ADMINISTRATIVE REGISTER OF KENTUCKY

LEGISLATIVE RESEARCH COMMISSION
FRANKFORT, KENTUCKY

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MEETING NOTICE

The Administrative Regulation Review Subcommittee is scheduled to meet on December 4, 1995. See **tentative agenda** beginning on page 1027 of this Administrative Register.

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

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

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ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
TENTATIVE AGENDA - December 4, 1995, 10 a.m.
Room 149, Capitol Annex

(& E) - means that the emergency administrative regulation has previously been reviewed by the subcommittee

STATE BOARD OF ELECTIONS

Voting

31 KAR 5:020E. Placement of voting machines.

DEPARTMENT OF STATE
Registry of Election Finance

Reports and Forms

32 KAR 1:160E. Reporting of joint in-kind donations. (Deferred from November)
32 KAR 1:170E. Political party activities.

Practice and Procedure

32 KAR 2:210. Three (3) judge panel procedures. (Deferred from November)

FINANCE AND ADMINISTRATION CABINET

Personnel Pilot Programs

200 KAR 22:090E. Comprehensive Employment Manual of the Workforce Development Cabinet's Department for the Blind for us in the Pilot Personnel Program.

GENERAL GOVERNMENT CABINET

Board for Specialists in Hearing Instruments

201 KAR 7:040. Examinations.

Board of Hairdressers and Cosmetologists

201 KAR 12:082. School's course of instruction. (Deferred from October)

Board of Veterinary Examiners

201 KAR 16:050. Continuing education.

Kentucky Board of Registration for Professional Geologists

201 KAR 31:050. Renewals.

Kentucky Board of Licensure and Certification for Dietitians and Nutritionists

201 KAR 33:010. Fees
201 KAR 33:020. Renewals.
201 KAR 33:030. Continuing education requirements for licensees and certificate holders.
201 KAR 33:040. Compensation of board members.

TOURISM CABINET
Department of Travel Development

Travel Development

300 KAR 1:010. Procedure for regional marketing and matching funds program. (Deferred from October)

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection

Environmental Protection

401 KAR 100:010. General administrative hearing provisions.

PETROLEUM STORAGE TANK ENVIRONMENTAL ASSURANCE FUND COMMISSION

Petroleum Storage Tank Environmental Assurance Fund Commission

415 KAR 1:114E. Contractor certification.

JUSTICE CABINET
Department of Corrections

Office of the Secretary

501 KAR 6:030. Kentucky State Reformatory.
501 KAR 6:040. Kentucky State Penitentiary.
501 KAR 6:090. Frankfort Career Development Center.
501 KAR 6:110. Roederer Correctional Complex.
501 KAR 6:120. Blackburn Correctional Complex.
501 KAR 6:130. Western Kentucky Correctional Complex.
501 KAR 6:170. Green River Correctional Complex.

Department of State Police

Candidate Selection

502 KAR 45:005 (& E). Definitions.
502 KAR 45:015 (& E). Qualifications.

502 KAR 45:025 (& E). Disqualification.
502 KAR 45:035 (& E). Application.
502 KAR 45:045 (& E). Written examination.
502 KAR 45:055 (& E). Oral interview.
502 KAR 45:065 (& E). Background investigation
502 KAR 45:075 (& E). Register.
502 KAR 45:085 (& E). Medical examination.
502 KAR 45:145 (& E). Merit Pay Program. (Deferred from October)
502 KAR 45:150 (& E). Content Based Task Test (CBTT).

TRANSPORTATION CABINET

Property Acquisition and Uniform Relocation

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

Department of Vehicle Regulation

Division of Motor Carriers

601 KAR 1:025. Transporting hazardous materials by air or highway.

Department of Highways

Right-of-way

603 KAR 4:035. Logo signs; placement along fully controlled access highways.

Traffic

603 KAR 5:115. Coal-haul highway system; reporting requirements. (Public Hearing in October)

EDUCATION, ARTS, AND HUMANITIES CABINET

Department of Education

Office of Chief State School Officer

701 KAR 5:110. Use of local monies to reduce unmet technology needs.

Office of District Support

School Administration and Finance

702 KAR 3:245 (& E). School council allocation formula: Kentucky uniform school financial accounting system. (Emergency was found deficient by ARRS 10/2/95)

702 KAR 3:246 (& E). School council allocation formula: KETS district administrative system chart of accounts. (Emergency was found deficienty by ARRS 10/2/95)

702 KAR 3:280. School district Medicaid providers. (Amended After Hearing) (Deferred from November)

Office of Learning Programs Development

Education Professional Standards Board

704 KAR 20:510. Probationary certificate for teachers of exceptional children.

LABOR CABINET

Occupational Safety and Health

803 KAR 2:320E. Adoption of 29 CFR Part 1910.1000-.1500. (Deferred from September)
803 KAR 2:403E. Adoption of 29 CFR Part 1926.50-.66. (Deferred from September)
803 KAR 2:425E. Adoption of 29 CFR Part 1926.1100-.1148. (Deferred from September)
803 KAR 2:500E. Adoption of 29 CFR Part 1915, 1917, 1918 and 1919, Maritime employment. (Deferred from September)

Workers' Compensation Funding Commission

803 KAR 30:010. Special fund assessments. (Deferred from November)

PUBLIC PROTECTION AND REGULATION CABINET

Department of Alcoholic Beverage Control

Licensing

804 KAR 4:320 (& E). Special temporary distilled spirits and wine auction license.

Public Service Commission

Utilities

807 KAR 5:076. Alternative rate adjustment procedure for small utilities.

CABINET FOR HUMAN RESOURCES

Department for Social Services

Children's Residential Services

905 KAR 7:250 & E. Kentucky educational collaborative for state agency children. (Amended After Hearing) (Emergency Expired 10/18/95) (Deferred from November)

Department for Medicaid Services

Medicaid Services

907 KAR 1:009E. Physicians' services
907 KAR 1:010E. Payments for physicians' services.
907 KAR 1:013E. Payments for hospital inpatient services.
907 KAR 1:060E. Medical transportation. (Repeals 907 KAR 1:420) (Deferred from October)
907 KAR 1:061E. Payments for transportation services. (Deferred from October)
907 KAR 1:140E. Alternative intermediate services for individuals with mental retardation or developmental disabilities (AIS-MR-DD).

Department for Mental Health and Mental Retardation

Mental Health

908 KAR 2:060. Mental Health and Mental Retardation manuals for funding instructions, program policies and standards, and reimbursement guidelines.

KENTUCKY HEALTH POLICY BOARD

Administration

909 KAR 1:100 & E. Provider network certification.

ADMINISTRATIVE REGULATION REVIEW PROCEDURE
(Also see KRS Chapter 13A)

Notice of Intent

Administrative bodies shall file with the Regulations Compiler a Notice of Intent to promulgate an administrative regulation, including date, time and place of a public hearing on the subject matter to which the administrative regulation applies. This Notice of Intent, along with the public hearing information, shall be published in the Administrative Register. This Notice has to be filed and published in the Administrative Register, and the public hearing held or cancelled, prior to the filing of an administrative regulation.

After the scheduled hearing date, if held, the administrative body shall file with the Regulations Compiler a Statement of Consideration, setting forth a summary of the comments made at the public hearing, and the responses by the administrative body. This Statement shall not be published in the Administrative Register.

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 to 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.

REPRINT

COMPILER'S NOTE: The following administrative regulation, 500 KAR 11:080, is being reprinted to reflect language in Section 1(2) and Section 5 that was omitted in the original publication of the administrative regulation.

500 KAR 11:080. Special charity fundraising event.

RELATES TO: KRS 238.505(9)

STATUTORY AUTHORITY: KRS 238.505(9), 238.515(2), (9), 238.535

NECESSITY AND FUNCTION: KRS 238.505(9) authorizes a special charity fundraising event, such as a fair, carnival, bazaar or festival, that is of short, definite and limited duration and requires licensure by the Division of Charitable Gaming. This administrative regulation further defines a special charity fundraising event, and establishes prize amounts, duration and frequency.

Section 1. A limited license shall be issued to a licensed charitable organization for the special charity fundraising event described in KRS 238.505(9) if:

(1) The licensed charitable organization submits the satisfactorily completed CG-T-Schedule A referred to in 500 KAR 11:010 and 500 KAR 11:015;

(2) The total cash or fair market value of all prizes to be awarded at the event on games of chance does not exceed $5,000**, exclusive of charity game ticket prizes and bingo prizes awarded at a regularly scheduled bingo session, for which a change of location was approved by the division director pursuant to KRS 238.540(1)**; and

(3) The event does not last longer than five (5) continuous days.

Section 2. No more than two (2) special charity fundraising event licenses will be issued to any one (1) licensed charitable organization in one (1) year.

Section 3. There shall be no separate fee charged by the Division of Charitable Gaming for the issuance of a special charity fundraising event license.

Section 4. If special limited games are conducted at a special charity fundraising event, the licensed charitable organization shall also be licensed to hold the special limited games in accordance with KRS 238.545(4).

Section 5. If bingo is held at a special charity fundraising event licensed under Section 1**(2)** of this administrative regulation, the provisions of KRS 238.545(1) limiting the frequency and duration of bingo are inapplicable.

Section 6. A special charity fundraising event licensed under Section 1 of this administrative regulation may be held at a location other than the location specified on the charitable organization's license to conduct charitable gaming issued under KRS 238.535. (22 Ky.R. 148; eff. 9-7-95.)

NOTICES OF INTENT TO PROMULGATE ADMINISTRATIVE REGULATIONS

KENTUCKY PERSONNEL BOARD

Date: November 10, 1995
Kentucky Personnel Board

(1) Regulation Number and Title: **101 KAR 1:325** - Probationary periods.

(2) The Kentucky Personnel Board intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for December 29, 1995, at 9 a.m., 5 Fountain Place, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and

2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to December 29, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Mr. R. Hanson Williams, Executive Director, Kentucky Personnel Board, 28 Fountain Place, Frankfort, Kentucky 40601.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or

2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Kentucky Personnel Board at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to probationary periods is KRS Chapter 13A and KRS 18A.0751.

(b) The administrative regulation that the Kentucky Personnel Board intends to promulgate will amend 101 KAR 1:325, Probationary periods. Section 1(2) will be amended as follows:

1. Delete the MVE Inspector Trainee and Forest Guard/Ranger series as these series have been abolished.

2. Add the Ranger Technician series as this series has replaced the Forest Guard/Ranger series which previously had a 12 month probationary period. The remainder, Forest Resource Advisor, Forestry Fire Management Program Coordinator and Forestry Resource Education Program Coordinator, are new establishments as of April 1, 1995.

3. Revise the current titles of Mounted Security Officer Trainer, Education Teacher Rank III, Education Teacher Rank II, and Education Teacher Rank I, to the new titles of Mounted Security Officer Trainee, Vocational Rehabilitation Teacher Rank III, Vocational Rehabilitation Teacher Rank II, and Vocational Rehabilitation Teacher Rank I.

4. Add the classification of Student Development Trainee as this classification requires elementary competence in American Sign Language. Because this competence must be certified within 12 months of appointment, an initial probationary period of one year is requested.

(c) The necessity and function of the proposed administrative regulation is as follows: This regulation is needed to update Section 1(2) to add, delete and revise series or classifications which have or need a 12 month probationary period.

(d) The benefits expected from the proposed administrative regulation are: By establishing an initial probationary period of 12 months in these classifications, the agencies would be able to adequately train and evaluate employees thus allowing the most qualified individuals to be placed into these classifications.

(e) The administrative regulation will be implemented as follows: A 12 month probationary period will be required in order to obtain status in the pertinent classifications rather than 6 months as is the current requirement.

DEPARTMENT OF PERSONNEL

Date: November 14, 1995
Department of Personnel

(1) Compensation plan and pay incentive systems, **101 KAR 2:036**.

(2) The Department of Personnel intends to promulgate an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for Thursday, December 28, 1995 at 10 a.m. at 200 Fair Oaks Lane, Fifth Floor, Conference Room 508, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if it is requested, in writing, by at least 5 persons, or and administrative body, or an association having at least 5 members; and a minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If 5 persons, or an administrative body or association, request this public hearing, and agree in writing to be present at this public hearing, it will be held as scheduled.

(c) If a request for a public hearing is not received from the required number of people at least 20 days prior to December 28, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Department of Personnel, Office of the Commissioner, 200 Fair Oaks Lane, Suite 516, Frankfort, Kentucky 40601, (502) 564-4460.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or

2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that person who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Department of Personnel at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to compensation and training is KRS 18A.110.

(b) The administrative regulation that the Department of Personnel intends to promulgate will amend existing regulation 101 KAR 2:036, Compensation plan and pay incentive systems. This regulation will govern all classified employees.

(c) The necessity and function of the proposed administrative regulation is a follows: KRS 18A.110 requires the Department of Personnel to adopt rules with regard to the compensation and training. The commissioner proposes to amend the current administrative regulation governing educational achievement awards to provide for a salary adjustment of five percent (5%) of the employee's current salary to be added to the base pay of employees who successfully complete the Certified Public Manager Program offered by the Governmental Services Administration at Kentucky State University.

(d) The benefits expected from the administrative regulation are the encouragement of employees to participate in high level managerial training and the improvement of the efficiency and effectiveness of the workforce through the retention of highly trained personnel.

(e) The administrative regulation will be implemented as follows: The proposed administrative regulation will establish rules concerning the administration of the state employee educational achievement award and provides for a salary adjustment equal to five percent (5%) of the employee's current salary for employees who have successfully completed the Certified Public Manager Program.

Date: November 14, 1995
Department of Personnel

(1) Compensation plan and compensation incentive systems, **101 KAR 3:045**.

(2) The Department of Personnel intends to promulgate an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for Thursday, December 28, 1995 at 10 a.m., at 200 Fair Oaks Lane, Fifth Floor, Conference Room 508, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if it is requested, in writing, by at least 5 persons, or and administrative body, or an association having at least 5 members; and a minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If 5 persons, or an administrative body or association, request this public hearing, and agree in writing to be present at this public hearing, it will be held as scheduled.

(c) If a request for a public hearing is not received from the required number of people at least 20 days prior to December 28, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Department of Personnel, Office of the Commissioner, 200 Fair Oaks Lane, Suite 516, Frankfort, Kentucky 40601, (502) 564-4460.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that person who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Department of Personnel at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to compensation and training is KRS 18A.110.

(b) The administrative regulation that the Department of Personnel intends to promulgate will amend existing regulation 101 KAR 3:045, Compensation plan and compensation incentive systems. This regulation will govern all unclassified employees.

(c) The necessity and function of the proposed administrative regulation is a follows: KRS 18A.110 requires the Department of Personnel to adopt rules with regard to the compensation and training. The commissioner proposes to amend the current administrative regulation governing educational achievement awards to provide for a salary adjustment of five percent (5%) of the employee's current salary to be added to the base pay of employees who successfully complete the Certified Public Manager Program offered by the Governmental Services Administration at Kentucky State University.

(d) The benefits expected from the administrative regulation are the encouragement of employees to participate in high level managerial training and the improvement of the efficiency and effectiveness of the workforce through the retention of highly trained personnel.

(e) The administrative regulation will be implemented as follows: The proposed administrative regulation will establish rules concerning the administration of the state employee educational achievement award and provides for a salary adjustment equal to five percent (5%) of the employee's current salary for employees who have successfully completed the Certified Public Manager Program.

KENTUCKY BOARD OF MEDICAL LICENSURE

Date: October 19, 1995
Kentucky Board of Medical Licensure

(1) Regulation Number and Title; or Subject Matter if New: **201 KAR 9:041**, Fee schedule.

(2) The Kentucky Board of Medical Licensure intends to promulgate an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for Thursday, December 28, 1995, at 9 a.m., at the Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to December 28, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: C. William Schmidt, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Kentucky Board of Medical Licensure at the address listed above.

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of an administrative regulation relating to the subject matter of administrative regulation is KRS 311.560.

(b) The administrative regulation that the Kentucky Board of Medical Licensure intends to promulgate will amend 201 KAR 9:041, Fee schedule. It will affect all physicians who are licensed to practice medicine in the Commonwealth of Kentucky, and is necessary for the board's housekeeping purposes.

(c) The necessity and function of the proposed administrative regulation is as follows:

(d) The benefits expected from administrative regulation are: The board feels that the amendment is necessary for processing inactive licensees.

(e) The administrative regulation will be implemented as follows: After this administrative regulation becomes effective, the board will enforce the higher fee.

Date: October 19, 1995
Kentucky Board of Medical Licensure

(1) Regulation Number and Title; or Subject Matter if New: **201 KAR 9:175**, Physician assistants; certification and supervision.

(2) The Kentucky Board of Medical Licensure intends to promulgate an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for Thursday, December 28, 1995, at 11 a.m., at the Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to December 28, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: C. William Schmidt, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Kentucky Board of Medical Licensure at the address listed above.

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of an administrative regulation relating to the subject matter of administrative regulation is KRS 311.560.

(b) The administrative regulation that the Kentucky Board of Medical Licensure intends to promulgate will amend 201 KAR 9:175, Physician assistants; certification and supervision. The board feels that the public and profession need assurances of continued competency.

(c) The necessity and function of the proposed administrative regulation is as follows:

(d) The benefits expected from administrative regulation are: The board feels that the public and profession need assurances of continued competency.

(e) The administrative regulation will be implemented as follows: After this administrative regulation becomes effective, the board shall recognize the programs accredited by Commission on Accreditation of Allied Health Education Programs (CAAHEP); and restrict or permit restrictions or additions established by this administrative regulation.

KENTUCKY BOARD OF NURSING

Date: October 23, 1995
General Government Cabinet
Board of Nursing

(1) **201 KAR 20:215**, Contact hours, recordkeeping and reporting requirements for renewal of licensure.

(2) The Board of Nursing intends to amend the administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for December 29, 1995 at 10 a.m. (EST) in the Boardroom, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least

20 days prior to December 29, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Nathan Goldman, General Counsel, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or

2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the General Counsel, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222.

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of an administrative regulation relating to the regulation of nursing is KRS 314.131.

(b) The administrative regulation that the Board of Nursing intends to promulgate is an amendment to delete the use of certification by ARNPs in place of continuing education and to lower the fee for individual review.

(c) The necessity and function of the proposed administrative regulation is as follows: All licensees will be treated the same as concerns earning continuing education hours. Nonapproved continuing education courses can be reviewed for less cost.

(d) The benefits expected from administrative regulation are: All licensees will be treated the same as concerns earning continuing education hours. Nonapproved continuing education can be reviewed for less cost.

(e) The administrative regulation will be implemented as follows:

Date: October 23, 1995
General Government Cabinet
Board of Nursing

(1) **201 KAR 20:240**, Fees for applications and for services.

(2) The Board of Nursing intends to amend the administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for December 29, 1995 at 10 a.m. (EST) in the Boardroom, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and

2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to December 29, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Nathan Goldman, General Counsel, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or

2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the General Counsel, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222.

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of an administrative regulation relating to the regulation of nursing is KRS 314.131.

(b) The administrative regulation that the Board of Nursing intends to promulgate is an amendment that lowers the fee for individual review of continuing education courses and puts specific fees in the regulation.

(c) The necessity and function of the proposed administrative regulation is as follows: To be consistent with the amendment to 201 KAR 20:215 and to replace the range of fees with specific fees.

(d) The benefits expected from administrative regulation are: Notice to all licensees of the exact fees.

(e) The administrative regulation will be implemented as follows:

KENTUCKY SPINAL CORD AND HEAD INJURY RESEARCH BOARD

Date: November 15, 1995
Kentucky Spinal Cord and Head Injury Research Board

(1) **202 KAR 4:010**, Kentucky Spinal Cord and Head Injury Research Program.

(2) Kentucky Spinal Cord and Head Injury Research Board intends to promulgate an administrative regulation as stated above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for December 28, 1995, at 9 a.m. in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4) The public hearing will be held if:

(a) It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and

(b) A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(c) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to December 28, 1995, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: William K. Moore, Jr., Deputy Counsel for Administrative Law, Cabinet for Human Resources, 275 East Main Street, 4th Floor, Frankfort, Kentucky 40621, (502) 564-7900.

(b) On a request for public hearing, a person shall state:

(1) "I agree to attend the public hearing."; or

(2) "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who which to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Health Services, 275 East Main Street, Frankfort, Kentucky 40621, or by calling (502) 564-8966 between the hours of 8 a.m. and 4:30 p.m. Monday through Friday.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Cabinet for Human Resources regulations may call toll free 1-800-372-2973 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to review and authorization of spinal cord and head injury research projects is KRS 211.500, 211.502, and 211.504.

(b) The administrative regulation that the Department for Health Services, Kentucky Spinal Cord and Head Injury Research Board intends to promulgate is to administer the Spinal cord and head injury trust as described in KRS 211.500 to 211.504. The regulations will establish the protocol by which the board will review research grant proposals from the Universities of Kentucky and Louisville, how these proposals will be rated and the mechanism by which funds will be allocated to fund the appropriate grants.

(c) The necessity and function of the proposed administrative regulations is as follows: The administrative regulation established by the Kentucky Spinal Cord and Head Injury Research Board will insure the provisions of KRS 211.500 to 211.504 establishing the spinal cord and head injury trust are implemented.

(d) The benefits expected from administrative regulation are: The cabinet will be able to verify that all funds allocated by the Kentucky Spinal Cord and Head Injury Research Board from the trust are appropriate and accounted for and the funding will be utilized to finance spinal cord and head injury research projects.

(e) The administrative regulation will be implemented as follows: The Cabinet for Human Resources will provide necessary staff assistance to the Kentucky Spinal Cord and Head Injury Research Board to implement the processing of grant proposals.

TOURISM CABINET
Department of Fish and Wildlife Resources

Date: November 2, 1995
Tourism Cabinet
Department of Fish and Wildlife Resources

(1) Regulation Numbers and Titles: **301 KAR 2:221**, Waterfowl seasons and limits; **301 KAR 2:222**, Waterfowl hunting requirements; **301 KAR 2:223**, Waterfowl reporting requirements; **301 KAR 2:224**, Waterfowl hunting zones.

(2) The Department of Fish and Wildlife Resources intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for December 29, 1995 at 9 a.m. in the Commission Room, Arnold L. Mitchell Building, at the Game Farm, five miles west of Frankfort on U.S. 60.

(4) (a) The public hearing will be held if:

1. It is requested, in writing, by at least five persons, or an administrative body, or an association having at least five members; and

2. A minimum of five persons, or the administrative body or association agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to December 29, 1995, the public hearing will be canceled.

(5) (a) Persons wishing to request a public hearing should mail their written request to The Department of Fish and Wildlife Resources, #1 Game Farm Road, Frankfort, Kentucky 40601.

(b) In a request for a public hearing, a person shall state:

1. "I agree to attend the public hearing"; or

2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request from the department at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of this administrative regulation is KRS 150.015, 150.021,150.170, 150.175, 150.330, 150.340, 150.600, 150.603, and CFR Chapter 59 Part 20.

(b) The administrative regulations that the department intends to promulgate will:

1. Amend 301 KAR 2:221 as follows: adjust season dates and bag limits to conform to federal frameworks, and open portions of several counties previously closed to waterfowl hunting.

2. Amend 301 KAR 2:222 to specify hunting requirements for Swan Lake Wildlife Management Area and application procedures for Ballard, Swan Lake and Sloughs Wildlife Management Areas.

3. Amend 301 KAR 2:223 to allow hunting area operators to submit weekly report cards instead of harvest registers.

4. Amend 301 KAR 2:224 to change the names of the Cave Run Lake Special Hunt Region and the West Central Special Hunt Region.

(c) The necessity and function of the proposed amendments are to bring Kentucky's waterfowl seasons into compliance with federal regulations, to adjust areas where waterfowl hunting is permitted, to streamline the reporting requirements for commercial waterfowl operators, and to change the names of two hunting regions to avoid confusion and make nomenclature consistent.

(d) The benefits expected from the administrative regulation are permitting waterfowl hunting within sound resource conservation parameters.

(e) This administrative regulation will be implemented by publicity through season brochures and media outlets, and enforcement by the department's conservation officers.

JUSTICE CABINET
Department of Corrections

Date: November 14, 1995
Justice Cabinet
Department of Corrections

(1) Regulation Number and Title: **501 KAR 3:010**, Definitions.

(2) The Justice Cabinet, Department of Corrections intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for December 29, 1995, at 9 a.m., in the Auditorium, in the State Office Building, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if it is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and a minimum of 5 persons, or the administrative body or association agree, in writing, to be present at the public hearing.

(b) If 5 persons, or an administrative body or association, request this public hearing, and agree in writing to be present at this public hearing, it will be held as scheduled.

(c) If a request for a public hearing is not received from the required number of people at least 20 days prior to December 29, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Justice Cabinet, Department of Corrections, Office of General Counsel, Room 200, State Office Building, Frankfort, Kentucky 40601.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Department of Corrections at the address listed.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of this administrative regulation is KRS 196.035, 197.020 and 532.100.

(b) The administrative regulation that the Department of Corrections intends to promulgate will amend 501 KAR 3:010, as follows: Changes the definition of "dormitory" to include as many as 36 inmates.

(c) The necessity and function of the proposed administrative regulation is: To provide consistent policies among all Department of Corrections entities and compliance with state and federal statutes.

(d) The benefits expected from the administrative regulation are: To provide consistent policies among all Department of Corrections entities and to most efficiently use departmental resources.

(e) The administrative regulation will be implemented as follows: By promulgating and enforcing the components of the various policies to provide consistent policy for the department.

Date: November 14, 1995
Justice Cabinet
Department of Corrections

(1) Regulation Number and Title: **501 KAR 3:020**, Administration; management.

(2) The Justice Cabinet, Department of Corrections intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for December 29, 1995, at 9 a.m., in the Auditorium, in the State Office Building, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if it is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and a minimum of 5 persons, or the administrative body or association agree, in writing, to be present at the public hearing.

(b) If 5 persons, or an administrative body or association, request this public hearing, and agree in writing to be present at this public hearing, it will be held as scheduled.

(c) If a request for a public hearing is not received from the required number of people at least 20 days prior to December 29, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Justice Cabinet, Department of Corrections, Office of General Counsel, Room 200, State Office Building, Frankfort, Kentucky 40601.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Department of Corrections at the address listed.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of this administrative regulation is KRS 196.035, 197.020 and 532.100.

(b) The administrative regulation that the Department of Corrections intends to promulgate will amend 501 KAR 3:020, as follows: Clarifies that public information in inmate records may be released without the inmate signing an authorization.

(c) The necessity and function of the proposed administrative regulation is: To provide consistent policies among all Department of Corrections entities and compliance with state and federal statutes.

(d) The benefits expected from the administrative regulation are: To provide consistent policies among all Department of Corrections entities and to most efficiently use departmental resources.

(e) The administrative regulation will be implemented as follows: By promulgating and enforcing the components of the various policies to provide consistent policy for the department.

Date: November 14, 1995
Justice Cabinet
Department of Corrections

(1) Regulation Number and Title: **501 KAR 3:050**, Physical plant.

(2) The Justice Cabinet, Department of Corrections intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for December 29, 1995, at 9 a.m., in the Auditorium, in the State Office Building, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if it is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and a minimum of 5 persons, or the administrative body or association agree, in writing, to be present at the public hearing.

(b) If 5 persons, or an administrative body or association, request this public hearing, and agree in writing to be present at this public hearing, it will be held as scheduled.

(c) If a request for a public hearing is not received from the required number of people at least 20 days prior to December 29, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Justice Cabinet, Department of Corrections, Office of General Counsel, Room 200, State Office Building, Frankfort, Kentucky 40601.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Department of Corrections at the address listed.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of this administrative regulation is KRS 196.035, 197.020 and 532.100.

(b) The administrative regulation that the Department of Corrections intends to promulgate will amend 501 KAR 3:050, as follows:

1. Allows jails to substitute some urinals for commodes in areas for male inmates.

(c) The necessity and function of the proposed administrative regulation is: To provide consistent policies among all Department of Corrections entities and compliance with state and federal statutes.

(d) The benefits expected from the administrative regulation are: To provide consistent policies among all Department of Corrections entities and to most efficiently use departmental resources.

(e) The administrative regulation will be implemented as follows: By promulgating and enforcing the components of the various policies to provide consistent policy for the department.

Date: November 14, 1995
Justice Cabinet
Department of Corrections

(1) Regulation Number and Title: **501 KAR 3:060**, Security; control.

(2) The Justice Cabinet, Department of Corrections intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for December 29, 1995, at 9 a.m., in the Auditorium, in the State Office Building, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if it is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and a minimum of 5 persons, or the administrative body or association agree, in writing, to be present at the public hearing.

(b) If 5 persons, or an administrative body or association, request this public hearing, and agree in writing to be present at this public hearing, it will be held as scheduled.

(c) If a request for a public hearing is not received from the required number of people at least 20 days prior to December 29, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Justice Cabinet, Department of Corrections, Office of General Counsel, Room 200, State Office Building, Frankfort, Kentucky 40601.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Department of Corrections at the address listed.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of this administrative regulation is KRS 196.035, 197.020 and 532.100.

(b) The administrative regulation that the Department of Corrections intends to promulgate will amend 501 KAR 3:060, as follows: Allows less in-person surveillance of assaultive, escape risk, or segregation inmates who are housed in single cells.

(c) The necessity and function of the proposed administrative regulation is: To provide consistent policies among all Department of Corrections entities and compliance with state and federal statutes.

(d) The benefits expected from the administrative regulation are: To provide consistent policies among all Department of Corrections entities and to most efficiently use departmental resources.

(e) The administrative regulation will be implemented as follows: By promulgating and enforcing the components of the various policies to provide consistent policy for the department.

Date: November 14, 1995
Justice Cabinet
Department of Corrections

(1) Regulation Number and Title: **501 KAR 3:100**, Food services.

(2) The Justice Cabinet, Department of Corrections intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for December 29, 1995, at 9 a.m., in the Auditorium, in the State Office Building, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if it is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and a minimum of 5 persons, or the administrative body or association agree, in writing, to be present at the public hearing.

(b) If 5 persons, or an administrative body or association, request this public hearing, and agree in writing to be present at this public hearing, it will be held as scheduled.

(c) If a request for a public hearing is not received from the required number of people at least 20 days prior to December 29, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Justice Cabinet, Department of Corrections, Office of General Counsel, Room 200, State Office Building, Frankfort, Kentucky 40601.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Department of Corrections at the address listed.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of this administrative regulation is KRS 196.035, 197.020 and 532.100.

(b) The administrative regulation that the Department of Corrections intends to promulgate will amend 501 KAR 3:100, as follows: Deletes restrictions on preparing food in the inmate's living area.

(c) The necessity and function of the proposed administrative regulation is: To provide consistent policies among all Department of Corrections entities and compliance with state and federal statutes.

(d) The benefits expected from the administrative regulation are: To provide consistent policies among all Department of Corrections entities and to most efficiently use departmental resources.

