Repealed	1287	2-3-90	Repealed	674	12-6-89
101 KAR 3:040			201 KAR 2:140		
Amended	588		Repealed	674	12-6-89
Withdrawn		11-2-89	201 KAR 2:145		
Amended	1219	2-3-90	Repealed	675	12-6-89
101 KAR 3:050			201 KAR 2:150		
Amended	590		Repealed	674	12-6-89
Withdrawn		11-2-89	201 KAR 2:155		
Amended	1221		Repealed	674	12-6-89
As Amended	1585	2-3-90			

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Regulation	16 Ky.R. Page No.	Effective Date	Regulation	16 Ky.R. Page No.	Effective Date
201 KAR 2:165			201 KAR 12:055		
Amended	797	1-12-90	Amended	1603	4-12-90
201 KAR 2:175			201 KAR 12:060		
Amended	798	1-12-90	Amended	1603	4-12-90
201 KAR 2:190			201 KAR 12:065		
Amended	799	1-12-90	Amended	1604	4-12-90
201 KAR 8:015			201 KAR 12:082		
Amended	376		Amended	1605	4-12-90
As Amended	745	10-13-89	201 KAR 12:083		
201 KAR 9:016			Amended	1607	4-12-90
Amended	1223	2-3-90	201 KAR 12:085		
201 KAR 9:018			Amended	1608	4-12-90
Amended	1224		201 KAR 12:100		
Withdrawn		12-18-89	Amended	1609	4-12-90
201 KAR 9:021			201 KAR 12:101		
Amended	1225	2-3-90	Amended	1610	4-12-90
201 KAR 9:031			201 KAR 12:110		
Amended	1228	2-3-90	Amended	1955	5-13-90
201 KAR 9:041			201 KAR 12:120		
Amended	1229	2-3-90	Amended	1957	5-13-90
201 KAR 9:061			201 KAR 12:125		
Amended	1954	5-13-90	Amended	2255	
201 KAR 9:081	1230	2-3-90	201 KAR 12:130		
201 KAR 9:101			Amended	1957	5-13-90
Amended	1379	4-12-90	201 KAR 12:140		
201 KAR 9:111			Amended	1958	5-13-90
Amended	1380		201 KAR 12:150		
As Amended	2124	4-12-90	Amended	1959	5-13-90
201 KAR 9:121			201 KAR 18:040		
Amended	1383		Amended	1237	
As Amended	2126	4-12-90	Withdrawn		12-27-89
201 KAR 9:136			Amended	1960	5-13-90
Amended	1386		201 KAR 18:150		
As Amended	2128	4-12-90	Amended	592	
201 KAR 9:141			As Amended	1157	12-6-89
Amended	1388		201 KAR 20:310		
As Amended	2130	4-12-90	Amended	1400	3-8-90
201 KAR 9:151			201 KAR 21:005		
Amended	1390		Repealed	1721	4-12-90
As Amended	2131	4-12-90	201 KAR 21:006	1721	4-12-90
201 KAR 9:161			201 KAR 21:015		
Amended	1391		Amended	1610	4-12-90
As Amended	2131	4-12-90	201 KAR 21:025		
201 KAR 9:171			Amended	1612	4-12-90
Amended	1393		201 KAR 21:031		
As Amended	2132	4-12-90	Amended	1613	4-12-90
201 KAR 9:175			201 KAR 21:035		
Amended	1396		Amended	1614	4-12-90
Withdrawn		3-12-90	201 KAR 21:041		
201 KAR 9:180	1530	4-12-90	Amended	44	
201 KAR 9:185	2068		As Amended	344	9-2-89
Withdrawn		4-11-90	201 KAR 21:045		
201 KAR 10:010			Amended	1614	
Amended	1234	2-3-90	As Amended	2135	4-12-90
201 KAR 10:030			201 KAR 21:051		
Amended	1234	2-3-90	Amended	1615	4-12-90
201 KAR 10:040			201 KAR 21:055		
Amended	1236	2-3-90	Amended	1617	4-12-90
201 KAR 10:060			201 KAR 21:065		
Amended	1237	2-3-90	Amended	1618	4-12-90
201 KAR 12:020			201 KAR 21:070	93	9-2-89
Amended	1599	4-12-90	201 KAR 21:075	94	
201 KAR 12:025			As Amended	345	
Amended	1600	4-12-90	As Amended	535	10-8-89
201 KAR 12:031			201 KAR 21:080	95	9-2-89
Amended	1600	4-12-90	201 KAR 21:085	96	
201 KAR 12:040			As Amended	346	9-2-89
Amended	1601	4-12-90	201 KAR 21:090	97	
201 KAR 12:045			As Amended	347	9-2-89
Amended	1601	4-12-90	201 KAR 22:031		