(e) The administrative regulation will be implemented as follows: By promulgating and enforcing the components of the various policies to provide consistent policy for the department.

Date: November 14, 1995
Justice Cabinet
Department of Corrections

(1) Regulation Number and Title: **501 KAR 3:140**, Inmate rights.

(2) The Justice Cabinet, Department of Corrections intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for December 29, 1995, at 9 a.m., in the Auditorium, in the State Office Building, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if it is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and a minimum of 5 persons, or the administrative body or association agree, in writing, to be present at the public hearing.

(b) If 5 persons, or an administrative body or association, request this public hearing, and agree in writing to be present at this public hearing, it will be held as scheduled.

(c) If a request for a public hearing is not received from the required number of people at least 20 days prior to December 29, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Justice Cabinet, Department of Corrections, Office of General Counsel, Room 200, State Office Building, Frankfort, Kentucky 40601.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Department of Corrections at the address listed.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of this administrative regulation is KRS 196.035, 197.020 and 532.100.

(b) The administrative regulation that the Department of Corrections intends to promulgate will amend 501 KAR 3:140, as follows: Relieves the jailer from maintaining a log on telephone calls if made from the housing area.

(c) The necessity and function of the proposed administrative regulation is: To provide consistent policies among all Department of Corrections entities and compliance with state and federal statutes.

(d) The benefits expected from the administrative regulation are: To provide consistent policies among all Department of Corrections entities and to most efficiently use departmental resources.

(e) The administrative regulation will be implemented as follows: By promulgating and enforcing the components of the various policies to provide consistent policy for the department.

Date: November 14, 1995
Justice Cabinet
Department of Corrections

(1) Regulation Number and Title: **501 KAR 6:020**, Department of Corrections: transportation of inmates to funerals or bedside visits, transportation of inmates, special management inmates, inmate grievance procedure, meritorious good time, restoration of forfeited good time, inmate personal property, assessment center operations, inmate conflicts, preparole progress reports, referral procedure for inmates adjudicated guilty but mentally ill, protective custody, inmate furloughs, community center program, expedient release, victim notification, duties of probation and parole officers, testimony, court demeanor and availability of legal services, equal access to services, cooperation with law enforcement agencies, Kentucky community resources directory, and conditions of regular supervision request for modification.

(2) The Justice Cabinet, Department of Corrections intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for December 29, 1995, at 9 a.m., in the Auditorium, in the State Office Building, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if it is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and a minimum of 5 persons, or the administrative body or association agree, in writing, to be present at the public hearing.

(b) If 5 persons, or an administrative body or association, request this public hearing, and agree in writing to be present at this public hearing, it will be held as scheduled.

(c) If a request for a public hearing is not received from the required number of people at least 20 days prior to December 29, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Justice Cabinet, Department of Corrections, Office of General Counsel, Room 200, State Office Building, Frankfort, Kentucky 40601.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Department of Corrections at the address listed.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of this administrative regulation is KRS 196.035 and 197.020.

(b) The administrative regulation that the Department of Corrections intends to promulgate will amend 501 KAR 6:020, as follows:

1. Transportation of inmates to funerals or bedside visits (9.4) shall be amended to clarify the circumstances under which an inmate may be transported for visits due to illness or death of family members.
2. Transportation of inmates (9.9) shall be amended to streamline the procedures for transporting inmates.
3. Special management inmates (10.2) shall be amended to reflect the procedure for placing inmates in temporary holding cells.
4. Inmate grievance procedure (14.6) shall be amended to reflect that the Court may now hold in abeyance any litigation involving an issue an inmate could have pursued through the grievance system and did not. The revision shall affect the established time limits within which an inmate has to file a grievance.
5. Meritorious good time (15.3) shall be amended to clarify the procedure for recommendations for awards of meritorious good time.
6. Restoration of forfeited good time (15-05-01) shall be amended to provide that inmates returned to the institution as parole violators shall not be immediately eligible for restoration of forfeited good time.
7. Inmate personal property (17.1) shall be amended to reflect revisions to clarify the items of clothing and personal affects which are allowed for inmate use.
8. Assessment center operations (17.2) shall be amended to reflect the current practice of reporting operational matters to the Warden.
9. Inmate conflicts (18.3) shall be added to reflect the procedure for investigating and documenting conflicts between inmates.
10. Preparole progress reports (18.10) shall be amended to clarify the procedure for sending information to the Parole Board.
11. Referral procedure for inmates adjudicated guilty but mentally ill (18.12) shall be amended to reflect the procedure for referring inmates to the Kentucky Correctional Psychiatric Center for evaluation.
12. Protective custody (18.15) shall be amended to reflect current procedures for classification of inmates to protective custody.
13. Inmate furloughs (25.4) shall be amended to make this policy consistent with other policies.
14. Community center program (25.6) shall be amended to revise the stipulations for furloughs.
15. Expedient release (25.7) shall be amended to include all offenders in adult institutions, correctional centers and jails, to clarify the information required in a parole plan and set forth procedures for implementing expedient release for in-state and out-of-state.
16. Victim notification (25.11) shall be amended to comply with KRS 197.170 in notifying only victims of crimes and authorities designated in said statute.
17. Probation and parole procedures (27-01-01) shall be amended to reflect revisions necessary to reference the proper personnel and policies and procedures which are currently applicable.
18. Duties of probation and parole officers (27-02-01) shall be amended to reflect revisions necessary to reference the proper personnel and policies and procedures which are currently applicable.
19. Testimony, court demeanor and availability of legal services (27-05-01) shall be amended to reflect revisions necessary to reference the proper personnel and policies and procedures which are currently applicable.
20. Equal access to services (27-06-02) shall be amended to reflect revisions necessary to reference the proper personnel and policies and procedures which are currently applicable.
21. Cooperation with law enforcement agencies (27-07-01) shall be amended to reflect revisions necessary to reference the proper personnel and policies and procedures which are currently applicable.
22. Kentucky community resources directory (27-09-01) shall be amended to reflect revisions necessary to reference the proper personnel and policies and procedures which are currently applicable.
23. Conditions of regular supervision request for modification (27-12-04) shall be amended to reflect revisions necessary to reference the proper personnel and policies and procedures which are currently applicable.

(c) The necessity and function of the proposed administrative regulation is: to provide consistent policies among all Department of Corrections entities and compliance with state and federal statutes.

(d) The benefits expected from the administrative regulation are: To provide consistent policies among all Department of Corrections entities and to most efficiently use departmental resources.

(e) The administrative regulation will be implemented as follows: by promulgating and enforcing the components of the various policies to provide consistent policy for the department.

Date: November 14, 1995
Justice Cabinet
Department of Corrections

(1) Regulation Number and Title: **501 KAR 7:010**, Definitions.

(2) The Justice Cabinet, Department of Corrections intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for December 29, 1995, at 9 a.m., in the Auditorium, in the State Office Building, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if it is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and a minimum of 5 persons, or the administrative body or association agree, in writing, to be present at the public hearing.

(b) If 5 persons, or an administrative body or association, request this public hearing, and agree in writing to be present at this public hearing, it will be held as scheduled.

(c) If a request for a public hearing is not received from the required number of people at least 20 days prior to December 29, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Justice Cabinet, Department of Corrections, Office of General Counsel, Room 200, State Office Building, Frankfort, Kentucky 40601.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Department of Corrections at the address listed.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of this administrative regulation is KRS 196.035, 197.020 and 532.100.

(b) The administrative regulation that the Department of Corrections intends to promulgate will amend 501 KAR 7:010, as follows: Revises the definition of "Restricted Custody Center" to include some pretrial inmates.

(c) The necessity and function of the proposed administrative regulation is: To provide consistent policies among all Department of Corrections entities and compliance with state and federal statutes.

(d) The benefits expected from the administrative regulation are: To provide consistent policies among all Department of Corrections entities and to most efficiently use departmental resources.

(e) The administrative regulation will be implemented as follows: By promulgating and enforcing the components of the various policies to provide consistent policy for the department.

Date: November 14, 1995
Justice Cabinet
Department of Corrections

(1) Regulation Number and Title: **501 KAR 7:050**, Physical plant.

(2) The Justice Cabinet, Department of Corrections intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for December 29, 1995, at 9 a.m., in the Auditorium, in the State Office Building, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if it is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and a minimum of 5 persons, or the administrative body or association agree, in writing, to be present at the public hearing.

(b) If 5 persons, or an administrative body or association, request this public hearing, and agree in writing to be present at this public hearing, it will be held as scheduled.

(c) If a request for a public hearing is not received from the required number of people at least 20 days prior to December 29, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Justice Cabinet, Department of Corrections, Office of General Counsel, Room 200, State Office Building, Frankfort, Kentucky 40601.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Department of Corrections at the address listed.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of this administrative regulation is KRS 196.035, 197.020 and 532.100.

(b) The administrative regulation that the Department of Corrections intends to promulgate will amend 501 KAR 7:050, as follows: Increases the number of inmates in sleeping rooms from 24 to 36 and allows some urinals to be substituted for commodes for male inmates.

(c) The necessity and function of the proposed administrative regulation is: To provide consistent policies among all Department of Corrections entities and compliance with state and federal statutes.

(d) The benefits expected from the administrative regulation are: To provide consistent policies among all Department of Corrections entities

and to most efficiently use departmental resources.

(e) The administrative regulation will be implemented as follows: By promulgating and enforcing the components of the various policies to provide consistent policy for the department.

Date: November 14, 1995
Justice Cabinet
Department of Corrections

(1) Regulation Number and Title: **501 KAR 13:010**, Life safety issues.

(2) The Justice Cabinet, Department of Corrections intends to establish the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for December 29, 1995, at 9 a.m., in the Auditorium, in the State Office Building, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if it is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and a minimum of 5 persons, or the administrative body or association agree, in writing, to be present at the public hearing.

(b) If 5 persons, or an administrative body or association, request this public hearing, and agree in writing to be present at this public hearing, it will be held as scheduled.

(c) If a request for a public hearing is not received from the required number of people at least 20 days prior to December 29, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Justice Cabinet, Department of Corrections, Office of General Counsel, Room 200, State Office Building, Frankfort, Kentucky 40601.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Department of Corrections at the address listed.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of this administrative regulation is KRS 196.035, 197.020 and 532.100.

(b) The administrative regulation that the Department of Corrections intends to promulgate will establish 501 KAR 13:010 as follows: Establishes a new policy regarding protection of inmates regarding basic life safety in county jails which do not house Class D felons.

(c) The necessity and function of the proposed administrative regulation is: To provide consistent policies among all Department of Corrections entities and compliance with state and federal statutes.

(d) The benefits expected from the administrative regulation are: To provide consistent policies among all Department of Corrections entities and to most efficiently use departmental resources.

(e) The administrative regulation will be implemented as follows: By promulgating and enforcing the components of the various policies to provide consistent policy for the department.

TRANSPORTATION CABINET

Date: December 1, 1995
Transportation Cabinet

(1) **603 KAR 5:112** relating to annual permits for moving utility equipment, poles, or pipes.

(2) The Kentucky Transportation Cabinet intends to promulgate an administrative regulation to amend existing 603 KAR 5:112 to clarify that a permit is not required for the operation of a combination style vehicle, including a truck and pole trailer combination on any highway listed in 603 KAR 5:070, Section 5, when it is transporting utility equipment, pole, or pipe, which has a length not exceeding 55 feet.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for December 29, 1995 at 9 a.m. local prevailing time, at 501 High Street, 4th Floor Hearing Room of the State Office Building, Frankfort, Kentucky 40622.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to December 29, 1995, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Sandra G. Pullen, 501 High Street, 10th Floor, State Office Building, Frankfort, Kentucky 40622.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Transportation Cabinet at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to annual permits for moving utility equipment, poles, or pipes is KRS 189.270 and 281.600.

(b) The administrative regulation that the Transportation Cabinet intends to promulgate will amend an existing administrative regulation.

(c) The necessity and function of the proposed administrative regulation is as follows: KRS 189.270 authorizes the Department of Highways to issue annual permits for the movement of utility equipment, poles, or pipes exceeding legal dimensions. This administrative regulation establishes the permit application procedures within the Transportation Cabinet and establishes movement requirements necessary in the interest

of highway safety.

(d) The benefit expected is the clarification that a permit is not required if the pole or pipe does not exceed 55 feet. Current language in Section 3(3) requires a permit on combination vehicles if the pipe or pole exceeds 53 feet. This was not the agreement reached by all parties when the administrative regulation was originally promulgated.

(8) If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirements by December 15, 1995. This request does not have to be in writing. This notice can be provided in an alternate format upon request.

LABOR CABINET
Department of Workers' Claims

Date: November 13, 1995
Kentucky Department of Workers' Claims

(1) Regulation and Title No.: **803 KAR 25:089**, Workers' compensation medical fee schedule for physicians.

(2) The Commissioner of the Department of Workers' Claims intends to amend an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for December 29, 1995, at 10 a.m. at the Farnham Dudgeon Civic Center, Conference Rooms ABC, 405 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if it is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and a minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If 5 persons, or an administrative body or association, request this public hearing and agree in writing to be present at this public hearing, it will be held as scheduled.

(c) If a request for a public hearing is not received from the required number of people at least 20 days prior to December 29, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Department of Workers' Claims, Perimeter Park West, Building C, 1270 Louisville Road, Frankfort, Kentucky 40601, Attn: Valerie L. Salven, General Counsel.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Department of Workers' Claims at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to a workers' compensation medical fee schedule for physicians is KRS 342.035.

(b) The administrative regulation that the commissioner intends to promulgate will amend 803 KAR 25:089 as follows: A review and update of CPT codes, unit values and conversion factors will be undertaken by a qualified vendor pursuant to a personal services contract awarded by the Department of Workers' Claims following public advertisement and receipt of proposals. The draft of the 1996 Workers' Compensation Medical Fee Schedule for Physicians will then be filed with the Legislative Research Commission as part of the proposed amendments to 803 KAR 25:089, and the draft will be made available for public review and comment at a public hearing during the administrative regulation promulgation process. Comments received from the "Notice of Intent" process will be considered in the preparation of the updated fee schedule.

(c) The necessity and function of the proposed administrative regulation is as follows: KRS 342.035(1) requires workers' compensation fee schedules to be reviewed and updated, if appropriate, every two years.

(d) The benefits expected from administrative regulation are: Update of the medical fee schedule for physicians to assure that charges are fair, current, and reasonable pursuant to KRS 342.035, and addition of relative unit values for some services not having a relative unit value listed in the current fee schedule.

(e) The administrative regulation will be implemented as follows: The updated medical fee schedule for physicians will establish the maximum fee amount for medical services and procedures to which the fee schedule applies. The fee for each procedure is calculated by multiplying the listed unit value for the medical procedure by the applicable conversion factor.

Date: November 13, 1995
Kentucky Department of Workers' Claims

(1) Regulation and Title No.: **803 KAR 25:091**, Workers' compensation hospital fee schedule.

(2) The Commissioner of the Department of Workers' Claims intends to amend an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for December 29, 1995, at 10 a.m. at the Farnham Dudgeon Civic Center, Conference Rooms ABC, 405 Mero Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if it is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and a minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If 5 persons, or an administrative body or association, request this public hearing and agree in writing to be present at this public hearing, it will be held as scheduled.

(c) If a request for a public hearing is not received from the required number of people at least 20 days prior to December 29, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Department of Workers' Claims, Perimeter Park West, Building C, 1270 Louisville Road, Frankfort, Kentucky 40601, Attn: Valerie L. Salven, General Counsel.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or

2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Department of Workers' Claims at the address listed above.

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to a workers' compensation hospital fee schedule is KRS 342.035.

(b) The administrative regulation that the commissioner intends to promulgate will amend 803 KAR 25:091 as follows: The amendment will adjust the reimbursement rate, if appropriate, for hospitals treating workers' compensation patients following review and recommendations by a qualified consultant under a personal services contract, and comments received at the Notice of Intent hearing will be taken into consideration during this process.

(c) The necessity and function of the proposed administrative regulation is as follows: KRS 342.035(1) requires workers' compensation fee schedules to be reviewed and updated, if appropriate, every two years.

(d) The benefits expected from administrative regulation are: Update of the workers' compensation hospital fee schedule to assure that charges are fair, current, and reasonable pursuant to KRS 342.035.

(e) The administrative regulation will be implemented as follows: Unless it is determined that a different method of calculating the reimbursement to a hospital for services or supplies furnished to an employee under KRS 342.032 should be adopted, reimbursement shall be calculated by multiplying the hospital's total allowable charges by its adjusted cost-to-charge ratio.

DEPARTMENT OF INSURANCE

Date: November 14, 1995
Department of Insurance

(1) **806 KAR 2:140**, Notification of change of address.

(2) The Department of Insurance intends to promulgate an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for December 29, 1995, at 10 a.m., at the Department of Insurance, 215 West Main Street, Frankfort, Kentucky 40601.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to December 29, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Department of Insurance, P. O. Box 517, Frankfort, Kentucky 40602, Attention: Carla Montgomery.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Department of Insurance at the address listed above.

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of an administrative regulation relating to the notification of a change of an insurance agent's address pursuant to KRS 304.2-120(3) is KRS 304.2-110.

(b) The administrative regulation that the Department of Insurance intends to promulgate will not amend an existing administrative regulation. It will require insurers to furnish appointed agents with a Record Correction Form, to maintain a signed acknowledgement from agents verifying receipt of the form, and to forward original Record Correction Forms to the department for processing if received from an agent. The administrative regulation will also clarify that it is an agent's responsibility to notify the department of a change in his or her residence or business address.

(c) The necessity and function of the proposed administrative regulation is as follows: KRS 304.2-110 provides that the Commissioner of Insurance may make reasonable regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code. This regulation clarifies the responsibilities of insurers and agents regarding notifying the Department of Insurance of a change in the residence or business address of an agent required by KRS 304.2-120(3).

(d) The benefits expected from this administrative regulation are the increase in awareness among agents of the requirement to notify the Department of Insurance of a change in a residence or business address, a decrease in confusion in the insurance industry as to who has the responsibility to notify the Department of Insurance of an agent's change of address, and a decrease in the amount of mail returned to the Department of Insurance due to a wrong address.

(e) The administrative regulation will be implemented as follows: Once promulgated, the department will send an informational bulletin to all insurers licensed to do business in the Commonwealth of Kentucky enclosing a copy of the administrative regulation, a brief summary of the requirements of the administrative regulation, and a Record Correction Form to be disseminated to appointed agents. Within thirty days of the effective date of the administrative regulation insurers are required to have forwarded the Record Correction Form to all appointed agents. Agents failing to comply with the requirements of KRS 304.2-120(3) and insurers and agents failing to comply with the requirements of the administrative regulation will be subject to administrative action, including civil penalties, by the department.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Housing, Buildings and Construction

Date: November 13, 1995
Public Protection and Regulation Cabinet
Department of Housing, Buildings and Construction

(1) Regulation Number and Title: **815 KAR 20:020**; Parts or materials list.

(2) The Department of Housing, Buildings and Construction intends to amend the administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for 10 a.m., local time, on Thursday, December 28, 1995, in the Department's Conference Room at 1047 U.S. Highway 127 South, Suite #1, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least five (5) persons or an administrative body or an association having at least five (5) members; and
2. A minimum of five (5) persons or the administrative body or association agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing and agreement to attend the public hearing are not received from the required number of people at least twenty (20) days prior to December 8, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Honorable Judith G. Walden, General Counsel, Department of Housing, Buildings and Construction, 1047 U. S. Highway 127 South, Suite #1, Frankfort, Kentucky 40601.

(b) On a request for public hearing, a persons shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the department's general counsel at the address listed above.

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of this administrative regulation is KRS 318.130.

(b) The department intends to amend Section 5 of this administrative regulation by including a new product approved by the State Plumbing Code Committee, i.e., an E-Z Trap Adapter as manufactured by S & S Enterprises to be used as a connection between chrome plated P-trap and PVC waste lines.

(c) The necessity and function of the proposed administrative regulation is as follows: The function of this administrative regulation is to allow the department to promptly permit the use of new parts or materials.

(d) The benefits expected from this administrative regulation are: To allow the use of newly approved products.

(e) This administrative regulation will be implemented by state plumbing inspectors.

Date: October 23, 1995
Public Protection and Regulation Cabinet
Department of Housing, Buildings and Construction

(1) Regulation Number and Title: **815 KAR 20:090**, Soil, waste and vent systems.

(2) The Department of Housing, Buildings and Construction intends to amend the administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for 10 a.m., local time, on Thursday, December 28, 1995, in the department's conference room at 1047 U.S. Highway 127 South, Suite #1, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least five (5) persons or an administrative body or an association having at least five (5) members; and
2. A minimum of five (5) persons or the administrative body or association agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing and agreement to attend the public hearing are not received from the required number of people at least twenty (20) days prior to December 28, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: Honorable Judith G. Walden, General Counsel, Department of Housing, Buildings and Construction, 1047 U. S. Highway 127 South, Suite #1, Frankfort, Kentucky 40601

(b) On a request for public hearing, a persons shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the department's general counsel at the address listed above.

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of this administrative regulation is KRS 318.130.

(b) The department intends to amend:

1. Section 6(2) to provide for the addition of future plumbing fixtures without the cost of breaking up concrete by requiring that underground waste pipe installed beneath a concrete slab shall not be less than two inches.
2. Section 7 by adjusting the plumbing code requirements to reflect the reduction in water usage by increasing the number of fixture units.

(c) The necessity and function of the proposed administrative regulation is as follows: This administrative regulation identifies and publishes the manufacturer's specification number of the material accepted in the installation and design of soil, waste and vent systems in all types of plumbing systems.

(d) The benefits expected from this administrative regulation are:

1. Great cost savings in many instances when fixtures are to be added to a plumbing system but only a few cents per foot difference between 1 ½ and 2 inch pipe.

2. Great savings on large projects but no impact on residential installations. Residential requirements have previously been changed.
(e) This administrative regulation will be implemented by department's plumbing inspectors.

CABINET FOR HUMAN RESOURCES
Department for Health Services

Date: November 15, 1995
Cabinet for Human Resources
Department for Health Services
Division of State and Local Health Administration
Local Health Personnel Merit System Branch

(1) **902 KAR 8:100**, Disciplinary procedures applicable for local health department employees.

(2) The Cabinet for Human Resources, Department for Health Services, Division of State and Local Health Administration intends to amend the administrative regulation cited above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for December 28, 1995, at 9 a.m. in the Department for Health Services Auditorium, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to December 28, 1995, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: William K. Moore, Jr., Deputy Counsel for Administrative Law, Cabinet for Human Resources, 275 East Main Street, 4-West, Frankfort, Kentucky 40621, (502) 564-7900.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be promulgate an administrative regulation governing a informed of the intent of an administrative body to specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from: Administrative Regulation Coordinator, Department for Health Services, Commissioner's Office, 275 East Main Street, Frankfort, Kentucky 40621 between the hours of 8 and 4:30 pm Monday through Friday.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans with Disabilities Act. Persons requesting assistance regarding Cabinet for Human Resources' regulations may call toll free 1-800-372-2973 (V\TDD).

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of an administrative regulation relating to disciplinary procedures for employees of local health department is KRS 211.1755. The statute provides the authority for the cabinet to establish policies and procedures governing a personnel program for local health departments.

(b) The administrative regulation that the Department for Health Services intends to promulgate will amend 902 KAR 8:100, Section 2 by adding that an employee requesting a predisciplinary meeting, the employee may appear personally or with counsel to reply to the disciplinary intent of the agency. In addition the proposed amendments will remove the requirement for a fourteen (14) day effective date and will include an effective date as part of the final action by the agency.

(c) The necessity and function of the proposed administrative regulation is as follows: The necessity of the regulation is to provide for a disciplinary process that provides for proper notification, provides for a prehearing meeting prior a dismissal, and a right to appeal the disciplinary action.

(d) The benefits expected from this proposed administrative regulation are that the cabinet will ensure that any disciplinary action undertaken by a local health department will be based on performance and behavior problems and ensure the employee will proceed through a process that is fair and just.

(e) The administrative regulation will be implemented as follows: The administrative regulations are procedures which must be complied with by a local health department contemplating a disciplinary action against an employee.

Date: December 1, 1995
Cabinet for Human Resources
Department for Health Services

(1) **902 KAR 55:030**, Schedule IV substances.

(2) The Cabinet for Human Resources, Department for Health Services intends to promulgate an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for December 28, 1995, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

(1) It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members: and

(2) A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to December 28, 1995, the public hearing will be canceled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: William K. Moore, Jr., Deputy Counsel for Administrative Law, Cabinet for Human Resources, 275 East Main Street, 4th West, Frankfort, Kentucky 40621, (502) 564-7900.

(b) On a request for public hearing, a person shall state:
(1) "I agree to attend the public hearing."; or
(2) "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form by writing the Administrative Regulation Coordinator, Commissioner's Office, Department for Health Services, 275 E. Main St., Frankfort, Kentucky 40621, or by calling (502) 564-3970 between the hours of 8 a.m. and 4:30 p.m. Monday through Friday.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Cabinet for Human Resources' regulations may call toll free 1-800-372-2973 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to adding, deleting or rescheduling substances is KRS 194.050, 211.090, 218A.020, 218A.100, 218A.250.

(b) The administrative regulation that the Department for Health Services intends to promulgate will amend 902 KAR 55:030, Schedule IV substances. It will add two substances to the list of schedule IV controlled substances: butorphanol and nalbuphine.

(c) The necessity and function of the proposed administrative regulation is as follows: KRS 218A.100 authorizes the Cabinet for Human Resources to place a substance in Schedule IV if it finds that: (1) the substance has a low potential for abuse relative to substances in Schedule III; (2) the substance has currently accepted medical use in treatment in the United States; and (3) abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III. In addition, KRS 218A.020(3) provides that if any substance is designated, rescheduled, or deleted as a controlled substance under a federal law and notice of the designation, rescheduling or deletion is given to the cabinet, the cabinet may similarly control the substance by administrative regulation. The Cabinet for Human Resources, after considering the criteria, designates the substances set forth in this administrative regulation as Schedule IV controlled substances.

(d) The benefits expected from administrative regulation are: Better control and better recordkeeping for substances likely to be abused and misused.

Department for Social Insurance
Division of Management and Development)

Date: October 15, 1995
Cabinet for Human Resources
Department for Social Insurance
Division of Management and Development

(1) **904 KAR 2:016**, Standards for need and amount; AFDC.

(2) Cabinet for Human Resources, Department for Social Insurance intends to promulgate an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for December 28, 1995 at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:
1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to December 28, 1995 the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: William K. Moore, Jr., Deputy Counsel for Administrative Law, Cabinet for Human Resources, 275 East Main Street, 4th West, Frankfort, Kentucky 40621, (502) 564-7900.

(b) On a request for public hearing, a person shall state:
1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Social Insurance, Division of Management and Development, 275 East Main Street, Frankfort, Kentucky 40621.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Cabinet for Human Resources' regulations may call toll free 1-800-372-2973 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to the Aid to Families with Dependent Children Program child care deduction is 45 CFR 255.3.

(b) The administrative regulation that the Department for Social Insurance intends to promulgate will amend 904 KAR 2:016, Standards for need and amount; AFDC. This amendment changes AFDC policy as it relates to dependent care expenses that are incurred as a result of employment. Currently, AFDC recipients who become employed must pay their own dependent care expenses up front. Existing AFDC policy states that AFDC recipients are allowed a dependent care disregard for dependent care expenses that are incurred, in calculating the amount of the AFDC payment, with the understanding that the amount disregarded is to be used to help in paying the dependent care expense. Several problems have been encountered in applying this policy. One problem is that in many cases the amount of the allowable dependent care disregard is not enough to cover the actual expense charged by the child care provider. Another problem is that in some instances providers experience problems in being paid and are then forced to refuse providing care for children of AFDC recipients. As a result, we are proposing to change the existing policy by allowing a direct dependent care payment when certain criteria are met. There will still be instances in which

the dependent care disregard must be applied. Allowing direct dependent care payments to employed AFDC recipients is beneficial to the welfare of both AFDC parents and children for various reasons. One benefit is that quality child care providers will be willing to accept and continue caring for children of AFDC recipients. Another benefit is the assurance of ongoing child care which will make AFDC recipients more reliable and responsible employees. This assurance of dependent care will also prevent lost hours due to lack of adequate child care which affect both the employer and the employee. Further, assured child care will reduce the risk of an AFDC recipient losing employment which could result in additional benefit costs to the state and deter self-sufficiency.

(c) The necessity and function of the proposed administrative regulation is as follows: Allowing direct dependent care payments to employed AFDC recipients is beneficial to the welfare of both AFDC parents and children for various reasons. 45 CFR 255.3 allows states several methods for guaranteeing the availability for child care.

(d) The benefits expected from administrative regulation are: By allowing direct dependent care payments to employed recipients, recipients may have greater access to quality care and the agency will be allowing continuity of care as families move from AFDC to employment. Another benefit is the assurance of ongoing child care which will make AFDC recipients more reliable and responsible employees. This assurance of dependent care will also prevent lost hours due to lack of adequate child care which affect both the employer and the employee. Further, assured child care will reduce the risk of an AFDC recipient losing employment which could result in additional benefit costs to the state and deter self-sufficiency.

Date: November 15, 1995
Cabinet for Human Resources
Department for Social Insurance
Division of Management and Development

(1) **904 KAR 3:020**. Financial requirements.

(2) The Department for Social Insurance intends to promulgate an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for December 28, 1995 at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to December 28, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: William K. Moore, Jr., Deputy Counsel for Administrative Law, Cabinet for Human Resources, 275 East Main Street, 4th West, Frankfort, Kentucky 40621, (502) 564-7900.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Social Insurance, Division of Management and Development, by writing to the Cabinet for Human Resources, 275 East Main Street, 3rd Floor West, Frankfort, Kentucky 40621.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Cabinet for Human Resources' regulations may call toll free 1-800-372-2973 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to the amendment to the financial requirements of the Food Stamp Program is: The state received approval on a waiver to Federal Regulation 7 CFR 273.9(d)(6) for the nonheating/noncooling utility standard and PL 103-66 mandates the deduction for child support payments.

(b) The administrative regulation that the Department for Social Insurance intends to promulgate will amend 904 KAR 3:020, Financial requirements. It will:

1. Offer food stamp households the option of using a nonheating/noncooling utility standard if the household incurs a utility expense other than heating or cooling; and
2. Implement a federal mandate that allows food stamp households a deduction for legally obligated child support paid by a household member to a nonhousehold member.

(c) The necessity and function of the proposed administrative regulation is as follows:

1. To improve the administration of the food stamp program by offering a nonheating/noncooling utility standard that will assist the agency in maintaining a low error rate that could lead to future enhanced funding.
2. Comply with the federal mandate in Section 13921 of PL 103-66, enacted August 10, 1993 that allows food stamp households a deduction for legally obligated child support paid by a household member to a nonhousehold member.

(d) The benefits expected from administrative regulation are:

1. The option of using a nonheating/noncooling utility standard will not only allow a reduction in the amount of time caseworkers have to spend verifying actual utility costs but will also reduce the amount of verification households are required to provide and will assist the agency in maintaining an error rate of less than 6 percent for this review element.
2. The mandate that allows food stamp households a deduction for legally obligated child support will allow a more accurate amount of income available to the household to be considered. Previously, this deduction was not permitted by federal regulations.

Department for Medicaid Services

Date: November 15, 1995
Cabinet for Human Resources
Department for Medicaid Services

(1) **907 KAR 1:505**, Psychiatric residential treatment facility services.

(2) Cabinet for Human Resources, Department for Medicaid Services intends to promulgate an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for December 28, 1995 at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to December 28, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: William K. Moore, Jr., Deputy Counsel for Administrative Law, Cabinet for Human Resources, 275 East Main Street, 4th West, Frankfort, Kentucky 40621, (502) 564-7900.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Medicaid Services, Division of Program Development and Budget, CHR Building, Third Floor East, 275 East Main Street, Frankfort, Kentucky 40621.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Cabinet for Human Resources' regulations may call toll free 1-800-372-2973 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to psychiatric residential treatment facility (PRTF) services is KRS 194.050, 42 CFR 440.160, 447.325 and 42 USC 1396a-d.

(b) The administrative regulation that the Department for Medicaid Services intends to promulgate will amend 907 KAR 1:505, to incorporate by reference a revised Psychiatric Residential Treatment Facility (PRTF) Manual. The PRTF manual is being revised to correspond with the changes being made to the companion payment regulation 970 KAR 1:510 effective November 1, 1995 which shows an increase in reimbursement to PRTF's from $225 to $230 per diem with the rate then to be adjusted upward each biennium by 2.22 percent.

(c) The Necessity and Function of the proposed administrative regulation is as follows: This administrative regulation sets froth provisions relating to coverage of psychiatric residential treatment facility services by the Medicaid Program.

(d) The benefits expected from administrative regulation are: To revise the incorporated by reference PRTF provider manual to correspond with the companion payment administrative regulation (907 KAR 1:510) changes effective November 1, 1995.

Date: November 15, 1995
Cabinet for Human Resources
Department for Medicaid Services

(1) **907 KAR 1:510**, Payments for psychiatric residential treatment facility services.

(2) Cabinet for Human Resources, Department for Medicaid Services intends to promulgate an administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for December 28, 1995 at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 20 days prior to December 28, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: William K. Moore, Jr., Deputy Counsel for Administrative Law, Cabinet for Human Resources, 275 East Main Street, 4th West, Frankfort, Kentucky 40621, (502) 564-7900.

(b) On a request for public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Medicaid Services, Division of Program Development and Budget, CHR Building, Third Floor East, 275 East Main Street, Frankfort, Kentucky 40621.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Cabinet for Human Resources' regulations may call toll free 1-800-372-2973 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to payments for psychiatric residential treatment facility services is KRS 194.050, 42 CFR 440.160, and 42 USC 1396a-d.

(b) The administrative regulation that the Department for Medicaid Services intends to promulgate will amend 907 KAR 1:510, effective November 1, 1995, to increase the reimbursement rate from $225 to $230 per diem with the rate then to be adjusted upward each biennium by 2.22 percent.

(c) The necessity and function of the proposed administrative regulation is as follows: This administrative regulation sets forth provisions relating to payments for psychiatric residential treatment facility services by the Medicaid Program.

(d) The benefits expected from administrative regulation are: With the implementation of this amendment additional psychiatric residential treatment facility beds will be made available for Medicaid recipients with an accompanying reduction in psychiatric hospital utilization by Medicaid recipients.

Department for Mental Health/Mental Retardation Services

Date: November 15, 1995
Cabinet for Human Resources
Department for Mental Health/Mental Retardation Services

(1) **908 KAR 2:060**. Mental health and mental retardation manuals for plan and budget instructions, billing instructions, and reimbursement guidelines.

(2) The Department for Mental Health/Mental Retardation Services intends to amend the administrative regulation governing the subject matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for December 28, 1995, at 9 a.m., in the Department for Health Services Auditorium, Health Services Building, first floor, 275 East Main Street, Frankfort, Kentucky.

(4)(a) The public hearing will be held if:

1. It is requested in writing by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agrees, in writing, to be present at the public hearing.

(b) If a request for a public hearing and agreement to attend the public hearing are not received from the required number of people at least 20 days prior to December 28, 1995, the public hearing will be cancelled.

(5)(a) Persons wishing to request a public hearing should mail their written request to the following address: William K. Moore, Jr., Deputy Counsel for Administrative Law, Cabinet for Human Resources, 275 East Main Street, 4th West, Frankfort, Kentucky 40621, (502) 564-7900.

(b) On a request for a public hearing, a person shall state:

1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6)(a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate administrative regulations governing a specific subject matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request from the Administrative Regulation Coordinator, Department for Mental Health/Mental Retardation Services, Division of Administration & Financial Management, 275 East Main Street, Frankfort, Kentucky 40621.

(c) NOTE: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Cabinet for Human Resources' regulations may call toll free 1-800-372-2973 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to mental health and mental retardation manuals for plan and budget instructions, billing instructions, and reimbursement guidelines is KRS 210.440 to 210.450.

(b) The administrative regulation that the Department for Mental Health and Mental Retardation Services intends to promulgate will amend 908 KAR 2:060. It will revise the regulation to change the provisions governing the accounting treatment and documentation requirements related to certain equipment purchases funded by the department.

(c) The necessity and function of the proposed administrative regulation is as follows: To allocate available funds to mental health and mental retardation boards in accordance with approved plans and budgets, and to promulgate policies and administrative regulations as to operations, budgets, and expenditures of community programs and to require reporting management and financial programs as necessary to carry out the purposes of KRS 210.370 to 210.460.

(d) The benefits expected from the administrative regulation are: To assure there is a clear and consistent basis for the accounting treatment and documentation requirements regarding equipment purchases funded by the department.

EMERGENCY ADMINISTRATIVE REGULATIONS NOW IN EFFECT

(NOTE: Emergency administrative regulations expire 170 days from publication or upon replacement, repeal, or withdrawal)

STATEMENT OF EMERGENCY
202 KAR 4:010E

Emergency administrative regulation 202 KAR 4:010E is necessary in order to act in a timely manner to comply with KRS 211.502 which states that the Kentucky Spinal Cord and Head Injury Research Board shall "promulgate administrative regulations necessary to carry out the provisions of KRS 211.500 to 211.504 and to ensure proper expenditure of state funds appropriated for the purposes of KRS 211.500 to 211.504." The filing of an ordinary administrative regulation at this time would not allow for this administrative regulation to be promulgated in a timely manner. A Notice of Intent to promulgate an ordinary administrative regulation to replace this emergency administrative regulation will be filed with the Regulations Compiler on or before November 15, 1995.

BRERETON C. JONES, Governor
JAMES SHAUGHNESSY, Chairman

KENTUCKY SPINAL CORD AND HEAD INJURY RESEARCH BOARD
(New Administrative Regulation)

202 KAR 4:010E. Spinal Cord and Head Injury Research Program.

RELATES TO: 211.500, 211.502, 211.504
STATUTORY AUTHORITY: KRS 189.125, 189.394, 211.500, 211.502, 211.504
EFFECTIVE: November 6, 1995
NECESSITY AND FUNCTION: KRS 211.502 mandates that the Kentucky Spinal Cord and Head Injury Research Board promulgate administrative regulations necessary to implement its duties and responsibilities. This administrative regulation establishes the protocol by which the Kentucky Spinal Cord and Head Injury Board will review research grant proposals from the University of Kentucky and the University of Louisville. It further establishes the guidelines by which grant proposals from the universities are rated and the mechanism by which funds are allocated for the appropriate grants proposals.

Section 1. Definitions. (1) "The board" means the Kentucky Spinal Cord and Head Injury Research Board.

(2) "The trust" means the Kentucky Spinal Cord and Head Injury Trust.

(3) "NIH" means the National Institutes of Health.

(4) "PI" means the principle investigator.

(5) "SAC" means the Science Advisory Council of the American Paralysis Association.

(6) "APA" means the American Paralysis Association.

(7) "Applicant" means the entity within the University of Kentucky or University of Louisville applying for the grant award.

(8) "Host institution" means the University of Kentucky or the University of Louisville.

Section 2. Proposal Submission Process. (1) Research project proposals shall be submitted to the board on Form KSB 8/95.

(2) The submission deadline for research proposal applications is September 30 of each year.

(3) All project proposals shall be given preliminary review by the Director of Research of the APA and, if consistent with the goals of the board, shall be distributed to members of the SAC of the APA.

(4) Based on SAC review, rating recommendations shall be made to the board which decides final approval/disapproval for funding.

(5) Applicants shall be notified of the board's decision in December of each year.

Section 3. Research Proposal Review Criteria. (1) Research proposals shall be reviewed by the board for scientific merit and adherence to the research priorities established by the board.

(2) Research proposals shall be reviewed for scientific merit as follows:

(a) Adequacy of prior research and theory in providing a basis for the research;

(b) Adequacy of methods;

(c) Adequacy of environment; facilities/equipment, available expertise, research atmosphere;

(d) Qualifications and productivity of the PI and key staff;

(e) Time commitments of the PI and key staff;

(f) Availability of subjects/patients where relevant;

(g) Adequacy of procedures for assessing the effect of interventions on recovery;

(h) Other factors that affect the potential of the applicant to address successfully the research aims;

(3) Research proposals shall be reviewed for adherence to the research priorities of the board as follows:

(a) In vivo and in vitro studies on naturally occurring phenomena that may promote neuronal growth, encourage the formation of synapses, enhance the production of myelin, restore conduction capabilities, or may otherwise led toward restoring compromised circuitry in the injured spinal cord or brain;

(b) Evaluation of the efficacy of pharmacological agents or other interventions that protect against secondary neuronal injury, improve function in chronic spinal cord and brain injury or that provide insight into the mechanisms causing such damage;

(c) Biological characterization of spinal cord/head injury in well-defined animal models and in the human spinal cord/brain, specifically documenting the neuronal systems that are most vulnerable to the functional losses that occur as a result;

(d) Development of new and more sensitive approaches for evaluating recovery after injury.

Section 4. Research Grantee Responsibilities. (1) Research contracts shall be signed for a three (3) year period with renewal in years two (2) and three (3) dependent upon fulfillment of contract terms.

(2) Grantees shall provide the board with narrative and financial reports of progress.

(3) For all grants, an annual progress report (narrative and financial) shall be due sixty (60) days prior to the anniversary of the contract start date.

(4) A final report (narrative) shall be due thirty (30) days following the termination of the research contract, with the final financial report due thirty (30) - ninety (90) days following termination.

(5) The financial section of the report shall be completed by the office of grants and contracts of the contracting institution.

(6) The PI shall share with the board copies of all publications that emerge as a result of the funded research, during and after the period of the contract.

(7) Grantees shall acknowledge the source of funding from the trust in all publications and presentations.

Section 5. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) KSB 8/95 "Kentucky Spinal Cord and Head Injury Research Board Research Proposal Application and Instructions".

(2) This form may be inspected, copied, or obtained at the Office of the Commissioner for Health Services, 275 East Main Street, Frankfort, Kentucky, 8 a.m. to 4:30 p.m., Monday through Friday.

JAMES SHAUGHNESSY, Chairman
APPROVED BY AGENCY: October 30, 1995
FILED WITH LRC: November 6, 1995 at 1 p.m.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: James Shaughnessy, Chairman or Danise Newton, CHR Staff

(1) Type and number of entities affected: University of Kentucky and University of Louisville who may apply for research grant funding and the public of Kentucky affected by head and spinal cord injury.

(2) Direct and indirect cost to those affected:

(a) Cost of living and employment in a geographical area in which the administrative regulation will be implemented, to the extent available from the public comment received: Since this is an emergency regulation, no public hearing has been held although a Notice of Intent to file an ordinary regulation has been filed. However, it will not effect on the cost of living or employment in the state.

(b) Cost doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comment received: Since this is an emergency regulation, no public hearing has been held although a Notice of Intent to file an ordinary regulation has been filed. However, it will have no effect on the cost of doing business in the state.

(c) Compliance, reporting and paperwork requirements, including factors increasing or decreasing costs (Note any effects upon competition) for the: There are no additional compliance, reporting, or paperwork requirements required in this regulation accept an annual report required of the board to the Governor, the General Assembly, and the Legislative Research Commission.

(3) Effects on the promulgating administrative body: Minimal amount of staff assistance to the board in the processing of grant proposals. Meetings of the board are held at least twice a year. All costs other than staff time have been and will continue to be charged to the Kentucky Spinal Cord and Head Injury Research Trust Fund made up from revenues received from penalties imposed by KRS 189.394(5) and 189.125.

(a) Direct and indirect cost:

1. First year: Minimal
2. Continuing costs: Minimal
3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: Annual report required by the board to the Governor, the General Assembly and the Legislative Research Commission.

(4) Assessment of anticipated effect on state and local revenues: All costs other than staff time have been and will continue to be charged to the Kentucky Spinal Cord and Head Injury Research Trust Fund made up from revenues received from penalties imposed by KRS 189.394(5) and 189.125.

(5) Source of revenue to be used for implementation and enforcement of administrative regulations: Revenues received from penalties imposed by KRS 189.394(5) and 189.125.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation on:

(a) Geographical area in which administrative regulation will be implemented: Since this is an emergency regulation, no public hearing has been held to date. However, this regulation will not create any additional economic impact on the public other than from the use of the revenues from penalties received from KRS 189.394(5) and 189.125.

(b) Kentucky: Same as above.

(7) Assessment of alternative methods; reasons why alternatives were rejected: Alternative methods were not considered since the provisions are mandated by state law.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: When fully implemented, this regulation will have a beneficial effect on the public's health in terms of research done by the universities that could determine ways in which to prevent or treat head and spinal cord injury.

(b) State whether a detrimental effect on environment and public health would result if not implemented: Yes

(c) If detrimental effect would result, explain detrimental effect: Seat belt nonusage penalties may not be used to full benefit in such a way as to research new ways to treat and prevent spinal cord and head injury.

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

(a) Necessity of proposed regulation if in conflict:

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

(10) Any additional information or comments: None

(11) TIERING: Is tiering applied? (Explain why tiering was or was not used): Tiering was not applied because it does not create disproportional impact on part, class, or division of regulated entity.

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? No

2. State whether this administrative regulation will affect the local government or only a part or division of the local government. Relates only in the enforcement of penalties imposed by KRS 189.394(5) and 189.125.

3. State the aspect or service of local government to which this administrative regulation relates. Only in the enforcement of penalties imposed by KRS 189.394(5) and 189.125.

STATEMENT OF EMERGENCY
301 KAR 2:221E

Waterfowl hunting season frameworks are established annually by the United States Fish and Wildlife Service. Under federal law, states which wish to establish waterfowl hunting seasons must do so within these federal frameworks. Development of the federal regulations involves consideration of harvest and population data, coordination with state wildlife agencies, and public involvement. Consequently, federal migratory bird hunting regulations are promulgated less than six weeks before the opening dates of the hunting season. An ordinary administrative regulation cannot be adopted in the short time between final promulgation of federal regulations and the scheduled opening of state waterfowl hunting seasons, necessitating the promulgation of an emergency administrative regulation. This emergency administrative regulation will be replaced by an ordinary administrative regulation.

BRERETON C. JONES, Governor
C. THOMAS BENNETT, Commissioner

TOURISM CABINET
Department of Fish and Wildlife Resources

301 KAR 2:221E. Waterfowl seasons and limits.

RELATES TO: KRS 150.010, 150.015, 150.170, 150.175, 150.235, 150.240, 150.305, 150.330, 150.340, 150.360, 150.600, 15.603, 150.630, 150.990, 59 CFR 20

STATUTORY AUTHORITY: KRS 150.015, 150.021, 150.170, 150.175, 150.330, 150.340, 150.600, 150.603, 59 CFR 20

EFFECTIVE: November 3, 1995

NECESSITY AND FUNCTION: To set waterfowl season dates and limits within federal waterfowl hunting frameworks. This amendment is necessary to adjust season dates, limits, and open or closed areas for the 1995-96 waterfowl season.

Section 1. Zone Descriptions. Hunting zones, special hunt areas and reporting areas are described in 301 KAR 2:224.

Section 2. Gun and Archery Season Dates and Bag Limits for Ducks, Coots and Mergansers. (1) Season dates.

(a) Statewide, November 23 [~~24~~] through November 26 [~~27~~].

(b) Eastern Duck Zone: December 7 [~~16~~] through January 21 [~~20~~].

(c) Western Duck Zone: December 2 [~~10~~] through January 16 [~~14~~].

(2) Gun and archery daily limits.

(a) Five (5) [~~Three (3)~~] ducks, which shall include no more than:

1. Four (4) [~~Two (2)~~] mallards, which shall include no more than one (1) hen mallard.
2. Two (2) wood ducks.
3. One (1) black duck.
4. One (1) redhead.
5. One (1) pintail.
6. One (1) canvasback.

(b) Fifteen (15) coots.

(c) Five (5) mergansers, which shall include no more than one (1) hooded merganser.

(d) Possession limits are double daily limits.

Section 3. Gun and Archery Seasons Dates and Bag Limits for Geese. (1)(a) Snow goose, white-fronted goose and brant season dates: statewide, November 23 [~~24~~] through January 31.

(b) In the portion of Fulton County in the Western Goose Zone, hunters may take snow geese until the end of the Canada goose season or January 31, whichever occurs later.

(2) Canada goose [~~and white-fronted goose~~] season dates.

(a) Eastern Goose Zone: December 13 through January 31.

(b) Pennyroyal/Coalfield Goose Zone: December 13 [~~17~~] through January 16 [~~20~~].

(c) Western Goose Zone: November 23 through November 26 and December 2 [~~10~~] through January 31, or until quotas described in Section 7 [~~6~~] of this administrative regulation are reached.

(d) The portion of Fulton County in the Western Goose Zone: November 23 through November 26 and December 2 through February 15 [~~December 10 through February 13~~], or until quotas described in Section 7 [~~5~~] of this administrative regulation are reached.

(e) West-Central and Northeast [~~Cave Run~~] Special Hunt zones: January 6 through January 16. [~~Regions: December 17 through December 23.~~]

(3) The following are closed to goose hunting:

(a) Breathitt, [~~Clay, Laurel,~~] Knott, and Perry [~~and Whitley~~] counties.

(b) The portions of Bell, Clay, Laurel, Pulaski and Whitley Counties owned by the U.S. Forest Service, including Laurel River Lake. [~~Bell County south of Highway 119 and east of US 25E.~~]

(c) McCreary County east of US 27.

(d) [~~Pulaski County east of US 27.~~

~~(e)~~] Cave Run Lake and the lands inside a boundary formed by Highways 801, 1274, 36, 211 and US 60.

(4) Christian County north of Highway 68/80 is closed to Canada goose hunting.

(5) Daily limits.

(a) Except in the Northeast [~~Cave Run~~] Special Hunt Zone [~~Region~~], ten (10) [~~seven (7)~~] geese, which shall include no more than:

1. Two (2) Canada geese.
2. Two (2) white-fronted geese.
3. Two (2) brant.

(b) In the Northeast [~~Cave Run~~] Special Hunt Zone [~~Region~~], two (2) [~~one (1)~~] Canada geese [~~goose~~]. Persons shall not take snow geese, brant or white-fronted geese.

(6) Possession limits are double daily limits.

Section 4. Shooting Hours. (1) Except as specified in this administrative regulation or on wildlife management areas as stipulated in 301 KAR 2:222, one-half (1/2) hour before sunrise until sunset.

(2) In the Northeast [~~Cave Run~~] Special Hunt Zone [~~Area~~], one-half (1/2) hour before sunrise until 2 p.m.

Section 5. Ballard Wildlife Management Area North of Terrell Landing Road. (1) Ducks, coots and mergansers, December 12 [~~13~~] through January 16 [~~14~~] or until the Ballard Reporting Area goose quota is reached.

(2) Geese, December 12 [~~13~~] through January 27 [~~31~~] or until the Ballard Reporting Area quota is reached.

(3) No hunting on Sundays, Mondays, Christmas Day or New Year's Day.

(4) Shooting hours: one-half (1/2) hour before sunrise until noon.

(5) Waterfowl hunters:

(a) Shall apply in advance as stipulated in 301 KAR 2:222.

(b) Shall not have more than ten (10) shotgun shells in their possession.

(c) Shall case their guns while using department-supplied transportation to and from blinds.

(d) Shall be accompanied by an adult if under eighteen (18) years old.

(6) More than four (4) [~~three (3)~~] persons shall not occupy a blind.

(7) Persons shall not hunt waterfowl on the Ohio River from fifty (50) yards upstream from Dam 53 to fifty (50) yards downstream from the southern border of the Ballard Wildlife Management Area [~~is closed to waterfowl hunting~~] from October 15 through March 15.

Section 6. Falconry Waterfowl Season and Limits. (1) Season: statewide, November 5 through January 31.

(2) Daily limit: three (3) waterfowl.

(3) Possession limit: six (6) waterfowl.

Section 7. Quotas and Early Goose Season Closings. (1) If hunters reach a quota of 22,425 [~~14,300~~] Canada geese in the Ballard Reporting Area before January 31:

(a) Goose season shall close in the Ballard Reporting Area.

(b) In the counties associated with the Ballard Reporting Area, the goose season shall close:

1. Seven (7) days later; or
2. On the scheduled closing date, whichever occurs first.

(2) If hunters reach a quota of 6,555 [~~4,200~~] Canada geese in the Henderson-Union Reporting Area before January 31:

(a) Goose season shall close in the Henderson-Union Reporting Area.

(b) In the counties associated with the Henderson-Union Reporting Area, goose season shall close:

1. Seven (7) days later; or

2. On the scheduled closing date, whichever occurs first.

(3) The department shall provide at least a twenty-four (24) hour notice of the time and date of early closures.

C. THOMAS BENNETT, Commissioner
GREG GINTER, Secretary
MIKE BOATWRIGHT, Chairman
APPROVED BY AGENCY: August 25, 1995
FILED WITH LRC: November 3, 1995 at 9 a.m.

REGULATORY IMPACT ANALYSIS

Contact Person: Roy Grimes

(1) Type and number of entities affected: Approximately 14,000 persons hunt waterfowl annually in Kentucky.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No public comments received. This administrative regulation should have no impact on costs of living or employment.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No impacts are anticipated.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: Waterfowl hunters must purchase licenses as well as state and federal waterfowl stamps. This is a continuing requirement that will impose no additional requirements.

2. Second and subsequent years: Same as first year.

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: No new direct or indirect costs or savings will be incurred.

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

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No additional reporting or paperwork requirements.

(4) Assessment of anticipated effect on state and local revenues: No increase or decrease on state or local revenues is anticipated.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: Revenue from the sale of hunting and fishing licenses and from the Federal Aid to Wildlife Restoration will be used to implement this administrative regulation.

(6) To the extend available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: No public comments received. Waterfowl hunting creates substantial economic activity in certain sections of the state. This administrative regulation will allow waterfowl hunting to continue by establishing hunting seasons within federal frameworks.

(b) Kentucky: The statewide impact of waterfowl hunting is minimal, but this administrative regulation does allow for the continuance of this activity.

(7) Assessment of alternative methods; reasons why alternatives were rejected: The alternative of not having a waterfowl season was rejected because waterfowl represent a renewable natural resource which affords recreational opportunities and generates economic activity throughout the commonwealth.

(8) Assessment of expected benefits: Continuation of waterfowl hunting and short- and long-term conservation of waterfowl resources are the primary benefits.

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: Regulated harvest of waterfowl ensures the continuation of this important component of the Commonwealth's biological diversity.

(b) State whether a detrimental effect on environmental and public health would result if not implemented: Yes

(c) If detrimental effect would result, explain detrimental effect: Inability to regulate waterfowl resource.

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

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(10) Any additional information or comments: The provisions of this regulation were contained in 301 KAR 2:220, which is being repealed and replaced with regulations which better meet the formatting and wording requirements of KRS Chapter 13A.

(11) TIERING: Is tiering applied? Tiering was used to apply different season dates and harvest limits to various regions of the state. This was done to maximize hunter opportunity while conserving waterfowl resources.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 50 CFR Part 20, Federal Register, Vol. 60, No 189, Friday, September 29, 1995.

2. State compliance standards. State seasons and bag limits are within the federal frameworks.

3. Minimum or uniform standards contained in the federal mandate. Ducks, coots and mergansers: Not more than a 50 day season with a five bird bag limit between the Saturday closest to October 1, 1995 and January 21, 1996. The state may be split into two zones with no more than two segments in each zone. The daily bag limit is 5 ducks and may not include more than 4 mallards (no more than 1 hen mallard), 1 black duck, 1 pintail, 2 wood ducks, 1 canvasback and 1 redhead. The possession limit shall be twice the daily bag. The coot daily bag shall be 15 with the possession limit being 30. The merganser limit shall be 5 daily (only 1 may be a hooded merganser) and the possession limit being twice the daily bag. Both the coot and merganser bag shall be in addition to the duck limit.

Geese: The season for light geese (snow geese) may extend for 107 days and the season for white-fronted geese may extend for 70 days. Season framework for light geese is between the Saturday nearest October 1, 1995 and March 1, 1996, and season framework for white-fronted geese is between the Saturday nearest October 1, 1995 through January 31, 1996.

The Canada goose season in the Western Goose Zone season may extend for 65 days (80 days in Fulton County) between October 1, 1995 and January 31, 1996 (except February 15, 1996 in Fulton County), or until the harvest of 34,500 birds is taken, whichever occurs first.

Pennyroyal/Coalfield Zone Canada goose season may extend for 35 days with a daily bag limit of 2 Canada geese.

The Canada goose season in the remainder of the state may extend for 50 days with a daily bag limit of 2 Canada geese.

The daily bag limit shall be 10 geese, to include no more than 2 Canada geese, 2 white-fronted geese and 2 brant. Possession limit is twice the daily bag limit.

Shooting hours shall be one-half hour before sunrise until sunset daily for all species.

Falconry season for migratory birds mentioned above shall fall between September 1, 1995 and March 10, 1996 and shall not exceed 107 days. Daily bag and possession limits shall not exceed 3 birds daily or 6 in possession, singly or in the aggregate of species. Hunting hours shall be the same as for firearms hunting.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those

required by the federal mandate? Yes

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Seasons for light geese are shorter due to the paucity of birds wintering in Kentucky during the early parts of the framework dates. Exerting hunting pressure on so few birds could jeopardize long-term bird use in Kentucky. The Ballard Wildlife Management Area season is for 35 days or 30 days shorter than the Western Goose Zone so that controlled hunts will not jeopardize goose and duck use. Scheduled resting periods during the framework is a good means of enhancing historic use patterns. Other wildlife management area season dates were adjusted to optimizing public use within sound waterfowl conservation practices.

STATEMENT OF EMERGENCY
301 KAR 2:222E

Waterfowl hunting season frameworks are established annually by the United States Fish and Wildlife Service. Under federal law, states which wish to establish waterfowl hunting seasons must do so within these federal frameworks. Development of the federal regulations involves consideration of harvest and population data, coordination with state wildlife agencies, and public involvement. Consequently, federal migratory bird hunting regulations are promulgated less than six weeks before the opening dates of the hunting season. An ordinary administrative regulation cannot be adopted in the short time between final promulgation of federal regulations and the scheduled opening of state waterfowl hunting seasons, necessitating the promulgation of an emergency administrative regulation. This emergency administrative regulation will be replaced by an ordinary administrative regulation.

BRERETON C. JONES, Governor
C. THOMAS BENNETT, Commissioner

TOURISM CABINET
Department of Fish and Wildlife Resources

301 KAR 2:222E. Waterfowl hunting requirements.

RELATES TO: KRS 150.010, 150.015, 150.170, 150.175, 150.235, 150.240, 150.305, 150.330, 150.340, 150.360, 150.600, 15.603, 150.630, 150.990, 59 CFR 20

STATUTORY AUTHORITY: KRS 150.015, 150.021,150.170, 150.175, 150.330, 150.340, 150.600, 150.603, 59 CFR 20

EFFECTIVE: November 3, 1995

NECESSITY AND FUNCTION: To establish statewide waterfowl hunting requirements and to specify seasons and other requirements on wildlife management areas. This amendment is necessary to specify hunting requirements for Swan Lake Wildlife Management Area and application procedures for certain wildlife management areas. [~~This administrative regulation contains a portion of the substance of 301 KAR 2:220, which it repeals. Substantive changes from 301 KAR 2:220 are: allowing first-come, first-served hunting in blinds in the Duncan and Crenshaw tracts of the Sloughs Wildlife Management Area if permit holders do not occupy blinds by the beginning of shooting hours, permitting waterfowl hunting seven (7) days a week (instead of four (4)) on the Duncan and Crenshaw tracts of the Sloughs Wildlife Management Area and permitting waterfowl hunting on the Beaver Creek Wildlife Management Area.~~]

Section 1. Definitions. (1) "Blind" means:
(a) A concealing enclosure.
(b) A pit.
(c) A boat.
(2) "Permanent blind" means a blind left in place more than twenty-four (24) hours.
(3) "Statewide waterfowl seasons" means the provisions of this administrative regulation and of 301 KAR 2:221.
(4) "Waterfowl" means ducks, geese, coots and mergansers.

Section 2. Waterfowl hunters shall not use or carry:
(1) Shotgun shells containing:
(a) Lead shot; or
(b) Shot not approved by the U.S. Fish and Wildlife Service for waterfowl hunting.
(2) Shot larger than size "T."
(3) Shotshells longer than three and one-half (3-1/2) inches.

Section 3. Requirements for Waterfowl Hunters in the Ballard Reporting Area, as Described in 301 KAR 2:224. (1) Waterfowl hunters:
(a) Shall hunt from blinds unless hunting in flooded, standing timber.
(b) Shall not hunt from or establish a blind:
1. Within 100 yards of another blind; or
2. Within fifty (50) yards of a property line.
(c) Shall not possess more than one (1) shotgun while in a blind.
(2) More than five (5) persons shall not occupy a blind.