201 KAR 12:050			Amended	1619	4-12-90
Amended	1602	4-12-90			

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Regulation	16 Ky.R. Page No.	Effective Date	Regulation	16 Ky.R. Page No.	Effective Date
201 KAR 22:052			401 KAR 5:040	2286	
Amended	2440		Amended	2680	
201 KAR 22:053	2616		401 KAR 5:085		
201 KAR 22:101			Amended	609	
Amended	2441		Amended	1196	1-9-90
201 KAR 22:106			401 KAR 6:300		
Amended	1621	4-12-90	Amended	613	1-9-90
201 KAR 22:110			401 KAR 30:010		
Amended	2443		Amended	1624	
201 KAR 22:135			Amended	2154	5-8-90
Amended	1623	4-12-90	401 KAR 30:020		
201 KAR 24:040	501		Amended	1640	
As Amended	746	10-13-89	Amended	2169	
201 KAR 25:022	2069	5-13-90	As Amended	2344	5-8-90
301 KAR 1:122			401 KAR 30:030		
Amended	377	11-4-89	Repealed	1849	1-16-90
301 KAR 1:130			401 KAR 31:010		
Amended	46	8-23-89	Amended	378	11-22-89
301 KAR 1:146			401 KAR 31:040		
Amended	1401		Amended	389	
As Amended	2654	5-8-90	Amended	761	
301 KAR 1:200			As Amended	1159	11-22-89
Amended	800	1-9-90	401 KAR 31:160		
Amended	1403	2-20-90	Amended	402	11-22-89
301 KAR 2:044			401 KAR 31:170		
Amended	594	11-22-89	Amended	405	11-22-89
301 KAR 2:047			401 KAR 34:350	512	
Amended	2444		Amended	772	11-22-89
301 KAR 2:111			401 KAR 38:190		
Amended	2700		Amended	419	
301 KAR 2:140			Amended	773	11-22-89
Amended	596	11-22-89	401 KAR 39:010		
301 KAR 2:170			Amended	616	1-9-90
Amended	2448		401 KAR 39:020		
301 KAR 2:210			Amended	617	
Amended	2453		Amended	1198	1-9-90
301 KAR 2:220			401 KAR 39:030		
Amended	801	1-9-90	Amended	619	
301 KAR 2:250	2618		Amended	1199	
301 KAR 3:080			As Amended	1340	1-9-90
Amended	807	1-9-90	401 KAR 39:060		
301 KAR 4:010			Amended	624	
Amended	2455		Amended	1200	1-9-90
302 KAR 1:020			401 KAR 39:070		
Amended	2703		Amended	625	
302 KAR 15:020			Amended	1200	
Amended	1961	5-8-90	As Amended	1341	1-9-90
302 KAR 40:010	2069		401 KAR 39:080		
401 KAR 4:120			Amended	628	1-9-90
Repealed	1336	11-22-89	401 KAR 39:090		
401 KAR 4:125	503		Amended	629	
As Amended	1336	11-22-89	Amended	1201	1-9-90
401 KAR 5:005			401 KAR 39:110		
Amended	599		Amended	631	1-9-90
Amended	1191	1-9-90	401 KAR 39:120		
401 KAR 5:010			Amended	632	
Amended	603		Amended	1202	1-9-90
Amended	1193	1-9-90	401 KAR 40:060		
401 KAR 5:026			Amended	2170	5-8-90
Amended	809		401 KAR 47:020		
Amended	1356		Repealed	1857	1-16-90
As Amended	2655		401 KAR 47:030		
401 KAR 5:029			Amended	2171	
Amended	833		As Amended	2346	5-8-90
Amended	1367		401 KAR 47:040		
Amended	2257		Repealed	1888	1-16-90
Amended	2676		401 KAR 47:050		
401 KAR 5:031			Repealed	1900	1-16-90
Amended	838		401 KAR 47:060		
Amended	1370		Repealed	1860	1-16-90
As Amended	2666		401 KAR 47:070		
			Amended	1642	
			Amended	2174	5-8-90

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Regulation	16 Ky.R. Page No.	Effective Date	Regulation	16 Ky.R. Page No.	Effective Date
401 KAR 47:080	1727		401 KAR 49:070	1817	
Amended	2178		Amended	2246	
As Amended	2348	5-8-90	As Amended	2408	5-8-90
401 KAR 47:090	1732		401 KAR 50:036		
Amended	2182	5-8-90	Amended	635	1-9-90
401 KAR 47:100	1734		405 KAR 8:010		
Amended	2183		Amended	421	