Section 4. Blind Restrictions on Wildlife Management Areas. (1) Except as specified in this section or in Section 5 of this administrative regulation, on wildlife management areas:
(a) Waterfowl hunters shall not establish or hunt from:
1. Permanent blinds.
2. Blinds within 200 yards of:
a. Another blind; or
b. A waterfowl refuge.
(b) Persons shall not hunt in designated recreation areas or access points.
(c) More than four (4) persons shall not occupy a blind.
(d) Hunters shall remove decoys and personal effects from the wildlife management area daily.
(2) Persons wishing to establish permanent blinds on Barkley Lake, Barren River Lake, Buckhorn Lake, Green River Lake, Nolin River Lake, Paintsville Lake, Rough River Lake and Taylorsville Lake Wildlife Management Areas:
(a) Shall first obtain a permit from the U. S. Army Corps of Engineers.
(b) May designate one (1) other person as a partner.
(c) Shall participate in a drawing for blind permits on the Barkley, Barren, Green, Paintsville, and Taylorsville areas.
(d) Shall present a valid hunting license at the time of the drawing.
(e) Shall not hold more than one (1) permit per area.
(3) Holders of blind permits:
(a) Shall construct blinds before November 20 or forfeit the permit.
(b) Shall not lock blinds.
(c) Unless an extension of time is granted, shall remove blinds within thirty (30) days of the close of waterfowl season or be ineligible for a permit the following year.
(4) Blinds not occupied by the permit holder one-half (1/2) hour before sunrise shall be available to other hunters on a first-come, first-serve basis.
(5) Blind restrictions shall not apply to falconers when gun or archery seasons are not open.

Section 5. Exceptions for Wildlife Management Areas. (1) Statewide waterfowl seasons apply unless otherwise stated in this section.
(2) If specific hunting dates are given in this section, persons may hunt waterfowl only on these dates.

(3) Ballard Wildlife Management Area. Waterfowl hunting requirements are stipulated in 301 KAR 2:221.

(4) Barkley Lake Wildlife Management Area.

(a) Permanent blinds may be used as specified in Section 4 of this administrative regulation.

(b) Persons shall establish permanent blinds within ten (10) yards of their assigned and numbered blind markers within:

1. An area bounded by the mouth of Donaldson Creek, the east side of the Cumberland River Channel and the boat ramp at Linton.

2. An area bounded by the Pryor's Creek Light, the west side of the Cumberland River Channel, Land Between the Lake Road 204 and river mile 73.5.

(c) The following refuge areas are closed to the public:

1. From November 1 through February 15 within an area west of the main river channel between river mile 51 (Hayes Landing Light) and river mile 57.3 (Crooked Creek Light);

a. Including the row of islands on the west side of the main river channel; and

b. Not including Taylor Bay and Jake Fork Bay.

2. From November 1 through March 15 within Honker Bay and Fulton Bay as marked by buoys and signs.

(d) From October 15 through March 15, persons shall not hunt:

1. Within 200 yards of; or

2. Within the area defined by the levee between river mile 68.4 and river mile 70.4.

(5) Barren River Lake Wildlife Management Area. Permanent blinds may be used as specified in Section 4 of this administrative regulation.

(6) Buckhorn Lake Wildlife Management Area. Permanent blinds may be used as specified in Section 4 of this administrative regulation.

(7) Cane Creek Wildlife Management Area is closed to waterfowl hunting.

(8) Cumberland Lake Wildlife Management Area. The following sections are closed to the public from October 15 through March 15:

(a) Wesley Bend, the area bounded by Fishing Creek, Beech Grove Road and Fishing Creek Road.

(b) Yellowhole, the area bounded by Fishing Creek Road and Hickory Nut Road.

(9) Cyprus-AMEX Wildlife Management Area is closed to waterfowl hunting.

(10) Grayson Lake Wildlife Management Area. Persons shall not hunt waterfowl:

(a) Within the no wake zone at the dam site marina;

(b) From the shores of Camp Webb;

(c) From the shores of the state park; or

(d) On Deer Creek Fork of Grayson Lake.

(11) Green River Lake Wildlife Management Area.

(a) Permanent blinds may be used as specified in Section 4 of this administrative regulation

(b) Shooting hours: one-half (1/2) hour before sunrise until 2 p.m.

(12) Higginson-Henry Wildlife Management Area. Portions marked by signs are closed to the public.

(13) Kaler Bottoms Wildlife Management Area. Shooting hours: one-half (1/2) hour before sunrise until 2 p.m.

(14) Land Between the Lakes.

(a) The following portions are closed to the public from November 1 through March 15:

1. Long Creek Pond.

2. The eastern one-third (1/3) of Smith Bay.

3. The eastern two-thirds (2/3) of Duncan Bay.

(b) The following portions are closed to waterfowl hunting:

1. The Environmental Education Center.

2. Energy Lake.

(c) Persons shall possess an annual Land Between the Lakes Hunting Permit when hunting waterfowl:

1. Inland from the water's edge of Kentucky Lake or Barkley Lake; or

2. From boats over flooded portions of Land Between the Lakes when lake levels are above elevation 359.

(d) Persons shall not hunt waterfowl on inland areas during quota deer hunts.

(e) Persons shall not establish or use permanent blinds:

1. On inland areas; or

2. Along the Kentucky Lake shoreline of Land Between the Lakes.

(f) Waterfowl hunters shall remove decoys and personal effects daily.

(15) Mill Creek Wildlife Management Area is closed to waterfowl hunting.

(16) Nolin River Lake Wildlife Management Area. Permanent blinds may be used as specified in Section 4 of this administrative regulation.

(17) Obion Creek Wildlife Management Area. Shooting hours are one-half (1/2) hour before sunrise until 2 p.m.

(18) Ohio River Waterfowl Refuge.

(a) Persons shall not hunt from October 15 through March 15 on the Kentucky portion of the Ohio River from Smithland Lock and Dam upstream to a powerline crossing at approximately river mile 911.5.

(b) Stewart Island is closed to the public from October 15 through March 15, except for quota deer hunting.

(19) Peabody Wildlife Management Area.

(a) Shooting hours: one-half (1/2) hour before sunrise until 2 p.m.

(b) The following portions, as posted by signs, are closed to the public from October 15 through March 15:

1. Gibralter Mine, as bounded by Rockport Road, the Western Kentucky Parkway, Pond Creek and the P&M Haul Road.

2. Sinclair Mine, as bounded by railroad tracks, the haul road and posted signs.

3. Homestead, as bounded by the haul road and the Green River.

(20) Peal Wildlife Management Area. Shooting hours: one-half (1/2) hour before sunrise until 2 p.m.

(21) Pioneer Weapons Wildlife Management Area.

(a) Waterfowl hunters may use breech-loading shotguns along the shoreline of Cave Run Lake.

(b) Waterfowl hunters shall use muzzle-loading shotguns elsewhere on the area.

(22) Redbird Wildlife Management Area is closed to waterfowl hunting.

(23) The main block of Robinson Forest Wildlife Management Area is closed to waterfowl hunting.

(24) Sloughs Wildlife Management Area.

(a) Shooting hours, one-half (1/2) hour before sunrise until 2 p.m.

(b) On the Grassy-Pond Powells Lake Unit, waterfowl hunters:

1. Shall use permanent blinds provided by the department.

2. Shall remove decoys and personal effects from blinds or the vicinity of blinds daily.

(c) On the Jenny Hole-Highlands Creek Unit, waterfowl hunters:

1. Shall not establish or hunt from blinds closer than 200 yards from another hunting party.

2. Shall remove decoys and personal effects from blinds or the vicinity of blinds daily.

(d) If the Ohio River reaches a level that requires boat access, waterfowl hunters:

1. May hunt from boats without regard to department blinds.

2. Shall not hunt closer than 200 yards from another boat.

(e) Waterfowl hunters on the Crenshaw and Duncan Tracts of the Sauerheber Unit:

1. Shall hunt from blinds assigned by the department through a drawing as stipulated in Section 6 of this administrative regulation.

2. May occupy blinds not claimed by the permittee by the opening of shooting hours.

3. Shall not have more than fifteen (15) shotgun shells in their possession.

4. Shall be accompanied by an adult if under eighteen (18) years

of age.

(f) The Crenshaw and Duncan tracts are closed to hunting except waterfowl from October 15 through March 15.

(g) The remainder of the Sauerheber Unit is closed to the public from October 15 through March 15.

(25) Swan Lake Wildlife Management Area.

(a) Portions marked by signs are closed to the public from October 15 through March 15, except for waterfowl hunting as stipulated below.

(b) Goose season: December 14 through January 28.

(c) Duck, coot and merganser season: December 14 through January 14.

(d) Persons shall not hunt on Mondays, Tuesdays, or Wednesdays.

(e) Waterfowl hunters:

1. Shall hunt from blinds assigned by the department through a drawing as stipulated in Section 6 of this administrative regulation.

2. May occupy blinds not claimed by the permittee by the opening of shooting hours.

3. Shall not have more than fifteen (15) shotgun shells in their possession.

4. Shall be accompanied by an adult if under eighteen (18) years of age.

(26) Taylorsville Lake Wildlife Management Area.

(a) Permanent blinds may be used as specified in Section 4 of this administrative regulation.

(b) The portion east of Van Buren Boat Ramp as marked by signs is closed to the public from the Monday following the scheduled quota deer hunt through March 15.

(27) Westvaco Wildlife Management Area.

(a) Shooting hours, one-half (1/2) hour before sunrise until 2 p.m.

(b) The portion south of the Westvaco Road as posted by signs is closed to the public from November 1 through March 15.

(c) Persons shall obtain a Westvaco Permit before hunting.

(28) White City Wildlife Management Area. Shooting hours are from one-half (1/2) hour before sunrise until 2 p.m.

(29) Yellowbank Wildlife Management Area. The area designated by signs and painted boundary markers is closed to the public from October 15 through March 15.

Section 6. Applying for Waterfowl Hunts. (1) Persons wishing to apply to hunt waterfowl on Ballard, Swan Lake or the Sauerheber unit of Sloughs Wildlife Management Areas shall:

(a) Apply on forms provided by the department.

(b) Submit completed application forms before the deadline date on the form.

(2) Forms which are not completed according to the instructions on the form shall be disqualified from the drawing.

(3) Persons shall not apply more than one (1) time for each hunt.

(4) Each hunter drawn may bring up to three (3) additional hunters.

(5) The following are incorporated by reference. They may be obtained from or examined at the Department of Fish and Wildlife Resources, #1 Game Farm Road, Frankfort, Kentucky 40601, during regular business hours.

(a) Sloughs Wildlife Management Area Waterfowl Hunting Application.

(b) Ballard Wildlife Management Area Goose Hunt Application.

(c) Swan Lake Wildlife Management Area Waterfowl Hunting Application.

C. THOMAS BENNETT, Commissioner
GREG GINTER, Secretary
MIKE BOATWRIGHT, Chairman
APPROVED BY AGENCY: August 25, 1995
FILED WITH LRC: November 3, 1995 at 9 a.m.

REGULATORY IMPACT ANALYSIS

Contact Person: Roy Grimes

(1) Type and number of entities affected: Approximately 14,000 persons hunt waterfowl annually in Kentucky.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No public comments received. This administrative regulation should have no impact on costs of living or employment.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No impacts are anticipated.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: Waterfowl hunters must purchase licenses as well as state and federal waterfowl stamps. This is a continuing requirement that will impose no additional requirements.

2. Second and subsequent years: Same as first year.

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: No new direct or indirect costs or savings will be incurred.

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

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No additional reporting or paperwork requirements.

(4) Assessment of anticipated effect on state and local revenues: No increase or decrease on state or local revenues is anticipated.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: Revenue from the sale of hunting and fishing licenses and from the Federal Aid to Wildlife Restoration will be used to implement this administrative regulation.

(6) To the extend available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: No public comments received. Waterfowl hunting creates substantial economic activity in certain sections of the state. This administrative regulation will allow waterfowl hunting to continue by establishing hunting seasons within federal frameworks.

(b) Kentucky: The statewide impact of waterfowl hunting is minimal, but this administrative regulation does allow for the continuance of this activity.

(7) Assessment of alternative methods; reasons why alternatives were rejected: The alternative of not having a waterfowl season was rejected because waterfowl represent a renewable natural resource which affords recreational opportunities and generates economic activity throughout the commonwealth.

(8) Assessment of expected benefits: Continuation of waterfowl hunting and short- and long-term conservation of waterfowl resources are the primary benefits.

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: Regulated harvest of waterfowl ensures the continuation of this important component of the Commonwealth's biological diversity.

(b) State whether a detrimental effect on environmental and public health would result if not implemented: Yes

(c) If detrimental effect would result, explain detrimental effect: Inability to regulate waterfowl resource.

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

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed

administrative regulation with conflicting provisions: Not applicable.

(10) Any additional information or comments: The provisions of this regulation were contained in 301 KAR 2:220, which is being repealed and replaced with regulations which better meet the formatting and wording requirements of KRS Chapter 13A.

(11) TIERING: Is tiering applied? Tiering was used to apply different season dates and other specialized hunting requirements to various wildlife areas across the state. This was done to maximize hunter opportunity while conserving waterfowl resources.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 50 CFR Part 20, Federal Register, Vol. 60, No 189, Friday, September 29, 1995.

2. State compliance standards. State seasons and bag limits are within the federal frameworks.

3. Minimum or uniform standards contained in the federal mandate. Ducks, coots and mergansers: Not more than a 50 day season with a five bird bag limit between the Saturday closest to October 1, 1995 and January 21, 1996. The state may be split into two zones with no more than two segments in each zone. The daily bag limit is 5 ducks and may not include more than 4 mallards (no more than 1 hen mallard), 1 black duck, 1 pintail, 2 wood ducks, 1 canvasback and 1 redhead. The possession limit shall be twice the daily bag. The coot daily bag shall be 15 with the possession limit being 30. The merganser limit shall be 5 daily (only 1 may be a hooded merganser) and the possession limit being twice the daily bag. Both the coot and merganser bag shall be in addition to the duck limit.

Geese: The season for light geese (snow geese) may extend for 107 days and the season for white-fronted geese may extend for 70 days. Season framework for light geese is between the Saturday nearest October 1, 1995 and March 1, 1996, and season framework for white-fronted geese is between the Saturday nearest October 1, 1995 through January 31, 1996.

The Canada goose season in the Western Goose Zone season may extend for 65 days (80 days in Fulton County) between October 1, 1995 and January 31, 1996 (except February 15, 1996 in Fulton County), or until the harvest of 34,500 birds is taken, whichever occurs first.

Pennyroyal/Coalfield Zone Canada goose season may extend for 35 days with a daily bag limit of 2 Canada geese.

The Canada goose season in the remainder of the state may extend for 50 days with a daily bag limit of 2 Canada geese.

The daily bag limit shall be 10 geese, to include no more than 2 Canada geese, 2 white-fronted geese and 2 brant. Possession limit is twice the daily bag limit.

Shooting hours shall be one-half hour before sunrise until sunset daily for all species.

Falconry season for migratory birds mentioned above shall fall between September 1, 1995 and March 10, 1996 and shall not exceed 107 days. Daily bag and possession limits shall not exceed 3 birds daily or 6 in possession, singly or in the aggregate of species. Hunting hours shall be the same as for firearms hunting.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? Yes

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Seasons for light geese are shorter due to the paucity of birds wintering in Kentucky during the early parts of the framework dates. Exerting hunting pressure on so few birds could jeopardize long-term bird use in Kentucky. The Ballard Wildlife Management Area season is for 35 days or 30 days shorter than the Western Goose Zone so that controlled hunts will not jeopardize goose and duck use. Scheduled resting periods during the framework is a good means of enhancing historic use patterns. Other wildlife management area season dates were adjusted to optimizing public use within sound waterfowl conservation practices.

STATEMENT OF EMERGENCY
301 KAR 2:223E

Waterfowl hunting season frameworks are established annually by the U. S. Fish and Wildlife Service. Under federal law, states which wish to establish waterfowl hunting seasons must do so within these federal frameworks. Development of the federal regulations involves consideration of harvest and population data, coordination with state wildlife agencies, and public involvement. Consequently, federal migratory bird hunting regulations are promulgated less than six weeks before the opening dates of the hunting season. An ordinary administrative regulation cannot be adopted in the short time between final promulgation of federal regulations and the scheduled opening of state waterfowl hunting seasons, necessitating the promulgation of an emergency administrative regulation. This emergency administrative regulation will be replaced by an ordinary administrative regulation.

BRERETON C. JONES, Governor
C. THOMAS BENNETT, Commissioner

TOURISM CABINET
Department of Fish and Wildlife Resources

301 KAR 2:223E. Waterfowl reporting requirements.

RELATES TO: KRS 150.010, 150.015, 150.170, 150.175, 150.235, 150.240, 150.305, 150.330, 150.340, 150.360, 150.600, 15.603, 150.630, 150.990, 59 CFR 20

STATUTORY AUTHORITY: KRS 150.015, 150.021, 150.170, 150.175, 150.300 150.330, 150.600, 150.603, 59 CFR 20

EFFECTIVE: November 3, 1995

NECESSITY AND FUNCTION: Monitoring hunter harvest is necessary because of federally mandated quotas or limited populations in goose restoration areas. This administrative regulation is necessary to assure that complete harvest data are collected in a timely manner. This amendment is necessary to allow hunting area operators to submit weekly report cards instead of harvest registers. ~~[The substance of this administrative regulation was contained in 301 KAR 2:220, which is being repealed and replaced with administrative regulations which better meet the formatting and wording requirements of KRS Chapter 13A. This administrative regulation imposes no new requirements or restrictions over those contained in 301 KAR 2:220.]~~

Section 1. Definitions. (1) "Commercial waterfowl hunting area" means private lands or waters where a fee is charged for hunting waterfowl.

(2) "Noncommercial waterfowl hunting area" means private land or water where a fee is not charged for hunting waterfowl.

(3) "Operator" means:

(a) The owner, manager or other person in charge of a commercial waterfowl hunting area;

(b) The owner or tenant of a noncommercial waterfowl hunting area; or

(c) A person to whom the owner or tenant has assigned, in writing on forms provided by the department, exclusive control of waterfowl hunting rights on a noncommercial waterfowl hunting area.

Section 2. In the Ballard Reporting Area or the Henderson-Union Reporting Area, as described in 301 KAR 2:224:

(1) Operators of commercial waterfowl hunting areas shall obtain

a commercial waterfowl shooting area permit for each area they operate.

(a) A tract of land divided by a public road may operate under one (1) permit.

(b) Tracts of land separated by property belonging to another person shall require separate permits for each tract.

(2) Operators of commercial waterfowl hunting areas shall:

(a) Display the permit openly on the area; and

(b) Maintain complete and accurate records of waterfowl harvested on daily waterfowl harvest register forms provided by the department.

(3) Operators of noncommercial waterfowl hunting areas:

(a) Shall obtain a noncommercial migratory goose hunting permit from the department.

(b) Shall display the permit openly on the area.

(c) Shall make daily waterfowl harvest register forms available to goose hunters.

(d) Shall require goose hunters to:

1. Enter their names, addresses, hunting license numbers and the date on the register before hunting; and

2. Enter the number of geese taken by species before leaving the area.

(4) Operators of commercial or noncommercial waterfowl hunting areas:

(a) Shall close each week's waterfowl harvest register after shooting hours on Wednesday.

(b) Shall mail or hand-deliver the harvest report card [~~original form~~] to the address indicated so that it arrives no later than the following Monday.

(c) Shall mail or hand deliver the original forms to the address indicated so that they arrive within five (5) days after the close of goose season.

(d) Shall retain forms for two (2) months after the close of goose season.

(e) [~~(d)~~] Shall allow agents of the department or the U. S. Fish and Wildlife Service to inspect permits and harvest records.

(5) Persons hunting geese on commercial or noncommercial waterfowl hunting areas:

(a) Shall enter their names, addresses, hunting license numbers and the date on the register form before hunting, and

(b) Shall record the number of geese taken by species on the register form before leaving the area.

(6) Persons hunting geese on public areas, including the Ohio or Mississippi Rivers or their overflow areas, within the Ballard or Henderson-Union Reporting Areas:

(a) Shall obtain a daily waterfowl harvest register from the department.

(b) Before hunting, shall enter on the register:

1. Their names, addresses, hunting license numbers and the date.

2. If an individual is carrying the form for a hunting party, the name, address and hunting license number of each member of the party, and the date.

(c) Shall record on the register the number of geese by species taken each day.

(d) Shall mail or hand deliver the completed register to the address indicated on the form so that it arrives no later than Monday of each week.

Section 3. Persons hunting geese in the West-Central or Northeast [~~Cave Run~~] Special Hunt Zones [~~Regions~~], as defined in 301 KAR 2:224:

(1) Shall carry a permit to hunt Canada Geese on special areas form.

(2) Shall complete and return the harvest survey portion of the permit within ten (10) days after the season closes. [~~by January 6.~~]

(3) Shall not be eligible for permits the following year if they do not return harvest surveys within ten (10) days after the season closes. [~~by January 6.~~]

Section 4. Items Incorporated by Reference. The following forms are incorporated by reference. They are available for examination or copying from the Department of Fish and Wildlife Resources, #1 Game Farm Road, Frankfort, Kentucky 40601 from 8 a.m. until 4:30 p.m. eastern time during business days.

(1) Kentucky permit to hunt canada geese on special areas.

(2) Noncommercial migratory goose hunting permit.

(3) Daily waterfowl harvest register.

(4) Application for commercial waterfowl shooting area permit.

(5) Assignment of waterfowl hunting rights.

(6) Harvest report card.

C. THOMAS BENNETT, Commissioner
GREG GINTER, Secretary
MIKE BOATWRIGHT, Chairman
APPROVED BY AGENCY: August 25, 1995
FILED WITH LRC: November 3, 1995 at 9 a.m.

REGULATORY IMPACT ANALYSIS

Contact Person: Roy Grimes

(1) Type and number of entities affected: Approximately 500 individuals or businesses will be required to report their goose harvest.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No public comments received. Reporting of goose harvest to determine if quotas are reached is a federal requirement. Waterfowl hunting generates substantial economic activity in the areas of Western Kentucky covered by this administrative regulation, which would be lost if we do not meet this federal requirement.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No public comments received. Costs of obtaining permits and mailing forms, as required by this regulation, are minimal.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: Waterfowl hunters, as well as operators of commercial and noncommercial waterfowl hunting areas, are required to obtain permits and report goose harvest. This is an existing requirement, so this administrative regulation will neither increase or decrease costs.

2. Second and subsequent years: Same as first year.

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: This is an existing activity; neither costs nor savings will be impacted by this administrative regulation.

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

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: The department must print and distribute permits and harvest forms and tabulate waterfowl harvest from returned forms.

(4) Assessment of anticipated effect on state and local revenues: No increase or decrease is anticipated.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: Fish and Game Fund revenues.

(6) To the extend available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: No public comments received. This is a continuing regulation which will have no additional positive or negative economic impact.

(b) Kentucky: None

(7) Assessment of alternative methods; reasons why alternatives were rejected: This is a federally mandated requirement. The alternative is not permit Canada goose hunting in two of the areas of the state with high goose populations. This is an unacceptable alternative because geese are a renewable natural resource which provide considerable recreational opportunity and economic benefit in these areas.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: None

(b) State whether a detrimental effect on environmental and public health would result if not implemented: No

(c) If detrimental effect would result, explain detrimental effect:

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

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(10) Any additional information or comments: The substance of this administrative regulation was contained in 301 KAR 2:220, which is being repealed and replaced with regulations which meet the formatting and language requirements of KRS Chapter 13A. This administrative regulation contains no substantive changes from 301 KAR 2:220.

(11) TIERING: Is tiering applied? Tiering was used to the extent that differing requirements are placed on operators of commercial waterfowl hunting areas, operators of noncommercial waterfowl hunting areas, and individual hunters.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 50 CFR Part 20, Federal Register, Vol. 60, No 189, Friday, September 29, 1995.

2. State compliance standards. State seasons and bag limits are within the federal frameworks.

3. Minimum or uniform standards contained in the federal mandate. Ducks, coots and mergansers: Not more than a 50 day season with a five bird bag limit between the Saturday closest to October 1, 1995 and January 21, 1996. The state may be split into two zones with no more than two segments in each zone. The daily bag limit is 5 ducks and may not include more than 4 mallards (no more than 1 hen mallard), 1 black duck, 1 pintail, 2 wood ducks, 1 canvasback and 1 redhead. The possession limit shall be twice the daily bag. The coot daily bag shall be 15 with the possession limit being 30. The merganser limit shall be 5 daily (only 1 may be a hooded merganser) and the possession limit being twice the daily bag. Both the coot and merganser bag shall be in addition to the duck limit.

Geese: The season for light geese (snow geese) may extend for 107 days and the season for white-fronted geese may extend for 70 days. Season framework for light geese is between the Saturday nearest October 1, 1995 and March 1, 1996, and season framework for white-fronted geese is between the Saturday nearest October 1, 1995 through January 31, 1996.

The Canada goose season in the Western Goose Zone season may extend for 65 days (80 days in Fulton County) between October 1, 1995 and January 31, 1996 (except February 15, 1996 in Fulton County), or until the harvest of 34,500 birds is taken, whichever occurs first.

Pennyroyal/Coalfield Zone Canada goose season may extend for 35 days with a daily bag limit of 2 Canada geese.

The Canada goose season in the remainder of the state may extend for 50 days with a daily bag limit of 2 Canada geese.

The daily bag limit shall be 10 geese, to include no more than 2 Canada geese, 2 white-fronted geese and 2 brant. Possession limit is twice the daily bag limit.

Shooting hours shall be one-half hour before sunrise until sunset daily for all species.

Falconry season for migratory birds mentioned above shall fall between September 1, 1995 and March 10, 1996 and shall not exceed 107 days. Daily bag and possession limits shall not exceed 3 birds daily or 6 in possession, singly or in the aggregate of species. Hunting hours shall be the same as for firearms hunting.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? Yes

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Seasons for light geese are shorter due to the paucity of birds wintering in Kentucky during the early parts of the framework dates. Exerting hunting pressure on so few birds could jeopardize long-term bird use in Kentucky. The Ballard Wildlife Management Area season is for 35 days or 30 days shorter than the Western Goose Zone so that controlled hunts will not jeopardize goose and duck use. Scheduled resting periods during the framework is a good means of enhancing historic use patterns. Other wildlife management area season dates were adjusted to optimizing public use within sound waterfowl conservation practices.

STATEMENT OF EMERGENCY
301 KAR 2:224E

Waterfowl hunting season frameworks are established annually by the U. S. Fish and Wildlife Service. Under federal law, states which wish to establish waterfowl hunting seasons must do so within these federal frameworks. Development of the federal regulations involves consideration of harvest and population data, coordination with state wildlife agencies, and public involvement. Consequently, federal migratory bird hunting regulations are promulgated less than six weeks before the opening dates of the hunting season. An ordinary administrative regulation cannot be adopted in the short time between final promulgation of federal regulations and the scheduled opening of state waterfowl hunting seasons, necessitating the promulgation of an emergency administrative regulation. This emergency administrative regulation will be replaced by an ordinary administrative regulation.

BRERETON C. JONES, Governor
C. THOMAS BENNETT, Commissioner

TOURISM CABINET
Department of Fish and Wildlife Resources

301 KAR 2:224E. Waterfowl hunting zones.

RELATES TO: KRS 150.010, 150.015, 150.170, 150.175, 150.235, 150.240, 150.305, 150.330, 150.340, 150.360, 150.600, 15.603, 150.630, 150.990, 59 CFR 20

STATUTORY AUTHORITY: KRS 150.015, 150.021, 150.170, 150.175, 150.330, 150.600, 150.603, 59 CFR 20

EFFECTIVE: November 3, 1995

NECESSITY AND FUNCTION: Unevenly distributed waterfowl resources and federal requirements necessitate different season dates and harvest administrative regulations in different sections of the Commonwealth. This administrative regulation establishes waterfowl hunting zones. This amendment is necessary to change the names of the Cave Run Lake Special Hunt Region and the West

Central Special Hunt Region. [~~The substance of this administrative regulation is contained in 301 KAR 2:220, which is being repealed and replaced by administrative regulations which better meet the formatting and language requirements of KRS Chapter 13A. This administrative regulation makes no changes in existing waterfowl hunting zones.~~]

Section 1. Goose Hunting Zones. (1) The Western Goose Zone includes Henderson County and the portion of Kentucky west of:

(a) US 60 from the Henderson-Union County line to US 641;

(b) US 641 to Interstate 24;

(c) Interstate 24 to the Purchase Parkway; and

(d) The Purchase Parkway.

(2) The Ballard Reporting Area includes the portion of Ballard County north or west of:

(a) The Ballard-McCracken County line to State Road 358;

(b) State Road 358 to US 60;

(c) US 60 to the city limits of Wickliffe;

(d) The city limits of Wickliffe to the center of the Mississippi River.

(3) Counties associated with the Ballard Reporting Area include:

(a) The portion of Ballard County not included in the Ballard Reporting Area;

(b) Carlisle and McCracken Counties; and

(c) The portions of Fulton, Graves, Hickman and Marshall Counties in the Western Goose Zone.

(4) The Henderson-Union Reporting Area includes Henderson County and the portion of Union County in the Western Goose Zone.

(5) Counties associated with the Henderson-Union Reporting Area include those portions of Crittenden, Livingston and Lyon Counties in the Western Goose Zone.

(6) The Pennyroyal-Coalfield Goose Zone includes the area between the Western Goose Zone and:

(a) Interstate 65 from the Tennessee line to the Green River Parkway;

(b) The Green River Parkway to the US 60 By-pass at Owensboro;

(c) The U.S. 60 By-pass to U.S. 231; and

(d) U.S. 231 to the Indiana border.

(7) The Eastern Goose Zone includes the portions of Kentucky not included in the Western or Pennyroyal-Coalfield Goose Zones.

(8) The West-Central Special Hunt Zone [~~Region~~] includes:

(a) Muhlenburg County;

(b) Ohio County south of Rough River;

(c) Butler County west of Highway 79 and north of Highway 70;

(d) Hopkins County:

1. East of Highways 814 and 109;

2. South of US 41A between Highways 814 and Madisonville; and

3. South of Highway 85 east of Madisonville.

(9) The Northeast [~~Cave Run~~] Special Hunt Zone [~~Region~~] includes Bath, Menifee, Morgan and Rowan Counties, except Paintsville Lake and its shoreline in Morgan County.

Section 2. Duck, Coot, and Merganser Hunting Zones. (1) The Western Duck Zone is the portion of Kentucky included in the Western and Pennyroyal-Coalfield Goose Zones.

(2) The Eastern Duck Zone is the portion of Kentucky not included in the Western Duck Zone.

C. THOMAS BENNETT, Commissioner
GREG GINTER, Secretary
MIKE BOATWRIGHT, Chairman
APPROVED BY AGENCY: August 25, 1995
FILED WITH LRC: November 3, 1995 at 9 a.m.

REGULATORY IMPACT ANALYSIS

Contact Person: Roy Grimes

(1) Type and number of entities affected: Approximately 14,000 persons hunt waterfowl annually in Kentucky.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No public comments received. This administrative regulation should have no impact on costs of living or employment.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No impacts are anticipated.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: Waterfowl hunters must purchase licenses as well as state and federal waterfowl stamps. This is a continuing requirement that will impose no additional requirements.

2. Second and subsequent years: Same as first year.

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: No new direct or indirect costs or savings will be incurred.

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

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No additional reporting or paperwork requirements.

(4) Assessment of anticipated effect on state and local revenues: No increase or decrease on state or local revenues is anticipated.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: Revenue from the sale of hunting and fishing licenses and from the Federal Aid to Wildlife Restoration will be used to implement this administrative regulation.

(6) To the extend available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: No public comments received. Waterfowl hunting creates substantial economic activity in certain sections of the state. This administrative regulation will allow waterfowl hunting to continue by establishing hunting seasons within federal frameworks.

(b) Kentucky: The statewide impact of waterfowl hunting is minimal, but this administrative regulation does allow for the continuance of this activity.

(7) Assessment of alternative methods; reasons why alternatives were rejected: The alternative of not having a waterfowl season was rejected because waterfowl represent a renewable natural resource which affords recreational opportunities and generates economic activity throughout the commonwealth.

(8) Assessment of expected benefits: Continuation of waterfowl hunting and short- and long-term conservation of waterfowl resources are the primary benefits.

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: Regulated harvest of waterfowl ensures the continuation of this important component of the Commonwealth's biological diversity.

(b) State whether a detrimental effect on environmental and public health would result if not implemented: Yes

(c) If detrimental effect would result, explain detrimental effect: Inability to regulate waterfowl resource.

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

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed

administrative regulation with conflicting provisions: Not applicable.

(10) Any additional information or comments: The provisions of this regulation were contained in 301 KAR 2:220, which is being repealed and replaced with regulations which better meet the formatting and wording requirements of KRS Chapter 13A.

(11) TIERING: Is tiering applied? Tiering was used to apply different season dates and harvest limits to various regions of the state. This was done to maximize hunter opportunity while conserving waterfowl resources.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 50 CFR Part 20, Federal Register, Vol. 60, No 189, Friday, September 29, 1995.

2. State compliance standards. State seasons and bag limits are within the federal frameworks.

3. Minimum or uniform standards contained in the federal mandate. Ducks, coots and mergansers: Not more than a 50 day season with a five bird bag limit between the Saturday closest to October 1, 1995 and January 21, 1996. The state may be split into two zones with no more than two segments in each zone. The daily bag limit is 5 ducks and may not include more than 4 mallards (no more than 1 hen mallard), 1 black duck, 1 pintail, 2 wood ducks, 1 canvasback and 1 redhead. The possession limit shall be twice the daily bag. The coot daily bag shall be 15 with the possession limit being 30. The merganser limit shall be 5 daily (only 1 may be a hooded merganser) and the possession limit being twice the daily bag. Both the coot and merganser bag shall be in addition to the duck limit.

Geese: The season for light geese (snow geese) may extend for 107 days and the season for white-fronted geese may extend for 70 days. Season framework for light geese is between the Saturday nearest October 1, 1995 and March 1, 1996, and season framework for white-fronted geese is between the Saturday nearest October 1, 1995 through January 31, 1996.

The Canada goose season in the Western Goose Zone season may extend for 65 days (80 days in Fulton County) between October 1, 1995 and January 31, 1996 (except February 15, 1996 in Fulton County), or until the harvest of 34,500 birds is taken, whichever occurs first.

Pennyroyal/Coalfield Zone Canada goose season may extend for 35 days with a daily bag limit of 2 Canada geese.

The Canada goose season in the remainder of the state may extend for 50 days with a daily bag limit of 2 Canada geese.

The daily bag limit shall be 10 geese, to include no more than 2 Canada geese, 2 white-fronted geese and 2 brant. Possession limits twice the daily bag limit.

Shooting hours shall be one-half hour before sunrise until sunset daily for all species.

Falconry season for migratory birds mentioned above shall fall between September 1, 1995 and March 10, 1996 and shall not exceed 107 days. Daily bag and possession limits shall not exceed 3 birds daily or 6 in possession, singly or in the aggregate of species. Hunting hours shall be the same as for firearms hunting.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? Yes

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Seasons for light geese are shorter due to the paucity of birds wintering in Kentucky during the early parts of the framework dates. Exerting hunting pressure on so few birds could jeopardize long-term bird use in Kentucky. The Ballard Wildlife Management Area season is for 35 days or 30 days shorter than the Western Goose Zone so that controlled hunts will not jeopardize goose and duck use. Scheduled resting periods during the framework is a good means of enhancing historic use patterns. Other wildlife management area season dates were adjusted to optimizing public use within sound waterfowl conservation practices.

STATEMENT OF EMERGENCY
501 KAR 6:020E

In order to continue to operate the Department of Corrections in accordance with KRS Chapters 196 and 197, the department needs to implement this emergency administrative regulation. An ordinary administrative regulation will not suffice because the affected policies must be revised immediately due to this administrative regulation (CPP 25.11) being inconsistent with KRS 197.170. It permits notification to persons beyond law enforcement and victims. Pursuant to KRS 197.170, notification is to specific persons including victims as defined by KRS 421.500. The administrative regulation permits anyone to receive the information. In addition, the Department of Corrections is scheduled to immediately implement a computerized victim notification system. This administrative regulation should be corrected prior to the notification system's installation so that it is consistent with the statute. This emergency administrative regulation shall be replaced by the ordinary administrative regulation filed with LRC on December 15, 1995 in accordance with KRS Chapter 13A.

BRERETON C. JONES, Governor
JACK C. LEWIS, Commissioner

KENTUCKY DEPARTMENT OF CORRECTIONS

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

RELATES TO: KRS Chapters 196, 197, 439

STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640

EFFECTIVE: November 15, 1995

NECESSITY AND FUNCTION: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorizes the commissioner to adopt, amend or rescind administrative regulations necessary and suitable for the proper administration of the department or any division therein. These policies and procedures are incorporated by reference in order to comply with the accreditation standards of the American Correctional Association. These administrative regulations are in conformity with those provisions.

Section 1. Pursuant to the authority vested in the Department of Corrections the following policies and procedures are incorporated by reference on November 14 [~~September 14~~], 1995 and hereafter should be referred to as Department of Corrections Policies and Procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Department of Corrections, 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.

1.1	Legal Assistance for Corrections Staff
1.2	News Media
01-04-01	The operation of Contracted Adult Correctional Facilities
1.6	Extraordinary Occurrence Reports
1.9	Institutional Duty Officer
1.11	Population Counts and Reporting Procedures
1.12	Operation of Motor Vehicles by Department of Corrections Employees
2.1	Inmate Canteen
2.2	Warden's Fund
2.10	Surplus Property
3.12	Institutional Staff Housing
4.2	Staff Training and Development

4.3 Firearms and Chemical Agents Training
6.1 Open Records Law
7.2 Asbestos Abatement
8.1 Occupational Exposure to Bloodborne Pathogens
8.4 Emergency Preparedness
9.1 Use of Force
9.4 Transportation of Inmates to Funerals or Bedside Visits (Amended 11/14/95)
9.5 Execution
9.6 Contraband
9.7 Storage, Issue and Use of Weapons Including Chemical Agents
9.8 Search Policy
9.9 Transportation of Inmates
9.10 Security Inspections
9.11 Tool Control
9.18 Informants
9.19 Found Lost or Abandoned Property
10.2 Special Management Inmates
10.3 Safekeepers
10.4 Special Needs Inmates
11.2 Nutritional Adequacy of the Diet for Inmates
11.3 Special Diet Procedures
13.1 Pharmacy Policy and Formulary
13.2 Health Maintenance Services
13.3 Medical Alert System
13.4 Health Program Audits
13.5 Acquired Immune Deficiency Syndrome
13.6 Sex Offender Treatment Program
13.7 Involuntary Psychotropic Medication Policy [~~(Added 9/14/95)~~]
13.9 Dental Services
14.2 Personal Hygiene Items
14.3 Marriage of Inmates
14.4 Legal Services Program
14.6 Inmate Grievance Procedures
15.1 Hair and Grooming Standards
15.2 Offenses and Penalties
15.3 Meritorious Good Time
15-05-01 Restoration of Forfeited Good Time (Amended 11/14/95)
15.6 Adjustment Procedures and Programs
15.7 Inmate Account Restriction
16.1 Inmate Visits
16.2 Inmate Correspondence
16.3 Telephone Calls
16.4 Inmate Packages
17-01-01 Inmate Personal Property (Amended 11/14/95)
17.2 Assessment Center Operations
17.3 Controlled Intake of Inmates
18.1 Classification of the Inmate
18.5 Custody and Security Guidelines
18.6 Classification Document
18.7 Transfers
18.9 Out-of-state Transfers
18-10-01 Preparole Progress Reports
18.11 Kentucky Correctional Psychiatric Center Transfer Procedures
18.12 Referral Procedure for Inmates Adjudicated Guilty But Mentally Ill
18.13 Population Categories
18.15 Protective Custody
18.17 Interstate Agreement on Transfers
18.18 International Transfer of Inmates
19.1 Government Services Projects
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21.2 Phase I: Program Selection Assessment Criteria
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21.6 Group and Individual Counseling
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25.2 Public Official Notification of Release of an Inmate
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25.11 Victim Notification (Amended 11/14/95)
27-01-01 Probation and Parole Procedures (Amended 11/14/95)
27-02-01 Duties of Probation and Parole Officers (Amended 11/14/95)
27-03-01 Workload Formula Supervisor/Staff Ratio
27-05-01 Testimony, Court Demeanor and Availability of Legal Services (Amended 11/14/95)
27-06-01 Availability of Supervision Services
27-06-02 Equal Access to Services (Amended 11/14/95)
27-07-01 Cooperation with Law Enforcement Agencies (Amended 11/14/95)
27-08-01 Use of Force
27-09-01 Kentucky Community Resources Directory (Amended 11/14/95)
27-10-01 Advanced Supervision
27-11-01 Intensive Supervision
27-12-01 Supervision: Case Classification
27-12-02 Risk/Needs Assessment
27-12-03 Initial Interview
27-12-04 Conditions of Regular Supervision/Request for Modification (Amended 11/14/95)
27-12-05 Releasee's Report
27-12-06 Grievance Procedures for Offenders
27-12-07 Employment, Education/Vocational Referral
27-12-08 Supervision Plan
27-12-09 Casebook
27-12-10 Guidelines for Monitoring Supervision Fee
27-12-11 Guidelines for Monitoring Financial Obligations Ordered by the Releasing Authority
27-12-12 Other Financial Obligations (Not Ordered by Releasing Authority)
27-12-13 Community Service Work
27-12-14 Client Travel Restrictions
27-13-01 Drug and Alcohol Testing of Offenders
27-13-02 Alcohol Detection
27-14-01 Interstate Compact Transfers
27-14-02 Interstate Compact Out-of-state Probation and Parole Violation
27-15-01 Supervision Report; Violations, Unusual Incidents
27-16-01 Search; Seizure; Chain of Custody; Disposal of Evidence
27-17-01 Absconder Procedures
27-18-01 Probation and Parole Issuance of Detainer/Warrant
27-19-01 Preliminary Revocation Hearing
27-20-01 Division of Probation and Parole Controlled Intake Program

27-20-02 Prisoner Intake Notification
27-20-03 Prisoner Status Change
27-21-01 Apprehension and Transportation of Probation and Parole Violators
27-22-01 Fugitive Unit - Apprehensions
27-22-02 Fugitive Unit - Transportation of Fugitives
27-23-01 In-state Transfer
27-24-01 Closing Supervision Report
27-24-02 Reinstatement of Clients to Active Supervision
27-25-01 Application for Final Discharge from Parole
27-26-01 Assistance to Former Clients and Dischargees
27-27-01 Restoration of Civil Rights
27-28-01 Firearms/Explosives: Application for Relief from Disability
27-29-01 Parole Review Dates Modification
28-01-01 Probation and Parole Investigation Reports (Introduction, Definitions, Confidentiality, Timing, and General Comments)
28-01-02 Probation and Parole Investigation Reports (Administrative Responsibilities)
28-01-03 Probation and Parole Investigation Reports (Presentence/Postsentence Investigation Interview Procedure)
28-01-04 Probation and Parole Investigation Reports (Presentence/Postsentence Verification, Composition, Case Material and Submission Schedules)
28-01-05 Probation and Parole Investigation Reports (Computation of Jail Custody Credit)
28-01-06 Probation and Parole Investigation Reports (Misdemeanant Presentence Investigation Reports for the Circuit and District Courts)
28-01-07 Probation and Parole Investigation Reports (Supplemental Postsentence Investigation Report, Case Material, and Submission Schedule)
28-01-08 Probation Parole Investigation Reports (Partial Investigation Reports and Submission Schedule)
28-01-09 Release of Information of Factual Content on Presentence/Postsentence Investigation Reports
28-02-01 Expedient Release Program
28-03-01 Parole Plans/Halfway Houses/Extended Furlough/Sponsorship/Gradual Release
28-04-01 Furlough Verifications
28-05-01 Out-of-state Investigations.

JACK C. LEWIS, Commissioner
APPROVED BY AGENCY: November 14, 1995
FILED WITH LRC: November 14, 1995 at 9 a.m.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Jack Damron

(1) Type and number of entities affected: 2,948 employees of the Department of Corrections, 8,729 inmates, 14,211 parolees and probationers, and visitors to all state correctional institutions.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented: None

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented: None

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: None
2. Second and subsequent years: None

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: Policy revisions.

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

(5) Source of revenue to be used for implementation and enforcement of administrative regulation is the funds budgeted for this 1994-1996 biennium.

(6) Economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: None

(b) Kentucky: None

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

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: None

(b) State whether a detrimental effect on environment and public health would result if not implemented: None

(c) If detrimental effect would result, explain detrimental effect: N/A

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

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

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

(10) Any additional information or comments: None

(11) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it. Disparate treatment of any person or entity subject to this administrative regulation could raise questions of arbitrary action on the part of the agency. The "equal protection" and "due process" clauses of the 14th Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution.

STATEMENT OF EMERGENCY
904 KAR 2:016E

This emergency administrative regulation changes AFDC policy as it relates to dependent care expenses that are incurred as a result of employment. An emergency amendment is being requested to implement this change as soon as possible based on the justification shown below. Currently, AFDC recipients who become employed must pay their own dependent care expenses up front. Existing AFDC policy states that AFDC recipients are allowed a dependent care disregard for dependent care expenses that are incurred, in calculating the amount of the AFDC payment, with the understanding that the amount disregarded is to be used to help in paying the dependent care expense. Several problems have been encountered in applying this policy. One problem is that in many cases the amount of the allowable dependent care disregard is not enough to cover the actual expense charged by the child care provider. Another problem is that in some instances providers experience problems in being paid and are then forced to refuse providing care for children of AFDC recipients. As a result, we are proposing to change the existing policy by allowing a direct dependent care payment when certain criteria are met. There will still be instances in which the dependent care disregard must be applied. Allowing direct dependent care payments to employed AFDC recipients is beneficial to the welfare of both AFDC parents and children for various reasons. One benefit is that quality child care providers will be willing to accept and continue caring for children of AFDC recipients. Another benefit is the assurance of ongoing child care which will make AFDC recipients more reliable and responsible employees. This assurance of dependent care will also prevent lost hours due to lack of adequate child

care which affect both the employer and the employee. Further, assured child care will reduce the risk of an AFDC recipient losing employment which could result in additional benefit costs to the state and deter recipients from self-sufficiency. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The notice of intent for the ordinary administrative regulation was filed with the Regulations Compiler for the October 15, 1995 filing.

BRERETON C. JONES, Governor
MASTEN CHILDERS II, Secretary

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

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

RELATES TO: KRS 205.200(2), 205.210(1), 205.211, 42 CFR 435.831, 45 CFR 233, 233.20(a)(13), 42 USC 602(a)(8)(A)(viii), 602(a)(13), 602(a)(39), PL 103-66 §13736, 13742, "Treatment of Retroactive SSI and Child Support Collected During the SSI Retroactive Period", Transmittal No. ACF-AT-93-20 (November 2, 1993), U.S. Department of Health and Human Services, Administration for Children and Families, Office of Family Assistance, Transmittal No. ACF-AT-94-17 (August 3, 1994), U.S. Department of Health and Human Services, Administration for Children and Families, Office of Family Assistance

STATUTORY AUTHORITY: KRS 194.050, 205.200(2)

EFFECTIVE: October 19, 1995

NECESSITY AND FUNCTION: The Cabinet for Human Resources is required to administer the public assistance programs. KRS 205.200(2) and 205.210(1) require that the secretary establish the standards of need and amount of assistance for the Aid to Families with Dependent Children (AFDC) Program. This administrative regulation sets forth the standards by which the need for and the amount of an Aid to Families with Dependent Children [~~AFDC~~] assistance payment is established.

Section 1. Definitions. (1) "Aid to Families with Dependent Children (AFDC)" means a money payment program for children who are deprived of parental support or care due to death, continued absence, physical or mental incapacity or unemployment of a parent.

(2) "Benefit group" means a group composed of one (1) or more children and may include as specified relative any person specified in 904 KAR 2:006, Section 3.

(a) The benefit group shall include:

1. The dependent child;
2. The child's eligible parent; and
3. All eligible siblings living in the home with the needy child.

(b) If the benefits to the household would be greater by excluding an otherwise eligible child related by subsidized adoption to the other members, this child shall not be included in the benefit group.

(c) If the dependent child's parent is a minor living in the home with his eligible parent, the minor's parent shall also be included in the benefit group if the minor's parent applied for assistance.

(d) The incapacitated or unemployed natural or adoptive parent of the child who is living in the home shall be included as second parent if the technical eligibility factors are met.

(3) [~~(2)~~] "Beyond the control" means:

(a) Loss or theft of the money;

(b) The individual to whom the lump sum was designated no longer lives in the household, making the lump sum income inaccessible; or

(c) Expenditure of the lump sum income to meet extraordinary expenses, that are not included in the AFDC Standard of Need.

(4) [~~(3)~~] "Burial space" means a space and certain related services used for the remains of a deceased person. This includes:

(a) A grave site;
(b) Costs to open and close the grave;
(c) A crypt;
(d) A mausoleum space;
(e) A casket;
(f) A vault;
(g) An urn; and
(h) A headstone.

(5) [~~(4)~~] "Change in circumstances" means a change in income and or dependent care expenses which affects the ongoing AFDC payment. This shall include:

(a) Beginning or ending employment;
(b) Change in employers or obtaining additional employment;
(c) Increase or decrease in the number of work hours;
(d) Increase or decrease in the rate of pay;
(e) Increase or decrease in the dependent care expense due to a change in provider, number of hours of care, number of individuals for whom care is given, or amount charged; or
(f) Change in farm cropping arrangements or type of self-employment activities.

(6) [~~(5)~~] "Claimant" means the individual responsible for an overpayment.

(7) [~~(6)~~] "Countable income" means income which remains after excluded income and appropriate deductions are removed from gross income.

(8) [~~(7)~~] "Deduction" means an amount subtracted from gross income to determine countable income.

(9) [~~(8)~~] "Excluded income" means income that is received but not counted in the gross income test.

(10) [~~(9)~~] "Full-time employment" means employment of thirty (30) hours per week or 130 hours per month or more.

(11) [~~(10)~~] "Full-time school attendance" means a workload of at least:

(a) The number of hours required by the individual program for participation in and adult basic education [~~(ABE)~~] program, a General Educational Development [~~(GED)~~] program or a literacy program; or

(b) Twelve (12) semester hours or more in a college or university; or six (6) semester hours or more during the summer term; or the equivalent in a college or university if other than a semester system is used; or

(c) The number of hours required by the individual high school/vocational school to fulfill their definition of full time.

(12) [~~(11)~~] "Gross income limitation standard" means 185 percent of the sum of the assistance standard, as set forth in Section 7 of this administrative regulation.

(13) "Job Opportunities and Basic Skills (JOBS)" means a program which assists recipients of AFDC in obtaining the necessary education and training that will lead to gainful employment and self-support.

(14) "Job Training Partnership Act Program (JTPA)" means a program that prepares youth and unskilled adults for entry into the labor force. Only those individuals who are certified as eligible for the program can benefit from JTPA funds.

(15) [~~(12)~~] "Lump sum income" means income that does not occur on a regular basis, and does not represent accumulated monthly income received in a single sum.

(16) [~~(13)~~] "Minor" means any person who is under the age of eighteen (18) or under the age of nineteen (19) in accordance with 45 CFR 233.90(b)(3). EXCEPTION: For the purpose of deeming income, a minor parent is considered any person under the age of eighteen (18).

(17) [~~(14)~~] "Part-time employment" means employment of less than thirty (30) hours per week or 130 hours per month or not employed throughout the entire month.

(18) [~~(15)~~] "Part-time school attendance" means a workload of anything less than "full-time school attendance."

(19) [~~(16)~~] "Prospective budgeting" means computing the amount of assistance based on income and circumstances which will exist in the month(s) for which payment is made.

(20) [~~(17)~~] "Recoupment" means recovery of overpayments of assistance payments.

(21) [~~(18)~~] "Sanctioned individual" means any person who is required to be included in the benefit group but who is excluded from the benefit group due to failure to fulfill an eligibility requirement.

(22) [~~(19)~~] "Self-employment income" means income from a business enterprise from which no taxes are withheld prior to receipt of the income by the individual.

(23) "Supplemental Security Income (SSI)" means monthly cash payments made under the authority of:

(a) 42 USC 1381 to 1385 to the aged, blind and disabled;

(b) 42 USC 1382e; or

(c) 42 USC 1382.

(24) [~~(20)~~] "Unavailable" means that the income is not accessible to the AFDC benefit group for use toward basic food, clothing, shelter, and utilities.

(25) [~~(21)~~] "Work expense standard deduction" means a deduction from earned income intended to cover mandatory pay check deductions, union dues, tools and transportation.

Section 2. Resource Limitations. (1) Real and personal property shall be considered if:

(a) Available to the benefit group; and

(b) Owned in whole or in part by:

1. An applicant or recipient;

2. A sanctioned individual; or

3. The parent of a dependent child, even if the parent is not an applicant or recipient, if the dependent child is living in the home of the parent.

(2) The amount that can be reserved by each benefit group shall not be in excess of $1,000 equity value excluding those items specifically listed in subsection (3) of this section:

(3) Excluded resources. The following resources shall be excluded from consideration:

(a) One (1) owner-occupied home;

(b) Equity value up to $1,500 for one (1) motor vehicle;

(c) Basic household items essential for day-to-day living, including:

1. Furniture;

2. Appliances; and

3. Clothing.

(d) Gift or inheritance not legally available until a later date;

(e) Nonessential item with a value of less than fifty (50) dollars;

(f) All resources of a recipient of [~~supplemental security income~~ ~~(~~]SSI[~~)~~] or the state supplementation program [~~(SSP)~~] living in the home;

(g) Equity value of all equipment, livestock or other inventory used in a farming or self-employment enterprise;

(h) Crops and animals raised for home consumption.

(i) Real property which the benefit group is making a good faith effort to sell, for a period of nine (9) months or less. If excluded:

1. The benefit group shall agree to repay AFDC benefits received beginning with the first month of the exemption.

2. Any amount of AFDC paid during that period that would not have been paid if the disposal of property had occurred at the beginning of the period is considered an overpayment.

3. The amount of the repayment shall not exceed the net proceeds of the sale.

4. If the property has not been sold within the nine (9) months, or if eligibility stops for any other reason, the entire amount of assistance paid during the nine (9) month period shall be treated as an overpayment;

(j) Children's toys and bicycles;

(k) Household pets;

(l) Resources of a child excluded from the AFDC grant;

(m) Resources of an individual not receiving assistance but living in the home including:

1. The stepparent;

2. Parent or legal guardian of a minor parent;

3. The spouse of a nonresponsible specified relative; or

4. The spouse of a minor dependent child;

(n) Amount of AFDC grant;

(o) Proceeds (sale price less indebtedness) from the sale of a home, including initial or down payment from land contract sale, for six (6) months if client plans to invest in another home.

(p) Funds in an individual retirement account [~~IRA~~], retirement or deferred compensation account during the period of unavailability;

(q) Excluded income, as specified in Section 4 of this administrative regulation;

(r) Principal and accrued interest of an irrevocable trust during periods of unavailability;

(s) One (1) burial space per AFDC family member;

(t) $1,500 of the value of prepaid burial funds and cash surrender value of burial insurance policies per family member;

(u) Principal of a verified loan;

(v) Up to $12,000 to Aleutians and $20,000 to individuals of Japanese ancestry for payment made by the United States Government to compensate for hardship experienced during World War II;

(w) Payment made from the Agent Orange Settlement Fund issued by Aetna Life and Casualty to veterans or their survivors;

(x) Earned income tax credit [~~(EITC)~~] payments in the month of receipt and the following month;

(y) Any payment received from the Radiation Exposure Compensation Trust Fund; and

(z) A nonrecurring lump sum [~~supplemental security income (~~]SSI[~~)~~] retroactive payment that is made to an AFDC recipient who is not ongoing eligible for SSI, in the month paid and the next following month.

(4) Disposition of resources.

(a) An applicant or recipient shall not have transferred or otherwise divested himself of property without fair compensation in order to qualify for assistance.

(b) The household's application shall be denied, or assistance discontinued if:

1. It is determined by the cabinet that the transfer was made expressly for the purpose of qualifying for assistance; and

2. The uncompensated equity value of the transferred property, when added to total resources, exceeds the resource limit.

(c) The time period of ineligibility shall be based on the resulting amount of excess resources and begins with the month of transfer.

(d) If the amount of excess transferred resources does not exceed $500, the period of ineligibility shall be one (1) month; the period of ineligibility shall be increased one (1) month for every $500 increment up to a maximum of twenty-four (24) months.

(5) Lifetime care agreement.

(a) The existence of a valid agreement between the applicant or recipient and another individual or organization in which the applicant or recipient has surrendered his resources in exchange for lifetime care shall make the case ineligible.

(b) The agreement shall be considered invalid if the individual or organization with whom the agreement was made provides a written statement that the resources have been exhausted.

(6) Resources held jointly by more than one (1) person.

(a) Bank accounts requiring one (1) signature for withdrawals.

1. Unless the other owner is a recipient of SSI, the total balance of the account is considered available to the AFDC applicant or recipient.

2. If the other owner receives SSI, the balance is divided evenly by the number of owners and only the AFDC applicant or recipient's share is considered available.

(b) For bank accounts which require more than one (1) signature

for withdrawals, determine the AFDC applicant or recipient's share by obtaining a written statement from the other owners as to the division.

(c) If there is no predetermined allocation of shares from a business enterprise, determine applicant or recipient's available share by dividing the value of the business enterprise by the number of owners.

(d) If resources are held jointly other than those listed in paragraphs (a) through (c) of this subsection, the applicant or recipient's share is determined by dividing the value of the resource by the number of owners.

(e) Rebuttal of ownership may be accomplished if the applicant or recipient asserts he does not contribute to or benefit from a jointly held resource and he provides:

1. A written statement regarding ownership, who deposits and withdraws; and

2. A written statement from each of the other owners which corroborates the applicant or recipient's statement, unless the account holder is a minor or is incompetent; and

3. Verification that the applicant or recipient's name has been removed from the resource.

Section 3. Income Limitations. In determining eligibility for AFDC the following shall apply:

(1) Gross income test.

(a) The total gross non-AFDC income shall not exceed the gross income limitation standard. This income includes:

1. Income of the benefit group;

2. Income of a parent who does not receive SSI;

3. Income of a sanctioned individual;

4. An amount deemed available from the parent of a minor parent living in the home with the benefit group;

5. An amount deemed available from a stepparent living in the home;

6. An amount deemed available from the spouse of a minor dependent child living in the home; and

7. An amount deemed available from an alien's sponsor and sponsor's spouse if living with the sponsor.

(b) Excluded income types specified in Section 4(1) of this administrative regulation shall apply.

(c) If total gross income exceeds the gross income limitation standard, the benefit group is ineligible.

(2) Applicant eligibility test.

(a) An applicant eligibility test shall be applied if:

1. The gross income is below the gross income limitation standard; and

2. The benefit group has not received assistance during the four (4) months prior to the month of application.

3. The benefit group has a member added to the case and that member:

a. Has earned income; and

b. Has not received assistance during the four (4) months prior to being added to the case.

(b) The total gross income after application of excluded income and deduction policy set forth in Section 4(1) and (2) of this administrative regulation shall be compared to the assistance standard set forth in Section 8 [~~7~~] of this administrative regulation.

(c) If income exceeds this standard, the benefit group is ineligible.

(d) For a benefit group which meets the gross income test but has received assistance any time during the four (4) months prior to the application month, the applicant eligibility test shall not apply.

(3) Benefit calculation.

(a) If the benefit group meets the criteria set forth in subsections (1) and (2) of this section, benefits shall be determined by subtracting excluded income and applicable deductions in Section 4(1), (2), and (3) of this administrative regulation.

(b) If the benefit group's income, after subtracting excluded income and applicable deductions, exceeds the benefit standard, the benefit group is ineligible.

(c) Amount of assistance shall be determined prospectively.

(4) Ineligibility period.

(a) A period of ineligibility shall be established for a benefit group whose income in the month of application or during any month for which assistance is paid exceeds the limits as set forth in subsections (2) or (3) of this section due to receipt of lump sum income.

(b) The ineligibility period shall be:

1. The number of months which equals the quotient of the division of total countable income by the standard of need for the benefit group size; and

2. Effective with the month of receipt of the nonrecurring lump sum amount.

(c) The ineligibility period shall be recalculated if any of the following circumstances occur:

1. The standard of need increases and the amount of grant the benefit group would have received also changes;

2. Income, which caused the calculation of the ineligibility period, has become unavailable for reasons that were beyond the control of the benefit group;

3. The benefit group incurs and pays necessary medical expenses not reimbursable by a third party;

4. An individual, who is required to be a member of the benefit group, joins the AFDC household during an established ineligibility period; or

5. The benefit group reapplies during an established ineligibility period and the agency determines that policy has changed to exclude the criteria originally used to establish the ineligibility period.

Section 4. Excluded and Deductions Income. All gross non-AFDC income received or anticipated to be received by the benefit group, sanctioned individual, natural parent, spouse of a dependent child and parent of a minor parent living in the home with the benefit group and stepparent living in the home, shall be considered with the application of excluded income and deduction policy as set forth in the following subsections:

(1) Gross income test. Incomes listed in this subsection shall be excluded:

(a) Deductions applicable to stepparent income, income of the spouse of a minor dependent child, or income of the parent of a minor parent in the home with the benefit group, as set forth in Section 6 [~~5~~] of this administrative regulation;

(b) Deductions applicable to alien sponsor's income, as set forth in Section 7 [~~6~~] of this administrative regulation;

(c) Deductions applicable to self-employment income;

(d) Earnings received by a dependent child from participation in programs under the [~~Job Training Partnership Act (~~]JTPA[~~)~~] program for a period not to exceed six (6) months within a given calendar year;

(e) Unearned income received by a dependent child from participation in a JTPA program;

(f) The difference between the standard of need and the payment maximum for the benefit group, as specified in Section 8 [~~7~~] of this administrative regulation, for households in which a member receives a JTPA stipend;

(g) Value of United States Department of Agriculture [~~(USDA)~~] program benefits including:

1. Donated foods;

2. Supplemental food assistance received under 42 USC 1771;

3. Special food service program for children under 42 USC 1775;

4. Nutrition program for the elderly under 42 USC 3001; and

5. The monthly food stamp allotment;

(h) Reimbursement for transportation in performance of employment duties, if identifiable;

(i) The value of JOBS supportive services payments and self-initiated supportive services payments authorized under 904 KAR 2:017;

(j) Nonemergency medical transportation payments;

(k) Payments from complementary programs if no duplication exists between the other assistance and the assistance provided by the AFDC program;

(l) Educational grants, loans, scholarships, including:

1. Payments obtained and used under conditions that preclude their use for current living costs; and

2. All education grants and loans to any undergraduate made or insured under any program administered by:

a. The United States Commissioner of Education; or

b. The Bureau of Indian Affairs.