As Amended	2352	5-8-90	Amended	775	
401 KAR 47:110	1737		As Amended	1170	
Amended	2185		As Amended	1343	11-22-89
As Amended	2353	5-8-90	405 KAR 10:200		
401 KAR 47:120	1739		Amended	641	
Amended	2186	5-8-90	Amended	1202	1-9-90
401 KAR 47:130	1741		500 KAR 2:030	2074	
Amended	2187		As Amended	2412	5-13-90
As Amended	2355	5-8-90	501 KAR 6:020		
401 KAR 47:140	1744		Amended	47	9-2-89
Amended	2189	5-8-90	Amended	183	9-19-89
401 KAR 47:150	1749		Amended	435	10-17-89
Amended	2193	5-8-90	Amended	1405	3-8-90
401 KAR 47:160	1752		Amended	1963	5-13-90
Amended	2195		501 KAR 6:030		
As Amended	2357	5-8-90	Amended	49	9-2-89
401 KAR 47:170	1755		Amended	184	9-19-89
Amended	2197		Amended	437	10-17-89
As Amended	2359	5-8-90	Amended	646	12-6-89
401 KAR 47:180	1759		Amended	852	1-12-90
Amended	2199		Amended	1406	3-8-90
As Amended	2361	5-8-90	Amended	1965	5-13-90
401 KAR 47:190	1763		Amended	2706	
Amended	2203		501 KAR 6:040		
As Amended	2365	5-8-90	Amended	50	9-2-89
401 KAR 48:050	1766		Amended	648	12-6-89
Amended	2205		Amended	1408	3-8-90
As Amended	2367		Amended	1967	5-13-90
As Amended	2673	5-8-90	Amended	2456	
401 KAR 48:060	1768		501 KAR 6:050		
Amended	2206		Amended	186	9-19-89
As Amended	2368	5-8-90	Amended	1238	2-3-90
401 KAR 48:070	1772		Amended	1968	5-13-90
Amended	2209		501 KAR 6:060		
As Amended	2371	5-8-90	Amended	188	9-19-89
401 KAR 48:080	1776		Amended	649	12-6-89
Amended	2211		Amended	1410	3-8-90
As Amended	2374	5-8-90	Amended	1970	5-13-90
401 KAR 48:090	1782		Amended	2263	
Amended	2216		Amended	2708	
As Amended	2378	5-8-90	501 KAR 6:070		
401 KAR 48:170	1787		Amended	1971	5-13-90
Amended	2220		Amended	2457	
As Amended	2382	5-8-90	501 KAR 6:090		
401 KAR 48:200	1789		Amended	1973	5-13-90
Amended	2221		501 KAR 6:110		
As Amended	2383	5-8-90	Amended	1974	
401 KAR 48:300	1798		Amended	2709	
Amended	2229		501 KAR 6:120		
As Amended	2391	5-8-90	Amended	439	10-17-89
401 KAR 48:310	1807		Amended	854	1-12-90
Amended	2236		Amended	1976	5-13-90
As Amended	2398	5-8-90	501 KAR 6:130		
401 KAR 49:010			Amended	189	9-19-89
Amended	1648		Amended	1978	5-13-90
Amended	2241		Amended	2712	
As Amended	2403	5-8-90	501 KAR 6:140		
401 KAR 49:020			Amended	1240	2-3-90
Repealed	1922	1-16-90	501 KAR 6:150	1822	4-12-90
401 KAR 49:030			Amended	1979	5-13-90
Repealed	1922	1-16-90	Amended	2713	
401 KAR 49:050			502 KAR 45:010		
Repealed	1922	1-16-90	Amended	190	
401 KAR 49:060	1813		As Amended	536	9-19-89
Amended	2243				
As Amended	2405	5-8-90			

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Regulation	16 Ky.R. Page No.	Effective Date	Regulation	16 Ky.R. Page No.	Effective Date
502 KAR 45:020			602 KAR 20:025		
Amended	1651		Repealed	748	11-4-89
As Amended	2135	4-12-90	602 KAR 20:030		
502 KAR 45:040			Amended	445	11-4-89
Amended	1652		602 KAR 20:040		
As Amended	2135	4-12-90	Amended	446	11-4-89
502 KAR 45:050			602 KAR 20:050		
Amended	1652		Repealed	748	11-4-89
As Amended	2136	4-12-90	602 KAR 20:060		
502 KAR 45:060			Repealed	748	11-4-89
Amended	1653		602 KAR 20:070		
As Amended	2136	4-12-90	Repealed	748	11-4-89
502 KAR 45:080			602 KAR 20:080		
Amended	1654		Repealed	748	11-4-89
As Amended	2137	4-12-90	602 KAR 20:100		
502 KAR 45:090			Amended	861	1-12-90
Amended	1655	4-12-90	602 KAR 20:110		
502 KAR 45:100			Amended	447	11-4-89
Amended	1656	4-12-90	602 KAR 20:120	514	11-4-89
502 KAR 45:110			603 KAR 5:050		
Amended	1657	4-12-90	Amended	862	
502 KAR 45:120			As Amended	1355	1-12-90
Amended	1658	4-12-90	603 KAR 5:070		
502 KAR 45:125	286	9-19-89	Amended	863	
503 KAR 1:090			Amended	1376	2-3-90
Amended	1981	5-13-90	603 KAR 5:077		
503 KAR 1:110			Amended	1247	2-3-90
Amended	1982		603 KAR 5:110		
As Amended	2412	5-13-90	Amended	192	10-4-89
503 KAR 1:120			603 KAR 5:150		
Amended	1984		Amended	1413	3-8-90
As Amended	2413	5-13-90	603 KAR 5:230		
503 KAR 3:010			Amended	448	11-4-89
As Amended	2076		Amended	1659	4-12-90
503 KAR 3:020			701 KAR 5:060		
As Amended	2081		Amended	652	Died*
503 KAR 3:030			Amended	1248	2-3-90
503 KAR 5:090			702 KAR 1:115		
Amended	1986	5-13-90	Amended	195	
600 KAR 3:010			As Amended	537	10-8-89
Amended	2714		702 KAR 3:135		
600 KAR 3:020			Amended	1251	2-3-90
As Amended	286		702 KAR 4:050		
600 KAR 4:020			Amended	52	9-2-89
Amended	536	10-4-89	Amended	655	12-6-89
601 KAR 1:005			702 KAR 4:110	98	
Amended	1242		As Amended	348	9-2-89
Amended	1595	3-8-90	702 KAR 4:120	99	
Amended	2735		As Amended	348	9-2-89
601 KAR 1:025			702 KAR 4:130	99	
Amended	651		As Amended	349	9-2-89
Amended	1206	1-12-90	702 KAR 5:010		
601 KAR 1:045			Amended	197	
Amended	191	10-4-89	As Amended	538	10-8-89
601 KAR 1:090			702 KAR 5:030		
Amended	441	11-4-89	Amended	198	10-8-89
601 KAR 1:140			702 KAR 5:080		
Amended	1411	3-8-90	Amended	200	10-8-89
601 KAR 1:145			702 KAR 6:010		
601 KAR 9:045			Amended	1252	2-3-90
Amended	1244		702 KAR 6:030		
As Amended	1586	2-3-90	Amended	1252	2-3-90
601 KAR 12:040			702 KAR 6:040		
Amended	860		Amended	1253	2-3-90
Withdrawn		1-9-90	702 KAR 6:070		
601 KAR 13:025	2807		Amended	1254	2-3-90
601 KAR 35:060			702 KAR 6:080		
Amended	1246	2-3-90	Repealed	1287	2-3-90
602 KAR 20:010			702 KAR 6:081	1287	2-3-90
Repealed	748	11-4-89	702 KAR 6:090	2290	
602 KAR 20:020			As Amended	2673	
Amended	443				
As Amended	748	11-4-89			

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Regulation	16 Ky.R. Page No.	Effective Date	Regulation	16 Ky.R. Page No.	Effective Date
702 KAR 7:030			706 KAR 1:100	1092	1-12-90
Amended	657		706 KAR 1:110	1094	1-12-90
As Amended	1182	12-6-89	707 KAR 1:015	2809	
702 KAR 7:065			707 KAR 1:051		
Amended	1255	2-3-90	Amended	214	11-4-89
Amended	2459		707 KAR 1:090		
702 KAR 7:070			Amended	1990	5-13-90
Amended	1256	3-8-90	707 KAR 1:140	289	11-4-89
Amended	2737		709 KAR 1:011	2622	
702 KAR 7:090			709 KAR 1:020		
Amended	2264		Reprint	2090	10-5-84
As Amended	2674		Amended	2462	
704 KAR 3:005			709 KAR 1:030		
Amended	1257		Amended	2463	
Withdrawn		12-15-89	709 KAR 1:050		
704 KAR 3:290			Repealed	291	10-8-89
Repealed	288	10-8-89	709 KAR 1:051	291	10-8-89
704 KAR 3:291	288	10-8-89	709 KAR 1:060		
704 KAR 3:292			Amended	224	10-8-89
Amended	203	10-8-89	Amended	2464	
704 KAR 3:304			709 KAR 1:080		
Amended	2266		Amended	225	10-8-89
704 KAR 3:325			709 KAR 1:090	292	10-8-89