(m) Highway relocation assistance;

(n) Urban renewal assistance;

(o) Federal disaster assistance and state disaster grants;

(p) Home produce utilized for household consumption;

(q) Housing subsidies received from federal, state or local governments;

(r) Receipts distributed to members of certain Indian tribes by the federal government under 25 USC 459, 1261 and 1401;

(s) Funds distributed per capita to or held in trust for members of any Indian tribe by the federal government under 25 USC 459, 1261 and 1401;

(t) Payments for supporting services or reimbursement of out-of-pocket expenses made to individual volunteers serving under programs authorized by 42 USC 5001 and 42 USC 5011, including:

1. Foster grandparents;

2. Senior health aides;

3. Senior companions;

4. Service Corps of Retired Executives [~~(SCORE)~~]; and

5. Active Corps of Executives [~~(ACE)~~];

(u) Payments to "Volunteers in Service to America" [~~(VISTA)~~] participants under 42 USC 1451 if less than the minimum wage under state or federal law, whichever is greater;

(v) Payments from the Cabinet for Human Resources, Department for Social Services, for child foster care, or adult foster care;

(w) Payments made under the Low Income Home Energy Assistance Program [~~(LIHEAP)~~] under 42 USC 8621, and other energy assistance payments which are made to an energy provider or provided in-kind;

(x) The first fifty (50) dollars of child support payments collected in a month which represents the current month's support obligation and is returned to the assistance group;

(y) For a period not to exceed six (6) months within a given year, earnings of a dependent child in full-time school attendance;

(z) Nonrecurring gifts of thirty (30) dollars or less received per calendar quarter for each individual included in the assistance group;

(aa) The principal of a verified loan;

(bb) Up to $12,000 to Aleuts and $20,000 to individuals of Japanese ancestry for payments made by the United States Government to compensate for hardships experienced during World War II;

(cc) Income of an individual receiving SSI;

(dd) The essential person's portion of the SSI check;

(ee) Income of an individual receiving mandatory or optional state supplementary payments;

(ff) The advance payment or refund of earned income tax credit [~~(EITC)~~];

(gg) Payments made directly to a third party on behalf of the applicant or recipient by a nonresponsible person;

(hh) Child support received in a month for which the AFDC payment is suspended;

(ii) In-kind income;

(jj) Income of a technically ineligible child;

(kk) Payments made from the Agent Orange Settlement Fund;

(ll) AFDC back payments;

(mm) Income of legal guardian of a minor parent, unless the guardian meets the degree of relationship as specified in 904 KAR 2:006, Section 10;

(nn) Payments made from the Radiation Exposure Compensation Trust Fund;

(oo) Up to $2,000 per year of income received by individual Indians denied from leases or other uses of individually-owned trust or restricted lands; and

(pp) Payments made to individuals because of their status as victims of Nazi persecution.

(2) Applicant eligibility test. Excluded income in subsection (1) of this section and any applicable deduction listed in this subsection shall be applied:

(a) Earnings received from participation in the Job Corps Program under JTPA by an AFDC child;

(b) Earnings of a dependent child in full-time school attendance for a period not to exceed six (6) months within a given year;

(c) Standard work expense deduction of ninety (90) dollars for full-time and part-time employment; and

(d) On or after November [~~July~~] 1, 1995, if the caregiver is not the parent, legal guardian or a member of the benefit group, the dependent care disregard shall:

1. Be allowed as a work expense for:

a. An able bodied child age thirteen (13) or over and not under court supervision;

b. An incapacitated adult living in the home and receiving AFDC;

c. A sanctioned individual whose earned income is considered available to the AFDC household;

d. An AFDC case which would otherwise be ineligible for AFDC without the benefit of the disregard for child care; or

e. The month of application for AFDC benefits; and

2. Shall not exceed: [~~child care, for a child or incapacitated adult living in the home and receiving AFDC, is allowed as a work expense beginning in the second calendar month following the month employment begins not to exceed:~~]

a. [~~1.~~] $175 per month per individual for full-time employment; or

b. [~~2.~~] $150 per month per individual for part-time employment; or

c. [~~3.~~] $200 per month per individual for child under age two (2).

(3) Benefit calculation. After eligibility is established, exclude or deduct all incomes listed in subsections (1) and (2) of this section as well as deductions listed in this subsection:

(a) Child support payments assigned and actually forwarded or paid to the department; and

(b) First thirty (30) dollars and one-third (1/3) of the remainder of earned income not already deducted for each member of the benefit group.

1. The one-third (1/3) portion of this deduction shall not be applied to an individual after the fourth consecutive month it has been applied to his earned income.

2. The thirty (30) dollar portion of this deduction shall be applied concurrently with the one-third (1/3) deduction and for an additional eight (8) consecutive months following the expiration of the concurrent period.

3. These deductions shall not be available to the individual until he has not been a recipient for twelve (12) consecutive months; and

(c) Earnings of a child in full-time school attendance or earnings of a child in part-time school attendance, if not working full-time.

(4) Exceptions. Deductions from earnings in subsections (2)(c) and (d) and (3)(b) of this section shall not apply for any month in which the individual:

(a) Reduces, terminates, or refuses to accept employment within the period of thirty (30) days preceding such month, unless good cause exists as follows:

1. The individual is unable to engage in the employment or training for mental or physical reasons; or

2. The individual has no way to get to and from the work site or the site is so far removed from the home that commuting time would exceed three (3) hours per day; or

3. Working conditions at a prospective job or training site would be a risk to the individual's health or safety; or

4. A bona fide offer of employment at a minimum wage customary

for this work in the community was not made; or

5. The child care arrangement is terminated through no fault of the applicant or recipient; or

6. The available child care does not meet the needs of the child, for example, a disabled child; or

7. The parent is temporarily absent from work on approved educational leave; or

8. The JOBS participant leaves employment in an attempt to improve skills, become self-sufficient and leave the AFDC rolls; or

9. The individual is needed in the home to care for another ill or incapacitated household member and no other household member is available to provide needed care.

(b) Requests assistance be terminated for the primary purpose of evading the four (4) month limitation on the deduction in subsection (3)(b) of this section;

(c) Fails to report and increase in earnings, which impacts eligibility, within ten (10) days of the change, unless good cause exists as follows:

1. The benefit group has been directly affected by a natural disaster;

2. An immediate family member living in the home was institutionalized or died during the ten (10) day report period; or

3. The responsible relative in the case, and if different, the member employed, is out of town for the entire ten (10) day report period.

Section 5. Direct Child Care Payments. With the exception of those circumstances outlined in Section 4(2)(d) of this administrative regulation, on or after November 1, 1995, child care expenses incurred as a result of employment shall:

(1) Be made directly to the provider, in an amount equal to the actual cost, up to a payment maximum based on local market rates in administrative regulation 904 KAR 2:017; and

(2) Be authorized upon the receipt of appropriate verification of the cost of care.

Section 6. [5.] Income and Resources of an Individual Not Included in the Benefit Group. (1) The income provisions of this section shall apply to the following individuals, living in the home but not included in the benefit group, as described in subsection (2) of this section:

(a) A stepparent;

(b) The spouse of a minor dependent child;

(c) The spouse of a specified relative other than a parent;

(d) A parent barred from receiving assistance due to failure to meet alien status; or

(e) A parent of a minor parent.

(2) Income. The gross income of the individual is considered available to the benefit group, subject to the following deductions:

(a) The first ninety (90) dollars of the gross earned income;

(b) An amount equal to the AFDC assistance standard for The appropriate family size, for:

1. The support of the individual; and

2. Any other person living in the home if:

a. His needs are not taken into consideration in the AFDC eligibility determination; and

b. He is or may be claimed as a dependent for purposes of determining his federal personal income tax liability by the individual.

(c) Any amount actually paid to a person not living in the home who is or may be claimed by him as a dependent for purposes of determining his personal income tax liability by the individual;

(d) Payments for alimony or child support to a person not living in the home by the individual;

(e) Income of an SSI recipient who is listed in subsection (1) of this section; or

(f) A retroactive SSI payment, which is counted in determining eligibility and the amount of payment to the AFDC unit in the month received, in any subsequent month.

(3) Sanction exception. The income of any sanctioned individual is not eligible for the deductions listed in this section.

(4) Resources. Resources which belong solely to the stepparent, spouse of a minor dependent child, spouse of a specified relative other than a parent or parent of a minor parent are not considered in determining eligibility of the parent, minor dependent child, or specified relative other than a parent or the benefit group.

Section 7. [6.] Alien Income and Resources. (1) For the purposes of this section the alien's sponsor and sponsor's spouse (if living with the sponsor) shall be referred to as sponsor.

(2) The gross non-AFDC income and resources of an alien's sponsor shall be deemed available to the alien, subject to deductions set forth in this section, for a period of three (3) years following entry into the United States.

(3) If an individual is sponsoring two (2) or more aliens, the income and resources shall be prorated among the sponsored aliens.

(4) A sponsored alien is ineligible for any month in which adequate information on the sponsor or sponsor's spouse is not provided.

(5) If an alien is sponsored by an agency or organization, which has executed an affidavit of support, that alien is ineligible for benefits for a period of three (3) years from date of entry into the United States, unless it is determined that the sponsoring agency or organization:

(a) Is no longer in existence; or

(b) Does not have the financial ability to meet the alien's needs.

(6) The provisions of this subsection shall not apply to those aliens identified in subsection (5) of this section.

(a) Income. The gross income of the sponsor is considered available to the benefit group subject to the following deductions:

1. Twenty (20) percent of the total monthly gross earned income, not to exceed $175;

2. An amount equal to the AFDC assistance standard for the appropriate family size of:

a. The sponsor; and

b. Other persons living in the household:

(i) Who are or may be claimed by the sponsor as dependents in determining his federal personal income tax liability; and

(ii) Whose needs are not considered in making a determination of eligibility for AFDC;

3. Amounts paid by the sponsor to nonhousehold members who are or may be claimed as dependents in determining his federal personal tax liability;

4. Actual payments of alimony or child support paid to nonhousehold members; and

5. Income of a sponsor receiving SSI or AFDC.

(b) Resources. Resources deemed available to the alien shall be the total amount of the resources of the sponsor and sponsor's spouse determined as if he were an AFDC applicant in this state, less $1,500.

Section 8. [7.] Payment Maximum. (1) The AFDC payment maximum includes amounts for food, clothing, shelter, and utilities.

(2) Countable income, as determined by the provisions of Section 8 of this administrative regulation, is subtracted in determining eligibility for and the amount of the AFDC assistance payment, as follows:

	Effective July 1, 1989	
Number of Eligible Persons	Payment Maximum	Standard of Need
1 person	$162	$394
2 persons	$196	$460
3 persons	$228	$526
4 persons	$285	$592

5 persons	$333	$658
6 persons	$376	$724
7 or more persons	$419	$790

(3) Since the payment maximum does not meet full need, effective July 1, 1989, a forty-five (45) percent ratable reduction shall be applied to the deficit between the family's countable income and the standard of need for the appropriate family size.

(4) The assistance payment shall be fifty-five (55) percent of the deficit or the payment maximum, whichever is the lesser amount.

Section 9. [~~8.~~] Best Estimate. (1) The agency shall compute the benefit using its best estimate of income which will exist in the payment month.

(2) The following methods shall be used by the agency to calculate a best estimate:

(a) For cases with earned income, other than self-employment earned income:

1. The agency:

a. Shall not round cents to the nearest dollar before adding or multiplying hourly or daily earnings; but

b. Shall round cents to the nearest dollar before adding or multiplying weekly, biweekly, semimonthly, monthly, quarterly, or annual amounts.

2. Unless it does not represent the ongoing situation, the agency shall use income from all pay periods in the preceding two (2) calendar months.

3. The agency shall determine a monthly amount by:

a. Adding gross income from each pay period:

b. Dividing by the total number of pay periods considered;

c. Converting the pay period figure to a monthly figure by multiplying a weekly amount by four and one-third (4 1/3), a biweekly amount by two and one-sixth (2 1/6), or a semimonthly amount by two (2); and

d. Rounding to the nearest dollar.

4. If income has recently begun and the applicant or recipient has not received two (2) calendar months of earned income, the agency shall compute the anticipated monthly income by:

a. Multiplying the hourly rate by the estimated number of hours to be worked in a pay period; or

b. Multiplying the daily rate by the estimated number of days to be worked in the pay period; and

c. Converting the resulting pay period figure to a monthly amount by multiplying a weekly amount by four and one-third (4 1/3), a biweekly amount by two and one-sixth (2 1/6), or a semimonthly amount by two (2); and

d. Rounding to the nearest dollar.

(b) For cases with unearned income, other than unearned self-employment income, the agency shall determine a monthly amount by:

1. Not rounding cents to the nearest dollar;

2. Using the gross monthly amount of continuing, stable unearned income received on a monthly basis;

3. Unless it does not represent the ongoing situation, averaging the amount of nonstable unearned income received in the three (3) prior calendar months.

(c) For cases with self-employment income:

1. If the self-employment enterprise has been in operation for at least a year, the agency shall prorate the income by dividing the income from the last calendar year by twelve (12).

2. If the self-employment enterprise has been in operation for less than a year, the agency shall prorate the income by dividing by the number of months the business has been in existence.

3. The agency shall determine profit by:

a. Rounding the total gross income to the nearest dollar;

b. Rounding the total amount of allowable expenses to the nearest dollar;

c. Dividing each by twelve (12), or the appropriate number of months, and rounding to the nearest dollar; and

d. Subtracting the rounded monthly expense from the rounded monthly income.

(3) The best estimate shall be recalculated:

(a) At six (6) month intervals for cases with:

1. Earned or unearned income other than self-employment; or

2. Income from a self-employment enterprise which has not been in existence for at least one (1) year;

(b) At twelve (12) month intervals for cases with a self-employment enterprise which has been in existence for at least one (1) year;

(c) Whenever the agency becomes aware of a change in circumstances; or

(d) To reflect a mass change in the standard of need or maximum payment standard.

Section 10. [~~9.~~] AFDC Recoupment. Except for those overpayments in administrative regulation 904 KAR 2:017, the following provisions are effective for all overpayments discovered on or after April 1, 1982, regardless of when the overpayment occurred.

(1) Necessary action will be taken promptly to correct and recoup any overpayments.

(2) Overpayments, including assistance paid pending hearing decisions, shall be recovered:

(a) The claimant;

(b) The overpaid assistance unit;

(c) Any assistance unit of which a member of the overpaid assistance unit has subsequently become a member; or

(d) Any individual member of the overpaid assistance unit whether or not currently a recipient.

(3) Overpayments shall be recovered through:

(a) Repayment by the individual to the cabinet; or

(b) Reduction of future AFDC benefits, which shall result in the assistance group retaining, for the payment month, family income and liquid resources of not less than ninety (90) percent of the amount of assistance paid to a like size family with no income in accordance with Section 8 [~~7~~] of this administrative regulation; or

(c) Civil action in the court of appropriate jurisdiction.

(4) In cases which have both an overpayment and an underpayment, the cabinet shall offset one against the other in correcting the payment to current recipients.

(5) Neither reduction in future benefits nor civil action shall be taken except after notice and an opportunity for a fair hearing as specified in 904 KAR 2:055 is given and the administrative and judicial remedies have been exhausted or abandoned.

Section 11. [~~10.~~] Avoiding an Overpayment. (1) An AFDC recipient may voluntarily return a benefit check to avoid an overpayment if:

(a) The case is totally ineligible for the month for which the check is issued; and

(b) The check has not been reduced for recoupment of a previous overpayment.

(2) If a check is voluntarily returned, the agency shall determine whether or not the recipient is due a refund as described in Section 12 [~~11~~] of this administrative regulation.

Section 12. [~~11.~~] Refund. A recipient shall be due a refund in the following situations:

(1) The agency recoups an amount in excess of the actual overpayment;

(2) The agency offsets an overpayment and an underpayment and finds a balance owed to the recipient;

(3) A recipient voluntarily returns an AFDC check to avoid an overpayment and the current month obligation of child support was collected by the agency during the month the AFDC check was intended to cover, leaving a balance owed to the recipient.

Section 13. [~~12.~~] Correction of Underpayments. The following provisions apply to all AFDC payments:

(1) The department shall promptly correct an underpayment to:

(a) A current AFDC recipient; and

(b) One who would be a current recipient if the error causing the underpayment had not occurred.

(2) The difference between the payment received by the recipient and the actual entitlement amount shall be issued to the underpaid assistance group.

(3) In a determination of ongoing eligibility, the corrective payment to the assistance group shall not be considered as income or a resource in:

(a) The month the payment is paid; or

(b) The next following month.

Section 14. [~~13.~~] Material Incorporated by Reference. (1) Forms necessary for the determination of financial eligibility and recovery of overpayments in the AFDC program are incorporated effective December 1, 1993. These forms include:

(a) PA-30.2, revised 7/85;

(b) PA-35, revised 2/91;

(c) PA-36, revised 1/85;

(d) PA-412, revised 1/91; and

(e) PA-415, revised 11/89.

(2) These forms may be inspected and copied at the Department for Social Insurance, 275 East Main Street, Frankfort, Kentucky 40621. Office hours are 8 a.m. to 4:30 p.m.

MASTEN CHILDERS II, Secretary
JOHN L. CLAYTON, Commissioner
APPROVED BY AGENCY: October 12, 1995
FILED WITH LRC: October 19, 1995 at 3 p.m.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Marty Mason, Director

(1) Type and number of entities affected: There are approximately 2,000 AFDC cases that could potentially be eligible for a direct child care payment that currently include earned income with a child care disregard.

(2) Direct and indirect cost or savings to those affected:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comment received: To be determined after Notice of Intent is published.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comment received: To be determined after Notice of Intent is published.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: Recipients would be required to submit monthly verification of the amount of child care expenses incurred while employed in order for direct child care payments to be made.

2. Second and subsequent years: Same as first year.

(3) Effects on the promulgating administrative body:

(a) Direct and indirect cost or savings: Benefits costs: We estimate the benefit costs at $4,304,000. The state portion of IV-A matching funds is 29.88% or $1,286,035 with the remaining $3,017,965 coming from federal funds.

Benefit savings: We estimate a total benefit savings of $1,040,000. The state share of savings would be $310,752 based on the 29.88% share. The total cost to the state for benefits only would then figure out to $975,283 after the savings are used to offset the cost.

Administration: The start up administrative costs will include system modifications to allow direct child care payments to be made. Programming costs for this are estimated at $3,000 to implement the policy change. It is difficult for the cabinet to estimate additional staffing costs for this policy change in terms of whether or not additional staff will be required to complete the monthly workload. If additional staff is not required, overtime may be required to accomplish this process. The agency has adequate funding to cover these additional costs provided they are not exorbitant.

1. First year: See direct or indirect savings or costs.

2. Continuing cost or savings: Continuing costs would not include start up system costs.

3. Additional factors increasing or decreasing costs: Additional factors that could increase costs is if the workload becomes too heavy and additional staff are needed to process payments.

(b) Reporting and paperwork requirements: Paperwork requirements will increase in that monthly verification must be sent out and returned in order to make monthly direct child care payments.

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

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: Federal Title IV-A funds and state general funds.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: To be determined after Notice of Intent is published.

(b) Kentucky: To be determined after Notice of Intent is published.

(7) Assessment of alternative methods; reasons why alternatives were rejected: The only other alternative method is the one currently in effect which is paying direct child care for one month only in the month employment begins. While this method helps, it does not resolve the ongoing problem of seamless services which assist in getting individuals off of AFDC and becoming self-sufficient.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: The amendment that changes AFDC policy as it relates to dependent care expenses that are incurred as a result of employment will ensure equity between working clients and those in the JOBS program and will foster a system of seamless service which is beneficial to the welfare of both the AFDC parent and children in those households.

(b) State whether a detrimental effect on environment and public health would result if not implemented: Yes, potential exists.

(c) If detrimental effect would result, explain detrimental effect: With increased emphasis on states to transition welfare recipients to work in order to become self-sufficient, the need for availability of quality child care is imperative. Currently, due to the uncertainty by child care providers that they will be paid for child care services rendered during this transition period, AFDC children are not always accepted into day care programs. This could result in a detrimental effect on children's living environment. Parents who are unable to make up front payments may leave children in potentially abusive situations or with no adult supervision.

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

(a) Necessity of proposed regulation if in conflict: None

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: None

(10) Any additional information or comments: None

(11) TIERING: Is tiering applied? Eligibility conditions for AFDC must be applied on a consistent and equitable basis in accordance with federal regulations at 45 CFR 233.10(a)(1).

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. The proposed amendment to this administrative regulation is not a federal mandate but rather is an option available to states as a method of guaranteeing the availability of child care.

2. State compliance standards. An AFDC state plan revision will be made at the end of the appropriate quarter once the change in policy becomes effective.

3. Minimum or uniform standards contained in the federal mandate. None

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 standards, or additional or different responsibilities or requirements. None

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? No

2. State whether this administrative regulation will affect the local government or only a part or division of the local government. No

3. State the aspect or service of local government to which this administrative regulation relates. None

4. How does this administrative regulation affect the local government or any service it provides? None

STATEMENT OF EMERGENCY
907 KAR 1:505E

This emergency administrative regulation is being amended to incorporate by reference the Psychiatric Residential Treatment (PRTF) Manual. The PRTF Manual is being revised to correspond with the changes being made to 907 KAR 1:510E which shows an increase in the fixed per diem rate from $225 to $230 with the rate then to be adjusted upward each biennium by 2.22 percent. The PRTF Manual is also being revised to change the reference to the billing agency and to remove the billing instructions. This action must be taken on an emergency basis to protect the public health by ensuring that medically necessary psychiatric residential treatment facility services are available for the Medicaid eligible population. Failure to enact this administrative regulation on an emergency basis would pose an imminent threat to the public health, safety or welfare of Medicaid beneficiaries. This emergency administrative regulation shall be replaced by an ordinary administrative regulation filed with the Regulations Compiler.

BRERETON C. JONES, Governor
MASTEN CHILDERS II, Secretary

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services

907 KAR 1:505E. Psychiatric residential treatment facility services.

RELATES TO: KRS 205.520

STATUTORY AUTHORITY: KRS 194.050, 42 CFR 447.325, 42 CFR 440.160, 42 USC 1396a-d

EFFECTIVE: November 6, 1995

NECESSITY AND FUNCTION: The Cabinet for Human Resources, Department for Medicaid Services, has responsibility to administer the Medicaid Program. KRS 205.520 empowers the cabinet, by administrative regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This administrative regulation sets forth provisions relating to coverage of psychiatric residential treatment facility services. [~~Additional requirements relating to this program are shown in 907 KAR 1:512, incorporation by reference of the psychiatric residential treatment facility services manual.~~]

Section 1. Definition. (1) "Medicaid payment status" means the person is eligible for and receiving Medicaid, meets patient status criteria for psychiatric residential treatment facility (PRTF) services, and the facility is billing the Medicaid Program for services provided to the person.

(2) "Psychiatric residential treatment facility" (PRTF) means an appropriately licensed PRTF participating in the Medicaid Program.

Section 2. Material Incorporated by Reference. (1) The "Medicaid Psychiatric Residential Treatment Facility Services Manual", dated November 1995 is incorporated by reference in this administrative regulation.

(2) The manual shall be on file in the Office of the Commissioner, Department for Medicaid Services, Cabinet for Human Resources, 275 East Main Street, Third Floor East, Frankfort, Kentucky, 40621.

(3) The manual is available for review during the normal business week, Monday through Friday from 8 a.m. through 4:30 p.m. (eastern standard time), excluding state holidays.

(4) Each participating provider shall be provided one (1) copy of the manual. Additional copies may be obtained from the Department for Medicaid Services upon payment of an appropriate fee which approximates cost in accordance with KRS 61.872.

Section 3. [~~2.~~] Covered Admissions. (1) Covered admissions shall be preauthorized and shall be limited to those for children age six (6) through twenty (20) years of age meeting patient status criteria. Coverage may continue, based on medical necessity, for an individual in a PRTF on his 21st birthday so long as he has not reached his 22nd birthday.

(2) Services shall not be covered if appropriate alternative services are available in the community.

Section 4. [~~3.~~] Durational Limitations. Patient stays shall be [~~are~~] subject to utilization review by the cabinet.

Section 5. [~~4.~~] Determining Patient Status. (1) The cabinet or its designated agent shall review and evaluate the health status and care needs of the recipient in need of inpatient psychiatric care using the same standards as set forth for inpatient psychiatric hospital care in 907 KAR 1:016.

(2) The care needs of the patient shall meet PRTF patient status criteria only when the individual meeting the patient status criteria in 907 KAR 1:016 requires long-term inpatient psychiatric care or crisis stabilization more suitably provided in the PRTF rather than a psychiatric hospital; the individual shall require PRTF services on a continuous basis as a result of a severe mental or psychiatric illness, [~~(~~]including severe emotional disturbances[~~)~~].

Section 6. [~~5.~~] Reevaluation of Need for Services. Patient status shall be reevaluated for PRTF patients at thirty (30) day intervals. If a reevaluation reveals the patient no longer requires PRTF care, payment shall continue only through the last day for which the stay is certified.

[~~Section 6. Reconsideration and Appeals. Reconsiderations and appeals shall be handled in the same manner as specified in 907 KAR 1:016, Section 6.~~]

Section 7. Exclusions from Coverage. Chemical dependency treatment services shall be excluded from coverage when the need

for the services is the primary diagnosis of the patient. Chemical dependency treatment services shall be covered as incidental treatment only [~~related to the primary diagnosis~~] if minimal chemical dependency treatment is necessary for successful treatment of the primary diagnosis.

Section 8. Reserved Bed Days. The cabinet shall cover reserved bed days in accordance with the following specified upper limits and criteria:

(1) The following upper limits, [~~(~~]applied per provider[~~)~~] shall be applicable for reserved bed days:

(a) A maximum of fourteen (14) days per admission for an acute care hospital stay;

(b) A maximum of fourteen (14) days per calendar year for admissions to a mental hospital or a psychiatric bed of an acute care hospital;

(c) A maximum of twenty-one (21) days per six (6) months during a calendar year for other leaves of absence; and

(d) A maximum of thirty (30) consecutive days for hospital and other leaves of absence combined.

(2) The following criteria shall be met for reserved bed days to be covered:

(a) The person is in Medicaid payment status in the PRTF and has been a resident of the facility at least overnight;

(b) The person may [~~can~~] be reasonably expected to return to the PRTF [~~same~~] level of care;

(c) Due to the demand at the facility for PRTF care, there is likelihood the bed would be occupied by some other patient, if it had [~~were it~~] not been reserved;

(d) Hospitalization shall be in Medicaid participating hospitals with the admission appropriately approved by the cabinet or its designated agency; and

(e) For leaves of absence other than for hospitalization, the patient's physician orders and plan of care shall provide for such leaves; leaves of absence include visits with relatives and friends.

Section 9. Reconsideration and Appeals. (1) Reconsiderations and appeals of patient status issues shall be handled in the same manner as specified in 907 KAR 1:016, Section 6.

(2) Negative actions regarding provider participation may be appealed in accordance with 907 KAR 1:671.

Section 10. 907 KAR 1:512, Incorporation by reference of the Psychiatric Residential Treatment Facility Services Manual, is repealed.

MASTEN CHILDERS II, Commissioner, Secretary
APPROVED BY AGENCY: October 30, 1995
FILED WITH LRC: November 6, 1995 at 1 p.m.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Masten Childers II, Commissioner

(1) Type and number of entities affected: All psychiatric residential treatment facilities participating in the Medicaid Program.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: To be determined after the Notice of Intent public hearing which will be held in accordance with KRS Chapter 13A requirement.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: To be determined after the Notice of Intent public hearing which will be held in accordance with KRS Chapter 13A requirement.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: None
2. Second and subsequent years: None

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: $100,000 (cost)
2. Continuing costs or savings: $100,000 (cost)
3. Additional factors increasing or decreasing costs: Number of beds used by Medicaid recipients.

(b) Reporting and paperwork requirements: None

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

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: Federal and state matching funds.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: To be implemented statewide.

(b) Kentucky: To be determined after the Notice of Intent public hearing which will be held in accordance with KRS Chapter 13A requirement.

(7) Assessment of alternative methods; reasons why alternatives were rejected: No viable alternatives were identified.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: To protect the public health by ensuring that medically necessary psychiatric residential treatment facility services are available for Medicaid eligible population.

(b) State whether a detrimental effect on environment and public health would result if not implemented: Yes

(c) If detrimental effect would result, explain detrimental effect: May pose an imminent threat to the public health, safety, or welfare of Medicaid beneficiaries.

(9) 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:

(10) Any additional information or comments: This is a companion regulation to 907 KAR 1:510E, Payments for psychiatric residential treatment facility services.

(11) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it. Disparate treatment of any person or entity subject to this administrative regulation could raise questions or arbitrary action on the part of the agency. The "equal protection" and "due process" clauses of the Fourteenth Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. Pursuant to 42 USC 1396a et. seq., the Commonwealth of Kentucky has exercised the option to establish a Medicaid Program for indigent Kentuckians. Having elected to offer Medicaid coverage, the state must comply with federal requirements contained in 42 USC 1396 et. seq.

2. State compliance standards. This administrative regulation does not set compliance standards.

3. Minimum or uniform standards contained in the federal mandate. This administrative regulation does not set minimum or uniform standards.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No. This administrative regulation does not set stricter requirements.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. No additional standard or responsibilities are imposed.

STATEMENT OF EMERGENCY
907 KAR 1:510E

This emergency administrative regulation is being amended to increase the fixed per diem rate from $225 to $230 with the rate then to be adjusted upward each biennium by 2.22 percent. This action must be taken on an emergency basis to protect the public health by ensuring that medically necessary psychiatric residential treatment facility services are available for the Medicaid eligible population. Failure to enact this administrative regulation on an emergency basis would pose an imminent threat to the public health, safety or welfare of Medicaid beneficiaries. This emergency administrative regulation shall be replaced by an ordinary administrative regulation filed with the Regulations Compiler.