Amended	1261	2-3-90	709 KAR 1:100	294	
704 KAR 3:335			As Amended	539	10-8-89
Amended	1264		709 KAR 1:110	297	
Withdrawn		3-15-90	As Amended	542	10-8-89
Amended	2267		709 KAR 1:120	298	10-8-89
704 KAR 3:360			709 KAR 1:130	299	10-8-89
Amended	2270		709 KAR 1:140	300	10-8-89
Withdrawn		5-11-90	755 KAR 1:010	1288	
704 KAR 3:365	288	10-8-89	Withdrawn		3-8-90
704 KAR 7:090	676		Amended	2292	
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704 KAR 10:022			Withdrawn		3-8-90
Amended	206	10-8-89	Amended	2293	
704 KAR 10:050			755 KAR 1:030	1290	
Amended	1989	5-13-90	Withdrawn		3-8-90
704 KAR 20:005			Amended	2293	
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Amended	2273		Withdrawn		3-8-90
704 KAR 20:070			Amended	2295	
Amended	208		755 KAR 1:060	1294	
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704 KAR 20:080			Amended	2296	
Amended	209	11-4-89	760 KAR 1:010	1533	
704 KAR 20:100			Withdrawn		3-19-90
Amended	659	12-6-89	760 KAR 1:020	1534	
704 KAR 20:130			Withdrawn		3-19-90
Amended	661	12-6-89	760 KAR 1:030	1535	
704 KAR 20:135			Withdrawn		3-19-90
Amended	210	10-8-89	760 KAR 1:040	1537	
704 KAR 20:290			Withdrawn		3-19-90
Amended	211	10-8-89	760 KAR 1:050	1537	
704 KAR 20:530	678	12-6-89	Withdrawn		3-19-90
704 KAR 20:540	679	12-6-89	765 KAR 1:010	1538	
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704 KAR 20:560	680	12-6-89	Withdrawn		3-5-90
704 KAR 20:570	2291		765 KAR 1:030	1540	
705 KAR 4:010			Withdrawn		3-5-90
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705 KAR 4:220	2620		Withdrawn		3-5-90
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706 KAR 1:060	1081	1-12-90	765 KAR 1:060	1544	
706 KAR 1:070	1085	1-12-90	Withdrawn		3-5-90
706 KAR 1:080	1087	1-12-90	765 KAR 1:070	1546	
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Withdrawn		3-5-90	803 KAR 2:315	697	12-15-89
765 KAR 1:090	1548		803 KAR 2:316	698	12-15-89
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765 KAR 1:110	1550		803 KAR 2:320	701	12-15-89
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765 KAR 1:120	1551		Amended	2739	
Withdrawn		3-5-90	803 KAR 2:400	703	12-15-89
765 KAR 1:130	1552		803 KAR 2:401	1098	12-15-89
Withdrawn		3-5-90	803 KAR 2:402	1099	12-15-89
765 KAR 1:140	1553		803 KAR 2:403	704	12-15-89
Withdrawn		3-5-90	Amended	2468	
765 KAR 1:150	1555		803 KAR 2:404	705	12-15-89
Withdrawn		3-5-90	803 KAR 2:405	710	12-15-89
770 KAR 1:010	1555		803 KAR 2:406	710	12-15-89
Withdrawn		3-26-90	803 KAR 2:407	1100	12-15-89
770 KAR 1:020	1557		803 KAR 2:408	1101	12-15-89
Withdrawn		3-26-90	803 KAR 2:409	711	12-15-89
770 KAR 1:030	1558		803 KAR 2:410	712	12-15-89
Withdrawn		3-26-90	803 KAR 2:411	713	12-15-89
770 KAR 1:040	1560		803 KAR 2:412	1102	12-15-89
Withdrawn		3-26-90	803 KAR 2:413	714	12-15-89
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Withdrawn		3-26-90	803 KAR 2:415	1102	12-15-89
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Amended	485	10-6-89	803 KAR 2:416	716	12-15-89
801 KAR 1:010			Amended	2471	
Amended	486	10-6-89	803 KAR 2:417	1103	12-15-89
801 KAR 1:020			803 KAR 2:418	716	12-15-89
Amended	487	10-6-89	Amended	1700	4-12-90
801 KAR 1:030			803 KAR 2:419	1104	12-15-89
Repealed	486	10-6-89	803 KAR 2:420	717	12-15-89
801 KAR 1:040			803 KAR 2:421	719	12-15-89
Amended	488	10-6-89	803 KAR 2:422	1105	12-15-89
801 KAR 1:050			803 KAR 2:423	1106	12-15-89
Repealed	486	10-6-89	803 KAR 2:500	720	12-15-89
801 KAR 1:060			803 KAR 2:600	721	12-15-89
Repealed	486	10-6-89	803 KAR 6:010	2296	
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803 KAR 1:090			803 KAR 25:100		
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803 KAR 2:030			806 KAR 14:121	516	11-4-89
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803 KAR 2:031	1097	12-15-89	Amended	1414	Died*
803 KAR 2:032			Amended	1994	5-13-90
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803 KAR 2:300	682	12-15-89	Amended	1460	Died*
803 KAR 2:301	683	12-15-89	Amended	2039	5-13-90
803 KAR 2:302	684	12-15-89	807 KAR 5:027		
803 KAR 2:303	685	12-15-89	Amended	1463	Died*
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808 KAR 10:040			Amended	911	1-12-90
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808 KAR 10:210			Amended	2277	
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Amended	2744		Recodified to 815 KAR 46		3-8-90
810 KAR 1:006			815 KAR 45:020		
Amended	2748		Amended	1497	3-8-90
810 KAR 1:019			815 KAR 45:035		
Amended	1488		Amended	1498	
As Amended	1948	3-8-90	As Amended	2140	4-12-90
810 KAR 1:020			815 KAR 45:040		
Amended	870	1-12-90	Amended	1501	
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811 KAR 1:105			Amended	1503	3-8-90
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815 KAR 7:010			815 KAR 46:010		
Amended	873	1-12-90	Recodified from 815 KAR 45		3-8-90
Amended	2055		900 KAR 2:010		
As Amended	2422	5-9-90	Amended	915	1-12-90
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815 KAR 7:060			Amended	918	1-12-90
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815 KAR 10:035	1298		Amended	931	1-12-90
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815 KAR 10:040	2812		Amended	932	1-12-90
815 KAR 15:010			901 KAR 5:080		
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815 KAR 15:085	104		Amended	663	
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Amended	2063	5-13-90	902 KAR 100:010		
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Amended	2780		902 KAR 100:012		
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902 KAR 20:170			Amended	2562	
Amended	1018	1-12-90	904 KAR 2:022		
902 KAR 20:180			Amended	1278	2-3-90
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200.470	902 KAR 4:100		902 KAR 4:040
200.490	902 KAR 4:100	211.350	902 KAR 10:060
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205.231	904 KAR 2:015		902 KAR 100:012
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216.560	900 KAR 2:040	219.330	902 KAR 45:120
216.563	900 KAR 2:040	219.350	902 KAR 45:120
216.565	900 KAR 2:040	219.991	902 KAR 7:010
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217.035	902 KAR 45:110	224.060	401 KAR 5:005
217.037	902 KAR 45:110		401 KAR 5:085
217.055	201 KAR 2:076		401 KAR 34:350
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