BRERETON C. JONES, Governor
MASTEN CHILDERS II, Secretary

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services

907 KAR 1:510E. Payments for psychiatric residential treatment facility services.

RELATES TO: KRS 205.520
STATUTORY AUTHORITY: KRS 194.050, 42 CFR 440.160, 42 USC 1396a-d
EFFECTIVE: November 6, 1995
NECESSITY AND FUNCTION: The Cabinet for Human Resources, Department for Medicaid Services has responsibility to administer the Medicaid Program [~~of Medical Assistance~~]. KRS 205.520 empowers the cabinet, by administrative regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This administrative regulation sets forth provisions relating to payments for psychiatric residential treatment facility services.

Section 1. Definition. "Psychiatric residential treatment facility" (PRTF) means an appropriately licensed PRTF participating in the Medicaid Program.

Section 2. Payment Rates. Covered inpatient psychiatric facility services for individuals under twenty-two (22) years of age provided in PRTFs of sixteen (16) beds or less shall be paid for in accordance with the following:

(1) The PRTFs shall be paid a fixed rate of $230 [~~225~~] per diem which shall be adjusted upward each biennium by 2.22 percent, or usual and customary charge if less; however, the payment shall not exceed prevailing charges in the locality for comparable services provided under comparable circumstances.

(2) The fixed rate, [~~(~~]or usual and customary charge[~~,~~] if less, [~~)~~] covers total facility costs for covered PRTF services, excluding [~~(except for~~] the cost of drugs[~~)~~], as follows: [~~including specifically the following:~~]

(a) All care and treatment costs;

(b) Costs for all ancillary services, excluding [~~(except for~~] the cost of drugs which shall be reimbursed through the pharmacy program[~~)~~];

(c) Capital costs; and

(d) Room and board costs.

Section 3. Cost Reports and Audits. PRTFs shall file a cost report annually using a uniform cost report form prescribed by the Department for Medicaid Services [~~single state agency~~]. The cabinet may audit the cost reports as it deems [~~determined~~] necessary [~~by the cabinet~~].

Section 4. Access to PRTF Fiscal and Services Records. [~~The cabinet shall have~~] Access shall be granted to PRTF fiscal and services records to the extent determined necessary by the cabinet, as follows:

(1) To assure accuracy of the cost report, that services are provided in accordance with the standards shown in this administrative regulation and in 907 KAR 1:505; and

(2) [~~that~~] The PRTF is complying with all terms and conditions of the provider agreement between the cabinet and PRTF.

(3) Representatives of the United States Department of Health and Human Services, Inspector General's Office, and Attorney General's Office shall have access to PRTF records to the extent necessary to perform their functions which relate to the Medicaid Program.

Section 5. Implementation Date. The provisions of this administrative regulation shall be applicable for services provided on or after November 1, 1995 [~~July 1, 1991~~].

MASTEN CHILDERS II, Commissioner and Secretary
APPROVED BY AGENCY: November 1, 1995
FILED WITH LRC: November 6, 1995 at 1 p.m.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Masten Childers II, Commissioner

(1) Type and number of entities affected: All psychiatric residential treatment facilities participating in the Medicaid Program.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: To be determined after the Notice of Intent public hearing which will be held in accordance with KRS Chapter 13A requirement.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: To be determined after the Notice of Intent public hearing which will be held in accordance with KRS Chapter 13A requirement.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: None
2. Second and subsequent years: None

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: $100,000 (cost)
2. Continuing costs or savings: $100,000 (cost)
3. Additional factors increasing or decreasing costs: Number of beds used by Medicaid recipients.

(b) Reporting and paperwork requirements: None

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

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: Federal and state matching funds.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising

from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: To be implemented statewide.

(b) Kentucky: To be determined after the Notice of Intent public hearing which will be held in accordance with KRS Chapter 13A requirement.

(7) Assessment of alternative methods; reasons why alternatives were rejected: No viable alternatives were identified.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: To protect the public health by ensuring that medically necessary psychiatric residential treatment facility services are available for Medicaid eligible population.

(b) State whether a detrimental effect on environment and public health would result if not implemented: Yes

(c) If detrimental effect would result, explain detrimental effect: May pose an imminent threat to the public health, safety, or welfare of Medicaid beneficiaries.

(9) 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:

(10) Any additional information or comments: This is a companion regulation to 907 KAR 1:505E, Psychiatric residential treatment facility services.

(11) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it. Disparate treatment of any person or entity subject to this administrative regulation could raise questions or arbitrary action on the part of the agency. The "equal protection" and "due process" clauses of the Fourteenth Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. Pursuant to 42 USC 1396a et. seq., the Commonwealth of Kentucky has exercised the option to establish a Medicaid Program for indigent Kentuckians. Having elected to offer Medicaid coverage, the state must comply with federal requirements contained in 42 USC 1396 et. seq.

2. State compliance standards. This administrative regulation does not set compliance standards.

3. Minimum or uniform standards contained in the federal mandate. This administrative regulation does not set minimum or uniform standards.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate?

No. This administrative regulation does not set stricter requirements.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. No additional standard or responsibilities are imposed.

ADMINISTRATIVE REGULATION AS AMENDED BY PROMULGATING AGENCY AND REVIEWING SUBCOMMITTEE

COMPILER'S NOTE: The following administrative regulations, unless otherwise noted, were amended by the promulgating agency and the Administrative Regulation Review Subcommittee on November 6, 1995.

GENERAL GOVERNMENT CABINET
Board of Physical Therapy
(As Amended)

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

RELATES TO: KRS **327.040(1), (10),** 327.060**(2)**
STATUTORY AUTHORITY: KRS 327.040**(1), (10), 327.060(2)**
NECESSITY AND FUNCTION: This administrative regulation establishes the requirements a foreign-trained physical therapist shall satisfy to become licensed in the state of Kentucky. Because of variances in curriculums of foreign countries, specific requirements are needed to insure that the applicant possesses adequate educational and clinical preparation.

Section 1. A foreign-trained physical therapist shall be licensed if he:

(1) Furnishes the board an original favorable educational credentials evaluation report from:

(a) International Credentialing Associates, Inc.;

(b) International Consultants of Delaware, Inc.; or

(c) International Education Research Foundations, Inc.;

(2) Has graduated from a recognized physical therapy program in the country in which he was educated. The applicant shall have earned at least 120 **[~~U.S.~~]** semester credits in a program equivalent to a U.S. bachelors degree in physical therapy, of which at least sixty (60) semester credits **shall [~~must~~]** be in professional physical therapy courses.

(3)**(a)** If seeking licensure by examination, speak English as his native language or have submitted the results of the Test of Spoken English (TSE) with a total score of at least**:**

1. Fifty-five (55) for an examination taken July 1995 or later; **[~~,~~]** or

2. [~~at least~~] 220 for an examination taken between July 1993 and June 1995.

(b) A score report shall be accepted no longer than two (2) years from the examination date.

(4) Submits a satisfactorily completed application and appropriate fee.

(5) Has successfully completed one (1) year, totaling at least 1000 clock hours, of practice under the supervision of a physical therapist licensed under **KRS Chapter 327 [~~this chapter~~]** at a Kentucky facility previously approved by the board which satisfies the following requirements:

(a) The supervised practice shall be in a facility which is serving as a clinical education site for students enrolled in an APTA accredited program in physical therapist education;

(b) The applicant shall work only with on-site supervision until a minimum score of three and five-tenths (3.5) with no one (1.0) or two (2.0) on a four (4.0) point scale has been achieved utilizing the board provided clinical evaluation form. Evaluations shall be submitted to the board quarterly by the clinical supervisor until the required score denoting clinical competency has been reached;

(c) The supervising physical therapist shall, within the three (3) years prior to serving as a supervisor, have previously acted as clinical supervisor for a physical therapist student as part of an APTA accredited program;

(d) The applicant shall work under the supervision required of a U.S. educated physical therapist candidate issued a temporary permit after achieving the required score of three and five-tenths (3.5). This requirement may be satisfied by one (1) year of supervised practice in a state with licensure requirements at least comparable to those of Kentucky. Evidence of that experience in a comparable facility outside Kentucky **shall [~~must~~]** be in writing confirming successful completion and satisfactory performance; and

(6)**(a)** Successfully completes the examination as specified in KRS 327.050.

(b) Unless excused by the board, [~~The examination, when next offered by the board for other candidates, shall be taken~~] after the applicant becomes a candidate for licensure, **he shall take the next examination offered by the board for other candidates.**

(c) [~~unless excused by the board. When~~] The foreign trained physical therapist candidate **shall not be required to have his physical therapy records countersigned by the supervising physical therapist. [~~has passed the licensure examination as well as met the clinical competency requirements in subsection (5)(d) of this section, his physical therapy records do not need to be countersigned by the supervising physical therapist.~~]**

Section 2. Temporary Permits for Foreign Trained Physical Therapist Applicants. (1) **An applicant for licensure by examination, and an applicant who has not yet satisfactorily completed a year of supervised practice as a physical therapist shall be issued a temporary permit to practice under the supervision of a designated Kentucky licensed therapist if he has:**

(a) completed the requirements of Section 1(1) to (4) of this administrative regulation; and

(b) Submitted an approved "Supervisory Agreement for Physical Therapists Education in a Foreign Country". [~~Following completion of the requirements of Section 1(1) to (4) of this administrative regulation and submission of an approved Supervisory Agreement Statement, an applicant for licensure by examination, and an applicant who has not yet satisfactorily completed a year of supervised practice as a physical therapist may be issued a temporary permit to practice under the supervision of a designated Kentucky licensed therapist.~~]

(2) All requirements for licensure shall be completed within one (1) year from the beginning of the supervised practice. If not completed within that time period, the temporary permit shall be revoked and the applicant shall no longer work in Kentucky as a physical therapist.

Section 3. (1) "Supervisory Agreement for Physical Therapists Education in a Foreign Country 09/24/91" is incorporated by reference.

(2) This form may be inspected, copied, or obtained at the board office at 9110 Leesgate Road, Suite 6, Louisville, Kentucky 40222, Monday through Friday, between 8 a.m. to 4:30 p.m.

DEBORAH THARP, PT, Chairman
APPROVED BY AGENCY: June 2, 1995
FILED WITH LRC: August 3, 1995 at 10 a.m.

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

301 KAR 6:050. Requirements for personal watercraft.

RELATES TO: KRS 235.010, 235.200, 235.280, 235.310, 235.320
STATUTORY AUTHORITY: KRS 235.280, 235.320
NECESSITY AND FUNCTION: To require certain safety equipment on, and prohibit unsafe operation of, personal watercraft.

Section 1. Definitions. (1) "Personal watercraft" means a boat which is designed to be operated by a person sitting, standing or kneeling on the vessel, rather than by the conventional method of sitting or standing inside the vessel.

(2) "Kill switch" means an emergency engine cut-off switch connected to the operator by a lanyard to shut off the engine if the operator is thrown from the vessel.

Section 2. Use of Personal Flotation Devices. Persons operating or riding as a passenger on personal watercraft shall wear a U. S. Coast Guard approved Type I, Type II, Type III or Type V personal flotation device.

Section 3. Kill Switches. (1) Persons shall not operate a personal watercraft that does not have a functioning kill switch.

(2) A person operating a personal watercraft shall have the kill switch lanyard attached to his person.

Section 4. Hours of Operation. Persons shall not operate personal watercraft after sunset or before sunrise.

Section 5. Safe Operation of Personal Watercraft. Persons operating personal watercraft shall not:

(1) **In areas where skiing is prohibited:**

(a) Jump the wake of another boat;

(b) Perform abrupt turns; or

(c) Engage in similar acrobatic maneuvers which could reasonably be expected to endanger life, safety or property, considering the hazards which exist in the particular no-ski area. [~~Operate at greater than idle speed in areas where skiing is prohibited.~~]

(2) Weave through congested boating traffic.

(3) Jump the wake of another boat:

(a) Unreasonably close to the other boat; or

(b) When visibility around the other boat is restricted.

(4) Pass close enough to another boat to cast spray on the other vessel; or

(5) Engage in similar reckless practices which could endanger life, safety or property.

C. THOMAS BENNETT, Commissioner
GREG GINTER, Secretary
MIKE BOATWRIGHT, Chairman
APPROVED BY AGENCY: August 25, 1995
FILED WITH LRC: September 14, 1995 at 2 p.m.

JUSTICE CABINET
Department of Corrections
(As Amended)

501 KAR 2:060. Procedures for housing of Class D felons.

RELATES TO: KRS 196.035, 197.020, 532.100
STATUTORY AUTHORITY: KRS 196.035, 197.020, 532.100

NECESSITY AND FUNCTION: This [~~proposed~~] administrative regulation is necessary to **establish** [~~provide~~] procedures for the housing of Class D felons in county jails.

Section 1. Submission of Documents. In county jails housing Class D felons, the jailer shall forward to the A/C center the following documents within ten (10) working days of receipt of the judgment on all Class D felons for whom a transfer has not been requested:

(1) Pictures with negative;
(2) Fingerprints;
(3) Detainers;
(4) Incident and disciplinary reports; and
(5) Body **identification** [~~I.D.~~] sheet.

Section 2. Custody Assignment. (1) The A/C center staff shall, within ten (10) working days of receipt of the presentence investigation and the judgment documents, review the inmate file and assign a custody to the Class D felon.

(2) The inmate file shall be forwarded to Offender Records Branch [~~Section~~], Central Office, which shall audit the file within five (5) working days of receipt.

(3) Offender records [~~The section~~] shall forward the file to the Director of Local Facilities who shall notify the jailer of the custody assignment.

(4) If the custody assigned is minimum or community, the Class D felon may participate in programs offered outside the jail [~~in accordance with the following terms: community service work program~~] under the direct supervision of an assigned individual [~~who shall complete any training programs specified by the department~~].

(5) If the custody assigned is restricted, medium, close, or maximum, the Class D felon shall not be eligible to participate in programs outside the secure perimeter of [~~released from~~] the jail.

(6) The jailer may request the department to review the assignment ninety (90) days from the date of the last assignment. Additional custody reviews may be completed as deemed necessary by the Classification Branch Manager.

Section 3. **Assessment Summary Reports. Prior to the meeting of the Parole Board, jail staff shall prepare and submit assessment summary reports on Class D felons to the Offender Records Branch.** [~~Preparole Progress Reports. Probation and parole staff assigned to work with the county jail shall prepare preparole progress reports on Class D felons as outlined in CPP 18.10.~~

[~~Section 4.~~] **Section 4.** Transportation. Jail staff shall be responsible for the transportation of Class D felons except as specified in KRS 431.215 and 441.510.

Section **5.** [~~4.~~] [~~5.~~] Release Procedures. (1) The release of Class D felons shall follow the procedure **established by** [~~outlined in~~] CPP 25.6 **incorporated by reference in 501 KAR 6:020**.

(2) **Jail staff shall not release a Class D felon to other counties without advance notice to the Director of Local Facilities and Class D felons shall not be released to another state or to federal authorities without advance notice and approval of the Director of Local Facilities.** [~~Jail staff shall not release a Class D felon to other counties, another state or to federal authorities without advance notice and approval of [to] the Director of Local Facilities.~~]

(3) Jail staff shall notify the Director of Local Facilities or the A/C center of any detainers or holds lodged against the Class D felon by another jurisdiction.

[~~(4) A Class D felon shall not be released to the custody of another state or to federal authorities without approval from the Department of Corrections or the Office of the Governor.~~]

Section **6.** [~~5.~~] Transfer to FIST Program. (1) Jailers shall provide inmates with information concerning the program during their

orientation at the jail.

(2) Any inmate interested in the program shall sign a volunteer form and return it to the AC center.

(3) Staff at the AC center shall review the files to determine if the inmate meets the basic eligibility criteria for the program. If the basic criteria have been met, the inmate shall be transferred to the AC center for additional tests. If the inmate does not meet physical and psychological requirements, he shall be returned to the jail of origin.

Section 7. [~~6.~~] Furlough Program. (1) The authority and responsibility of monitoring and granting furloughs shall be the responsibility of the community center program manager.

(2) Eligibility for furloughs shall be determined as follows [~~pursuant to KRS 197.140 and the following~~]:

(a) Furloughs of Class D felons shall be a privilege, not a right.

(b) A Class D felon[~~s~~] who **is community custody or** [~~are~~] minimum custody shall be eligible to be considered for a forty-eight (48) hour furlough each quarter **six (6) months after his final sentencing date. A furlough shall** not [~~to~~] exceed eight (8) furlough days each calendar year. There shall be a minimum of sixty (60) days between furloughs.

(c) [~~Class D felons who are community custody shall be eligible to be considered for a forty-eight (48) hour furlough every thirty (30) days after their initial furlough.~~

~~(d)~~] All Class D felons shall have spent at least sixty (60) days in the county jail since the date of the custody assignment prior to being considered for a furlough.

(d) [~~(c)~~] Class D felons on whom a felony detainer has been received shall not be eligible for a furlough.

(e) [~~(f)~~] Class D felons receiving more than a one (1) month deferment at a Parole Board hearing shall wait an additional thirty (30) days from the date of the deferment before being eligible for a furlough.

(f) [~~(g)~~] Inmates and their families shall show evidence of an ability and willingness to pay all expenses while on furlough.

(g) [~~(h)~~] Inmates shall indicate their destination and means of transportation on their application.

(h) [~~(i)~~] Overnight furloughs shall be allowed to verified family members only.

(i) [~~(j)~~] Any requested exceptions shall have the community center program manager's approval [~~and shall be presented with specific written justification~~]. Applications shall follow procedures **established by** [~~outlined in~~] CPP 25.6.

(j) A documented objection from the inmate's sentencing judge shall result in the denial of a furlough for the inmate in the jurisdiction where the sentence was imposed.

(k) An inmate with a documented violation of any term or condition of a furlough shall not be granted an additional furlough while serving on the same conviction unless approved by the Deputy Commissioner of Community Services.

Section 8. [~~7.~~] Escape. Escape procedures to be followed are **established by** [~~cited in~~] CPP 25.6.

Section 9. [~~8.~~] Medical Needs. The department shall pay jails a [~~set~~] per diem **as established by the General Assembly** [~~not less than one (1) dollar and seventy five (75) cents~~] to cover routine medical expenses except those incurred as a result of an admission to a hospital with at least one (1) night stay or those resulting from outpatient surgery in which a general anesthesia is used. [~~Medical needs of Class D felons shall follow the procedures cited in CPP 25.6.~~]

Section 9. Inmate Pay. Inmates on work assignments shall be paid in accordance with CPP 19.3. [~~Work Projects. Utilization of Class D felons for work projects shall follow the procedures cited in CPP 25.6.~~]

Section 10. Good Time. Statutory and meritorious good time shall follow procedures **established by** [~~outlined in~~] CPP 25.6.

[~~Section 11. Monthly Reports. Monthly reports shall follow procedures outlined in CPP 25.6.~~]

JACK C. LEWIS, Commissioner
APPROVED BY AGENCY: July 7, 1995
FILED WITH LRC: July 7, 1995 at 4 p.m.

COMPILER'S NOTE: The following administrative regulation, 603 KAR 5:070, was amended by the promulgating agency and the Interim Joint Committee on Transportation, and became effective on November 1, 1995.

TRANSPORTATION CABINET
Department of Highways
Division of Transportation Planning
Department of Vehicle Regulation
Division of Motor Carriers
Division of Motor Vehicle Enforcement
(As Amended)

603 KAR 5:070. Motor vehicle dimension limits.

RELATES TO: KRS 189.222, 23 CFR Part 658
STATUTORY AUTHORITY: KRS 189.222(1), 23 CFR Part 658
NECESSITY AND FUNCTION: KRS 189.222 authorizes the Secretary of Transportation to establish reasonable size limits for motor vehicles using the State Primary Road System. The State Primary Road System consists of those roads maintained by the Department of Highways. Further, 23 CFR Part 658 requires that a reasonable [~~five (5) mile~~] access on state-maintained highways and [~~a one (1) mile access on~~] locally controlled highways be included with the list of highways over which motor vehicles with increased dimensions shall be [~~are~~] allowed to operate. The federal regulation strongly suggests that the states allow the motor vehicles with increased dimensions to operate with a gross weight of up to 80,000 pounds (36,287.36 kilograms) where the motor vehicles with increased dimensions are allowed. The federal regulation also requires that vehicles with increased dimensions which are transporting household goods and truck tractors towing only one (1) semitrailer which does not exceed twenty-eight (28) feet (8.53 meters) be provided statewide access unless a route is specifically excluded for safety reasons. This administrative regulation is adopted to set the maximum motor vehicle and combination vehicle dimensions for all classes of highways. However, bus dimension limits are set forth in 603 KAR 5:071.

Section 1. Definitions. (1) "Length exclusion safety device" means an appurtenance at the front or rear of a [~~commercial~~] motor vehicle semitrailer or trailer whose function is related to the safe and efficient operation of the semitrailer or trailer and shall not be designated, designed or used for carrying cargo.

(2) "Width exclusion safety device" means an appurtenance at the side of a [~~commercial~~] motor vehicle semitrailer or trailer whose function is normally related to the safe and efficient operation of the semitrailer or trailer and shall not be designated, designed or used for carrying cargo.

Section 2. (1) The following items shall be designated as width exclusion safety devices:

(a) Rearview mirrors;
(b) Turn signal lamps;
(c) Hand holds for cab entry or egress;
(d) Splash and spray suppressant devices; and

(e) Load induced tire bulge.

(2) The following items shall be designated as width exclusion safety devices as long as they do not extend beyond three (3) inches (0.0762 meters) on either side of the vehicle:

(a) Corner cap;
(b) Rear and side door hinges and their protective hardware;
(c) Rain gutters;
(d) Side marker lamps;
(e) Lift pads for piggyback trailers;
(f) Hazardous materials placards;
(g) Tarp and tarp hardware;
(h) Tie-down assembly on platform trailers;
(i) Wall variation from true flat; and
(j). Weevil pins and sockets on low bed trailers.

Section 3. Except as provided in Section 4 of this administrative regulation, the maximum dimensions for all motor vehicles and combination vehicles except buses using all classes of highways shall be as follows:

(1) Height: including body and load, not to exceed thirteen (13) feet and six (6) inches (4.115 meters).

(2) Width: including body and load, not to exceed eight (8) feet (2.44 meters), excluding any width exclusion safety device.

(3) Length. The maximum lengths listed below shall not include length exclusion safety devices:

(a) The length of a single unit motor vehicle, including any part of the body or load, shall not exceed forty-five (45) feet (13.716 meters).

(b) A single unit motor vehicle transporting utility poles or pipes in which the vehicle and load do not exceed forty-five (45) feet (13.716 meters) shall not be required to obtain an overdimensional permit.

(c) If the front or rear overhang of a single unit motor vehicle exceeds five (5) feet (1.524 meters), an overdimensional permit shall be obtained prior to the operation of the vehicle.

(d) A motor vehicle and trailer or semitrailer combination, including any part of the body or load, shall not exceed sixty-five (65) feet (19.812 meters).

(e) If a truck tractor or semitrailer unit is exclusively engaged in the transportation of motor vehicles or boats, a three (3) foot (0.914 ~~[0.915]~~ meters) front and four (4) foot (1.22 meters) rear overhang shall not be included in the measurement of the sixty-five (65) feet (19.812 meters) limit established in paragraph (d) of this subsection.

(4) Weight.

(a) The gross weight limit for each highway segment is set forth in 603 KAR 5:301.

(b) The axle weight limit and the bridge weight formula are set forth in 603 KAR 5:066.

Section 4. (1) Motor vehicles or combination vehicles except buses with dimensions greater than those specified in Section 3 of this administrative regulation but which do not exceed the dimensions set forth in subsection (2) of this section may be operated without an overweight or overdimensional permit only on the highways listed in Section 5(1) of this administrative regulation, on the five (5) mile (8.05 kilometers) access authorized in Section 5(2) of this administrative regulation, and on the one (1) mile (1.61 kilometers) access authorized in Section 5(3) of this administrative regulation.

(2) Motor vehicles shall not exceed, without an overdimensional permit, the following width and length dimensions when operating on those highways listed in Section 5(1) of this administrative regulation:

(a) Width - 102 inches (2.59 ~~[2.5908]~~ meters) including any part of the body or load except for width exclusion devices.

(b) Length.

1. Semitrailers - excluding length exclusion devices, fifty-three (53) feet (16.154 meters) including body and load when operated in tractor semitrailer combination.

2. Trailers - excluding length exclusion safety devices, twenty-eight (28) feet (8.53 meters) including body and load when operated in a tractor-semitrailer-trailer combination, not to exceed two (2) trailers per truck tractor. Twenty-eight (28) feet (8.53 meters), excluding length exclusion safety devices, shall be the maximum length of a trailer including body and load when operated in a truck-trailer combination.

3. If the load overhangs the body of the trailer or semitrailer by more than five (5) feet (1.524 meters) an overdimensional permit shall be required regardless of the overall length of the unit, except in truck tractor and semitrailer units exclusively engaged in the transportation of motor vehicles or boats, a three (3) foot (0.914 meters) front and four (4) foot (1.22 meters) rear overhang of the transported vehicles or boats shall be excluded in the measurement.

4. There shall be no overall length limitation on motor vehicles operating on highways listed in Section 5(1) of this administrative regulation or on the five (5) mile (8.05 kilometers) local access authorized in Section 5(2) of this administrative regulation as long as the requirements set forth in this subsection are met.

5. In a tractor semitrailer-trailer combination vehicle in which the two (2) trailing units are connected with a rigid frame extension attached to the rear frame of the first semitrailer which allows for a fifth wheel connection point for the second semitrailer, the length of the extension shall be excluded from the measurement of semitrailer length; however, when there is no second semitrailer mounted to the fifth wheel, the length of the extension shall be included in the length measurement for the semitrailer.

(3) The gross vehicle weight limit for each of the highway segments set forth in Section 5 of this administrative regulation shall be 80,000 pounds (36,287.36 kilograms) except the axle weight limits and bridge weight limits set forth in 603 KAR 5:066 shall not be exceeded.

(4) The dimensions and weights specified in this section shall not be subject to any enforcement tolerances provided in any other section.

Section 5. (1) The following highways are designated to permit the operation of motor vehicles with increased dimensions but which do not exceed the limitations stated in Section 4(2) of this administrative regulation:

The Interstate and National Defense Highway System.

Audubon Parkway - from Pennyrile Parkway at Exit 77 in Henderson to US 60 Bypass in Owensboro.

Bluegrass Parkway - from I-65 at Exit 93 in Elizabethtown to US 60 near Versailles.

Cumberland Parkway - from I-65 at Exit 43 near Smiths Grove to US 27 west of Somerset.

Daniel Boone Parkway - from US 25 north of London to KY 15 north of Hazard.

Green River Parkway - From I-65 at Exit 20 in Bowling Green to US 60 Bypass in Owensboro.

Jackson Purchase Parkway - from Tennessee state line to US 62 ~~[I-24]~~ in Marshall County.

Mountain Parkway and Extension - from I-64 at Exit 98 in Winchester to US 460 at Salyersville.

Pennyrile Parkway - From US 41A south of ~~[in]~~ Hopkinsville to US 41 near Henderson.

Western Kentucky Parkway - from I-24 at Exit 42 south of Eddyville to US 31W/KY 61 in Hardin County.

KY 1 - From the I-64 ramps south of the I-64 interchange at Exit 172 to KY 9 north of I-64 all in Carter County.

KY 3 - From the junction with US 23 at Auxier to the junction with KY 645 south of Inez.

KY 4 - The entire circle of Lexington.

KY 8 - From the junction with KY 19 at Augusta in Bracken County to a point one (1) mile east of the junction with KY 1597 in Mason County.

KY 9 - From the junction with KY 1 in Carter County to the

junction with I-275 at Exit 77 in Kenton County.

KY 11 - from the junction with KY 32 in Fleming County to US 62/68 in Maysville.

KY 15 - from US 119 in Whitesburg to KY 15 Spur/KY 191 [~~the Mountain Parkway~~] at Campton, via KY 7 in Letcher County.

KY 15 Spur - From KY 15/KY 191 to the Mountain Parkway at Exit 43.

KY 18 - from KY 237 northwest of Florence [~~338 at Burlington~~] to KY 1017 in Florence.

KY 19 - From the junction with KY 9 [~~546~~] to the junction with KY 8 at Augusta.

KY 21 - from I-75 at Exit 76 near Berea to US 25 south in Berea.

[~~US 23 - from KY 610 at Dorton to the Ohio state line.~~]

US 23 - from the Virginia state line to US 119 near Jenkins.

US 23 - From the junction with KY 610 at Dorton to the south end of the U.S. Grant Bridge at South Portsmouth.

US 23 Spur - from US [~~23~~]60 in Ashland to the Ohio state line.

US 25 - from KY 461 in Rockcastle County to I-75 at Exit 62 in Rockcastle County.

US 25/421 - from US 421 south of Richmond to KY 876 in Richmond.

US 25/421 - from KY 418 southeast of Lexington via [~~to~~] KY 4 to Nandino Boulevard in Lexington.

US 25 - from US 42 in Florence to Ohio State Line.

US 25E - from Virginia state line to I-75 at Exit 29 north of Corbin.

US 27 - from Tennessee state line to the Ohio State Line [~~KY 471 near Alexandria~~] (via KY 4 in Lexington).

US 31E - from Tennessee state line to KY 90 at Glasgow (via the Scottsville Bypass and the Glasgow Bypass).

US 31E/[~~1~~]150 - From the junction with I-265 at Exit 17 in southeast Jefferson County to the junction with I-264 at Exit 16 [~~north of West Buchel~~].

US 31W - from Tennessee state line to KY 255 in Park City, via KY 1008 in Simpson County. [~~73 north of Franklin.~~

~~US 31W - from the Green River Parkway to US 68 north of Bowling Green.~~]

US 31W - from US 31W Bypass in Elizabethtown to I-264 at Exit 8 in Louisville [~~Shively~~].

US 31W Bypass - from Western Kentucky Parkway at Exit 136 to US 31W in Elizabethtown.

KY 32 - from KY 11 in Fleming County to I-64 at Exit 137 [~~US 60~~] at Morehead.

KY 35 - from US 127 at Bromley to I-71 at Exit 57 north of Sparta.

[~~KY 36 - from I-64 south of Owingsville to US 60 at Owingsville.~~]

KY 36 - from the Kawneer Corporation Plant Road in Carroll County (running concurrently with US 42 in Carrollton) to KY 227.

US 41 - from US 68 (Main Street) in Hopkinsville to US 68 (McLean Avenue) in Hopkinsville.

[~~US 41 - concurrent with Pennyrile Parkway from south of Nortonville to north of Madisonville.~~]

US 41 - from Pennyrile Parkway at Henderson to Indiana state line.

US 41A - from Tennessee state line to Pennyrile Parkway at south city limits of Hopkinsville.

[~~US 41A - from KY 112 in Earlington to KY 281 and KY 1751 in Madisonville.~~]

US 41A - From Wanamaker Road north of Dixon in Webster County (milepoint 11.524) to KY 425, the Henderson Bypass in Henderson County.

[~~US 42 - from I-264 northeast of Louisville to Oldham County line.~~]

US 42 - from I-75 at Exit 180 in Florence to US 25 in Florence.

US 42 - from KY 36 in Carroll County at milepoint 4.519 (running concurrently with KY 36 for 2.699 miles) north to KY 47 at Ghent.

US 45 - from the Jackson Purchase Parkway north of Mayfield to US 60 in Paducah.

[~~US 45 Bypass - concurrent with the Jackson Purchase Parkway from southwest of Mayfield to US 45 north of Mayfield.~~]

US 49 - Concurrent with KY 55 south of Lebanon to north of Lebanon.

US 51 - from Jackson Purchase Parkway at Exit 1 in Fulton County to Illinois state line.

KY 52 - from KY 876 in Richmond to KY 499 at Irvine.

KY 55 - from Cumberland Parkway at Exit 49 in Columbia to US 150 at Springfield, via US 68 and KY 49.

US 60 - from US 51 in Wickliffe via US 45 in McCracken County to US 62 east of Paducah.

US 60 - from KY 109 at Sullivan in Union County to KY 425, the Henderson Bypass.

US 60 - from KY 1554 to US 60B, the Owensboro Bypass, all in Daviess County.

US 60 - from US 60 Bypass east [~~west~~] of Owensboro to KY 69 at Hawesville.

US 60 - from KY 144 at Hog Wallow [~~in Meade County~~] to US 31W at Tip Top, all in Meade County.

[~~US 60 - from I-264 east of Louisville to KY 1531 at Eastwood.~~]

US 60 - from US 421/460 at Frankfort to I-75 at Exit 110 near Lexington (via Versailles and KY 4 in Lexington).

US 60 - from junction of KY 180 near Cannonsburg to US 23 in Ashland.

US 60 Bypass - from US 60 west of Owensboro to US 60 east of Owensboro.

KY 61 - from Tennessee state line to KY 90 at Burkesville.

KY 61 - from the junction with US 31E in Hodgenville to US 31W in Elizabethtown.

US 62 - from I-24 at Exit 7 in Paducah to US 45 in Paducah.

US 62 - from US 60 east of Paducah to US 68, all in McCracken County. [~~Western Kentucky Parkway east of Eddyville.~~

~~US 62 - from US 150 at Bardstown to KY 245 at Bardstown.~~]

US 62 - from KY 341 northeast [~~US 421 west~~] of Midway to US 421 in Scott County, concurrent with US 421.

[~~US 62 - from KY 353 southwest of Cynthiana to US 27 at Cynthiana.~~]

US 62 - from US 68 at Washington to the Ohio state line at Maysville, all in Mason County.

US 68 - from US 62 at Reidland to the south ramps of I-24 at Exit 16, all [~~KY 284~~] in McCracken County.

US 68 - from I-24 at Exit 65 in Trigg County to Green River Parkway at Exit 5 at Bowling Green via US 41 in Hopkinsville.

US 68 - from KY 55 southwest of Campbellsville to KY 55 in Lebanon.

US 68 - from its east intersection with US 150 in Perryville to its west intersection with US 150 in Perryville.

US 68 - from US 127 south in Harrodsburg to US 127 north in Harrodsburg.

US 68 - from US 27 at Paris to US 62 at Washington (via Paris Bypass).

KY 69 - from US 60 at Hawesville to Indiana state line.

KY 70 - from I-65 at Exit 53 west of Cave City to KY 90 southeast of Cave City.

KY 79 - from KY 1051 in Brandenburg to Indiana state line.

KY 80 - from KY 80B east of [~~at~~] Somerset to US 25 north of London.

KY 80 - from KY 15 north of [~~at~~] Hazard to US 23 at Watergap.

KY 80 - from the south ramps of the Daniel Boone Parkway at Exit 20 to US 421 near Manchester.

KY 80B - From US 27 at Somerset to KY 80 east of Somerset.

KY 90 - from KY 70 at Cave City to US 31E north of [~~Cumberland Parkway at~~] Glasgow.

KY 90 - from KY 61 at Burkesville to US 27 at Burnside.

KY 109 - from KY 670 in Webster County to US 60 in Union County.

KY 114 - from US 460 east of Salyersville to US 23/460 at

Prestonsburg.

KY 118 - from US 421 and KY 80 northwest of Hyden to the Daniel Boone Parkway at Exit 44.

US 119 - from KY 15 east of [at] Whitesburg to US 23 near [at] Jenkins.

US 119 - from US 25E south of Pineville to US 421 at Harlan.

US 119 - from US 23 at Pikeville to KY 1441 northeast of Pikeville.

KY 121 - from the Jackson Purchase Parkway at Exit 24, at Mayfield to US 51 in Wickliffe.

US 127 - from KY 90 west to KY 90 east in Clinton County (concurrent with KY 90).

US 127 - from the Cumberland Parkway at Exit 62 in Russell County north to the junction with US 127 Bypass and US 150 Bypass in Danville.

US 127 - from US 127 Bypass north of Danville to US 127 Bypass south of Lawrenceburg [KY 151 north of Lawrenceburg via the Lawrenceburg bypass].

US 127 - from US 127 Bypass north of Lawrenceburg [I-64 west of Frankfort] to US 421 in Frankfort.

US 127 - from KY 22 in Owenton to KY 35 at Bromley.

US 127 Bypass - from US 127 south of Danville to US 127 north of Danville.

US 127 Bypass - from US 127 south of Lawrenceburg to US 127 north of Lawrenceburg.

KY 144 - from KY 448 south of Brandenburg to US 60.

US 150 - from US 62 at Bardstown to US 27 at north city limits of Stanford (via US 68 in Perryville and via the US 150 Bypass in Danville).

US 150B - from US 127 south of Danville to US 150 east of Danville.

US 150 Bypass - from US 150 at northern city limits of Stanford to US 27, all in Lincoln County.

KY 151 - from US 127 near Lawrenceburg to I-64 at Exit 48 near Graefenburg.

KY 180 - from I-64 at Exit 185 near Cannonsburg to US 60 at Cannonsburg.

KY 191 - from KY 205 north to KY 205 south in Wolfe County, concurrent with KY 205.

KY 192 - from I-75 at Exit 38 south of London to Daniel Boone Parkway east of London.

KY 205 - from Mountain Parkway at Helechawa to US 460 west in Morgan County, concurrent with KY 191.

KY 212 - from the [KY 20 to] Greater Cincinnati Airport to KY 20, all in Boone County.

KY 227 - from I-71 at Exit 44 [KY 355 near Worthville] to KY 36 at Carrollton.

US 231 - from US 60 Bypass in Owensboro to Indiana state line.

[US 231 - from I-65 east of Bowling Green to US 31W in Bowling Green.]

KY 236 - from US 25 at Erlanger to KY 212 near the Greater Cincinnati Airport.

KY 237 - from KY 18 east of Burlington to I-275 at Exit 7 in Boone County.

KY 245 - from US 150 east of Bardstown to I-65 at Exit 112 south of Shepherdsville.

KY 255 - from US 31W (2nd Street) in Park City to the I-65 interchange northwest ramps at Exit 48.

KY 259 - from Western Kentucky Parkway at Exit 107 to US 62 in Leitchfield.

[KY 281 - from US 41A in Madisonville to the Pennyrile Parkway, concurrent with US 41.

KY 338 - from the junction with I-75 west of Richwood to the junction with US 25 in Richwood.]

KY 341 - from US 62/421 near Midway north to I-64 at Exit 65.

KY 348 - from Jackson Purchase Parkway at Exit 43 west of Benton to US 641 in Benton.

KY 418 - from US 25 south of Lexington to I-75 at Exit 104.

US 421 - from 0.1 mile south of Harlan Appalachian Regional Hospital.

US 421 - from Daniel Boone Parkway at Exit 20 to KY 2438 (2nd Street) in Manchester.

US 421 - from KY 4 in Lexington to US 62 east in Scott County.

US 421 - from US 60/460 in Frankfort to US 127 north.

US 421 - from KY 55 south of Newcastle in Henry County to I-71 at Exit 34 west of Campbellsburg.

KY 425 - from US 60 at Henderson to the Pennyrile Parkway at Exit 76.

US 431 - from US 60 Bypass in Owensboro to US 60 (4th Street) in Owensboro.

KY 446 - from US 31W northeast of Bowling Green to I-65 at Exit 28.

KY 448 - from KY 144 to KY 1051 at Brandenburg.

US 460 - from I-64 at Exit 110 north of Mt. Sterling to KY 686.

US 460 - from Mountain Parkway Extension at Exit 75 to US 23 near Paintsville.

KY 461 - from KY 80 in Pulaski County to US 25 north of Mt. Vernon in Rockcastle County.

KY 471 - from US 27 in Campbell County to the I-275/471 interchange at Exit 1. [junction.

KY 546 - from I-275/KY 9 at Wilder to KY 59 south of Vanceburg.]

KY 555 - from US 150 at Springfield to Bluegrass Parkway at Exit 42.

KY 627 - from I-75 interchange at Exit 95 in Madison County to the junction with KY 1958 (Winchester Bypass) in Clark County.

US 641 - from Tennessee state line to KY 348 in Marshall County [US 641A south of Benton].

US 641 Spur [A] - from US 641 south of Benton to the Jackson Purchase Parkway at Exit 41.

KY 645 - from US 23 south of Ulysses to KY 3 south of Inez.

KY 676 - from US 127 in west Frankfort to US 60 in east Frankfort.

KY 686 - from US 460 north of Mt. Sterling to KY 11 south of Mt. Sterling.

[KY 841 - from I-71 in Jefferson County to US 42 northeast of Louisville.]

KY 841 - from US 31W (Dixie Highway) in southwestern Jefferson County to I-65 at Exit 125.

KY 841 - from I-71 at Exit 9 in Jefferson County to US 42 northeast of Louisville.

[KY 859/KY 57 - from I-64 east of Lexington to Lexington - Bluegrass Army Depot.]

KY 876 - from I-75 at Exit 87 at Richmond to KY 52 east of Richmond.

KY 922 - from KY 4 in Lexington north to I-64 and I-75 at Exit 115.

KY 1008 - from US 31W in south Franklin to US 31W in north Franklin.

KY 1017 - from US 25 in Florence to I-75 at Exit 182.

KY 1051 - from [KY 79 to] KY 448 south of Brandenburg to KY 79.

KY 1597 - From KY 3056 [435] northwest of Maysville to KY 8 all in Mason County.

KY 1682 - from US 68 west of Hopkinsville to Pennyrile Parkway at Exit 12.

KY 1958 - from KY 627 south of Winchester to I-64 at Exit 94 at Winchester.

KY 1998 - from US 27 at Cold Springs to KY 8 near [at] Silver Grove.

(2) Motor vehicles with the increased dimensions specified in Section 4 of this administrative regulation shall be allowed five (5) driving miles (8.05 kilometers) on state maintained highways from the highway segments specified in subsection (1) of this section for the purpose of attaining reasonable access to terminals, facilities for food,

fuel, repairs and rest.

(3) Motor vehicles with the increased dimensions specified in Section 4 of this administrative regulation shall be allowed one (1) driving mile (1.61 kilometers) on nonstate maintained public use highways from the highway segments specified in subsection (1) of this section for the purpose of attaining reasonable access to terminals, facilities for food, fuel, repairs and rest.

Section 6 (1) Household Goods Transporters. Motor vehicles with the increased dimensions specified in Section 4 of this administrative regulation and which are used to transport household goods by a motor carrier certificated by either the Interstate Commerce Commission or the Kentucky Transportation Cabinet to transport household goods shall have access to any public roadway in the Commonwealth of Kentucky.

(2) Single unit semitrailers. Motor vehicles with the increased dimensions specified in Section 4 of this regulation and which consist of only a truck tractor and single semitrailer which does not exceed twenty-eight (28) feet excluding any length exclusion safety device shall have access to any public roadway in the Commonwealth of Kentucky.

(3) Recreational vehicle. A recreational vehicle which has a registration license plate issued pursuant to KRS 186.050(11), 186.655, or equivalent statute from another licensing jurisdiction shall have access to any public state-maintained roadway in the Commonwealth of Kentucky as long as the dimensions of the recreational vehicle do not exceed those set forth in Section 4 of this administrative regulation. This shall not be considered a waiver of the weight restrictions of any highway.

Section 7. Nonstate Maintained Exceptions to One (1) Mile (1.61 Kilometers) Automatic Access. The following local government has [~~s have~~] adopted ordinances which exempt for safety reasons certain locally maintained roadways from the automatic one (1) mile (1.61 kilometers) access provision of Section 5(3) of this administrative regulation: The city of Anchorage in Jefferson County - the streets all within the corporate city limits of Anchorage listed in the city ordinance which shall not be used by motor vehicles with the increased dimensions specified in Section 4 of this administrative regulation [~~STAA dimensioned vehicles~~] are:

(1) Evergreen Road;
(2) Bellewood Road;
(3) Lucas Lane; and
(4) Old Harris Creek Road.

Section 8. State-maintained Exceptions to Automatic Five (5) Mile (8.05 Kilometers) Access. The Department of Highways has found the following road segment[~~s~~] for safety reasons to be exempt from the five (5) mile (8.05 kilometers) automatic access on state-maintained highways set forth in Section 5(2) of this administrative regulation. These road segments shall not be used by [~~STAA dimensioned~~] vehicles which exceed the dimension limits set forth in Section 4 of this administrative regulation without an overdimensional permit: KY 146 - from the west boundary of the city of Anchorage at milepoint 4.258 to the east boundary of the city of Anchorage at milepoint 5.878.

Section 9. Length Measurements. (1) The Federal Highway Administration interpretation of truck length and width exclusive devices published in the "Federal Register" on March 13, 1987 shall govern measuring the length of a semitrailer or trailer. Pages 7834 through 7840 of the March 13, 1987 "Federal Register" are incorporated by reference as a part of this administrative regulation.

(2) The material incorporated by reference may be viewed, copied, or obtained from the Transportation Cabinet, Division of Motor Vehicle Enforcement, 8th Floor, 501 High Street, Frankfort, Kentucky 40622. The telephone number is (502)564-3276. The business hours of the division are 8 a.m. to 4:30 p.m. eastern time on weekdays.

NORRIS BECKLEY, Commissioner
J.M. YOWELL, P.E., State Highway Engineer
JERRY ANGLIN, Deputy Secretary and Commissioner
DON C. KELLY, P.E., Secretary
APPROVED BY AGENCY: August 15, 1995
FILED WITH LRC: August 15, 1995 at 10 a.m.

CABINET FOR WORKFORCE DEVELOPMENT
State Board for Adult and Technical Education
(As Amended)

785 KAR 1:100. Provision of instruction for individuals sentenced by a court to participate in educational programs.

RELATES TO: KRS 151B.023, 151B.110, 533.200, 533.210
STATUTORY AUTHORITY: KRS 13A.100, 151B.023, 151B.110, 533.210
NECESSITY AND FUNCTION: KRS 533.200 allows a judge to sentence individuals without high school credentials who are convicted of a crime by a court to participate in a program designed to improve their reading, living and employment skills. KRS 533.210 delegates responsibility for administering the program described in KRS 533.200 to the Department for Adult Education and Literacy. KRS 151B.023 and 151B.110 delegates to the Department for Adult Education and Literacy and the State Board for Adult and Technical Education the responsibility for adult education programs and services. This administrative regulation describes **the method of providing services to this population, the cost of individual participation in the program, and the manner of licensing of teachers providing instruction.** [~~programs of instruction to be offered for individuals sentenced by courts to educational programs and establishes qualifications for persons or organizations offering instruction.~~]

Section 1. Instructional Program**, Costs, Licensing. There shall be no costs to** students ordered by the court to attend **the program described in KRS 533.200. The program services shall be services presently provided students enrolling in adult education programs. Licensing and qualifications of instructors shall be determined by the local program providers.** [~~adult education and literacy programs shall receive usual and customary services through existing local programs.~~]

J. LARRY STINSON, Chairman
WILLIAM D. HUSTON, Secretary
APPROVED BY AGENCY: April 21, 1995
FILED WITH LRC: August 15, 1995 at 10 a.m.

CABINET FOR WORKFORCE DEVELOPMENT
State Board for Adult and Technical Education
(As Amended)

785 KAR 1:110. Qualifications for progressing satisfactorily through a GED program.

RELATES TO: KRS 151B.110, 151B.125, 161.011
STATUTORY AUTHORITY: KRS **151B.110** [~~151B.125~~], 161.011
NECESSITY AND FUNCTION: KRS 151B.110 delegates to the State Board for Adult and Technical Education the responsibility for adult education programs and services in Kentucky. KRS 161.011 authorizes the State Board for Adult and Technical Education to define progressing satisfactorily through the GED Program for the purposes of minimum qualifications for local school district classified

employment positions. This administrative regulation provides the necessary definition.

Section 1. ~~[Definition. "Classified employee" is defined in KRS 161.011.~~

~~(2) "Individual with a disability" means a person who has a physical or mental impairment that substantially limits one (1) or more major life activities, has a record of an impairment, or is regarded as having an impairment.~~

~~Section 2.~~] Satisfactory Progress Requirement. Making progress toward obtaining a General Educational Development (GED) Diploma means:

(1) Enrollment in an adult education program on an appropriate instructional level **as determined by a reliable, commercially prepared, standardized test designed for adult students**;

(2) Monthly verification of attendance by **an adult education** program official; **and**

(3) A satisfactory progress rating on an annual report submitted to the local school superintendent **that is based upon periodic testing results by adult education teachers.** ~~[; and~~

~~(4) A minimum of two (2) years attendance or successful completion of the GED.~~

~~Section 3. Instructional Level, Testing, Reporting. (1) The adult education teacher shall determine the appropriate instructional level by administering a reliable, commercially prepared, standardized test designed for adult students.~~

~~(2) Standardized test shall be administered to a classified employee:~~

~~(a) Prior to an employee's enrollment in the GED Program; and~~

~~(b) At least once a year after enrollment in the program.~~

~~(3) A classified employee shall be evaluated through administration of periodic testing during the enrollment period to determine whether he is making progress toward obtaining a GED. Periodic testing shall be administered at intervals prescribed by the Department for Adult Education and Literacy.~~

~~(4) An employee's progress, whether satisfactory or unsatisfactory, shall be reported in writing on an annual basis to the local superintendent by the instructor.~~

~~(5) An employee who is determined not to be making progress will be governed by the provisions of KRS 161.011.~~

~~Section 4. Modification or Temporary Waiver of Program Requirements. (1) A written request may be submitted to a local school superintendent requesting that the requirements of this administrative regulation be modified or temporarily waived if:~~

~~(a) The individual employee has a disability; or~~

~~(b) A person can provide written documentation that the requirements of this administrative regulation impose an undue hardship.~~

~~(2) The local school superintendent shall provide the employee with a written determination within ten (10) days of the request for modification or temporary waiver specifying the:~~

~~(a) Modifications which shall be made in the program requirements or by the program staff or facility to accommodate an employee with a disability; and~~

~~(b) Conditions under which a temporary waiver of program requirements will be considered or granted.~~]

J. LARRY STINSON, Chairman
WILLIAM D. HUSTON, Secretary
APPROVED BY AGENCY: April 21, 1995
FILED WITH LRC: August 15, 1995 at 10 a.m.

CABINET FOR WORKFORCE DEVELOPMENT
Office of Training and Reemployment
(As Amended)

788 KAR 2:010. Job Training Partnership Act.

RELATES TO: KRS 194.030(9)
STATUTORY AUTHORITY: KRS 151B.020, 341.115
NECESSITY AND FUNCTION: PL 97-300, the Job Training Partnership Act authorizes the states to implement a job training program. The Cabinet for Workforce Development is authorized by KRS 151B.020 to adopt such rules and administrative regulations as are necessary to implement programs mandated by federal law or to qualify for receipt of federal funds and as are necessary to cooperate with federal agencies for the proper administration of the cabinet and its programs. The function of this administrative regulation is to implement the Kentucky Job Training Program in accordance with applicable federal laws and regulations.

Section 1. In order to facilitate the administration of the Job Training Program as authorized by PL 97-300, the 1986 Amendments and as regulated in 20 CFR Parts 626 through 636, the following CFR, Public Law and Conference Report are **incorporated** ~~[adopted]~~ by reference:

(1) 20 CFR Parts 626 through 636, dated April 1, 1986, which contains regulations regarding the implementation of the Job Training Partnership Act (JTPA) and includes operational procedures for: determining eligibility of grant recipients and funding; preparing the Governor's Coordination and Special Services Plan; involving the State Job Training Coordinating Council; implementing interstate JTPA agreements; distribution of state funds; ensuring state education coordination and awarding grants; implementing training programs for older individuals; awarding state incentive grants; designating JTPA service delivery areas (SDA) and private industry councils; selection of SDA grant recipients; preparing, reviewing and approving job training plans; prohibiting use of public service employment for JTPA purposes; determining eligibility for need-based payments and benefits and assessing working conditions; ensuring compliance in the areas of grant payments, program income, insurance, procurement, management systems, reporting and recordkeeping, budgetary classifications and limitations, matching funds, property management standards, audits, program oversight, sanctions for Act violations, program close-out and performance standards; filing requests for and conducting grievance hearings; handling of administrative, civil and criminal complaints and reports of fraud, abuse and other criminal activity; and implementing summer youth employment and training programs, native American employment and training programs, migrant and seasonal farmworker programs and veterans employment programs.

(2) PL 97-300, the Job Training Partnership Act of 1982 and the amendments issued in PL 99-496 dated October 16, 1986 which concerns the state and local service delivery system and general program and administrative issues including the authority and program requirements of the governor, state job training coordinating councils, private industry councils and chief elected officials; processes for designating local service delivery areas; preparing local plans and selecting local service providers; development of performance standards and procedures for implementation; fiscal control; monitoring and recordkeeping; training programs for disadvantaged youth and adults, including the areas regarding funding and eligibility and summer youth training and job programs; implementing training and employment aid program for dislocated workers including consultation with private industry councils; funding and implementation of employment and training programs for native Americans, migrant workers and veterans; Job Corps; labor market information systems; functions of the National Commission for Employment Policy; and coordination between the Work Incentive Program and the job training

delivery system.

(3) Job Training Partnership Act, Conference Report, issued September 28, 1982, which is a joint explanatory statement of the Committee of Conference on the Job Training Partnership Act which explains the action agreed upon by the House and Senate managers and expresses the intent of the Congress.

(4) Interpretations of Job Training Partnership Act Rules and Regulations dated June 18, 1986, which contains interpretations pertaining to: Summer Youth Employment and Training Programs; Maximum and Minimum Limitations on Expenditures; Job Training Partnership Act, States' Responsibilities in Incident Report Procedures; and Job Training Partnership and Wagner-Peyser Acts Funds Availability. Also contained therein is an amendment to Part 629.38(e)(2)(iii) concerning Single Unit Charge Agreements involving Training of Youth as well as 20 CFR, Volume 51, Notices: No. 22, Job Training Partnership Act, Performance Standards for Program Years (PY) 1986 and 1987; No. 88, Job Training Partnership Act, Semiannual Status Report for Titles II-A and III Programs, and Title II-B Summer Performance Report; No. 117, Job Training Partnership Act, Annual Status Report for Titles II-A and III Programs.

Section 2. In order to coordinate the Job Training Program and provide for uniform service to the public, the following plan, instructions and procedures are adopted by reference:

(1) Governor's Coordination and Special Services Plan (GCSSP) for program years 1986 and 1987, dated May 15, 1986. This plan contains the identifying information of the applicant which includes the name and address of the grantee, date of submission, and time period covered. The program information includes the criteria for coordinating activities under the Act, including Title III activities, with programs and services provided by state and local agencies determined to have a direct interest in employment and training and human resource utilization within the state. It describes the use of resources provided to the state and its service delivery areas under the Act. It describes the projected use of resources, including education coordination, oversight, and support activities, priorities and criteria for state incentive grants, and performance standards and incentive award systems for the state-supported programs. It also addresses adjustments in Kentucky's performance standards as well as incentive awards and the method used in making the adjustments. It includes information on any of the activities listed in Section 121(c) of the Act which the state intends to conduct. It provides a statement indicating that the state had adequate methods of administration to assure compliance with Section 167 of the Act. it provides for a method of modification in accordance with procedures established by the Department of Labor if major changes occur in labor market conditions, funding, or other factors during the period covered by the plan.

(2) Program Announcement for a Request for Proposal (RFP) for Older Individuals, dated May 30, 1986. This packet includes a letter of request seeking proposals to provide innovative employment and training programs for individuals age fifty-five (55) and older (older workers); also the procedures for the submission of a program request of funding for activities authorized under JTPA, Title II-A. These procedures include information on the purpose, objectives, authorized activities, approach and methodology, length of project, level of support and funding information, matching, service providers, list of service delivery areas (SDAs); also, the project application that includes name of project and agency, summary, requested funds, number of slots, budget summary and detailed budget, project description and design, performance standards, staff job descriptions, DES and SDA concurrence forms, EEO statement, and deliverer of training services.

(3) Program Announcement for a Request for Proposal (RFP) for postprogram data collection, dated June 23, 1986. This packet includes a letter of request seeking proposals from organizations which will gather data on former participants who received services which were funded through specific resources of JTPA, Title II-A (adults and Title III; also, the program announcement that includes the purpose, methodology, response requirements, project scope and duration and contracts. The RFP contains the description, outline and informational attachments. Included in these three (3) items are: special conditions and requirements, content specifications, evaluation criteria, selection process, general conditions, summary sheet application, budget summary, narrative instructions, narrative proposed work plan, demonstrated effectiveness of bidder, experience of key personnel, organizational/management systems, required inclusions, SDA listing, estimate of PY 1986 trainees, required questions in the survey and data entry form.

(4) Program Announcement for a Request for Proposal (RFP) for Audit of Funds Under the Job Training Partnership Act (JTPA) dated February 20, 1986. This packet includes a letter of request seeking applications from all certified public accounting firms interested in submitting bids for the audit of funds distributed to agency contractors under JTPA. The proposal package contains five (5) enclosures, including specification schedule, application and certification, list of audits to be conducted, JTPA federal regulations, and a copy of the Job Training Partnership Act (PL 97-300).

(5) Job Training Partnership Act On-the-job Training (OJT) Manual JTPA Titles II-A and III dated January 1, 1986, which contains updated information and instructions for state administered OJT Programs. This packet includes operational procedures and implementation for developing OJT contracts and determining employer and occupational eligibility for the program under JTPA, Title II-A and III. These procedures include information on: the purpose; performance standards; employer, occupational and participant eligibility; number of allowable trainees and their wages; working conditions and labor laws; apprenticeable occupations; development, negotiation, duration, completion, modification and monitoring of contracts; linkages and waiver of OJT procedures; matching funds; payment procedures (responsibility for payment, allowable costs, reimbursement procedures); copies of JTPA forms used in the program and line instructions for completing the forms.

(6) Job Training Partnership Act Financial Management Guide dated July 1, 1986. This guide sets forth minimum requirements for recipients of JTPA funds in the disbursement of, accounting for, and reporting of program funds. Included are sections pertaining to: definitions of JTPA financial terms; compliance standards for recipients in the control and accountability of assets, liabilities, funds, and expenditures by the various titles of JTPA; procedures to be followed in order to minimize the time elapsing between the receipt of JTPA funds and disbursement of those funds; the responsibilities and standards to be followed in order to ensure that a financial and compliance audit is conducted on all JTPA funds; the responsibilities of the state and the SDAs in the financial monitoring of recipients of JTPA funds, in order to identify problem areas in recipient programs; procurement policies required to be followed in order to meet minimum federal, state, and local requirements; property management standards to be used by recipients in maintaining accountability of all property purchased with JTPA funds and transferred from the CETA Program; the responsibilities of the state and the service delivery areas in the purchase, maintenance, and use of the single integrated management information system for JTPA; and the instructions for completing the JTPA Quarterly Status Report and the JTPA Annual Status Report. Also included are JTPA forms and instructions for the completion thereof.

(7) JTPA Grievance Procedures (state level) dated January 1987, which provides for a participant grievance system to be adopted by all contractors (including their subcontractors) having JTPA funded contractual agreements with the state, a mechanism for hearing complaints that have not been resolved at the SDA (service delivery area) level and a formal procedure for the resolution of nonparticipant complaints and which includes the time frames and procedures to follow during the appeals process as well as forms to be used by the

parties involved in the process.

Section 3. All documents incorporated by reference herein are on file for public inspection in the Office of the **Executive Director, Office of Training and Reemployment** [~~Commissioner for Employment Services~~], 275 East Main Street, **Third Floor West,** Frankfort, Kentucky 40621, and in local service delivery area offices located throughout the state.

WILLIAM H. GAUNCE, Executive Director
WILLIAM D. HUSTON, Secretary
APPROVED BY AGENCY: June 16, 1995
FILED WITH LRC: June 23, 1995 at 11 a.m.

LABOR CABINET
Department of Workers' Claims
(As Amended)

803 KAR 25:170. Filing of claims information with the Department of Workers' Claims.

RELATES TO: KRS Chapter 342
STATUTORY AUTHORITY: KRS Chapter 13A, 342.039
NECESSITY AND FUNCTION: KRS 342.039 requires the Commissioner of the Department of Workers' Claims to promulgate administrative regulations by which each insurance company writing workers' compensation policies in the Commonwealth, every group of self-insurers, and each employer carrying its own risk shall file detailed claim information contained in the model regulation developed by the National Association of Insurance Commissioners (NAIC) in conjunction with the International Association of Industrial Accident Boards and Commissions (IAIABC).

Section 1. Definitions. (1) "Commissioner" means the Commissioner of the Department of Workers' Claims appointed pursuant to KRS 342.228.

(2) "Data collection agent" means a business or entity that keys information in[~~to~~] an electronic format and transmits the resulting data to a [~~the~~] value added network used by the Department of Workers' Claims.

(3) "Insurance company" means an insurer or where applicable, the Kentucky Insurance Guaranty Association.

(4) "Value added network" means a business or entity that accepts electronic data transmissions and sorts the transmissions for delivery to various addressees.

Section 2. Reporting Requirements. (1) Beginning **with work-related injuries and occupational diseases reported to employers on or after** January 1, 1996, each insurance company writing workers' compensation insurance policies in the Commonwealth of Kentucky, each group of self-insurers holding a valid certificate issued by the commissioner (or its third-party administrator), and each individual employer carrying its own risk and holding a valid certificate issued by the commissioner (or its third-party administrator) shall file the information required on the Form IA-1 with a data collection agent or a value added network designated by the Department of Workers' Claims, in electronic format, as soon as practicable and not later than three (3) weeks from the date on which an employee has reported a work-related injury or occupational disease to the employer.

(2) Beginning **with work-related injuries and occupational diseases reported to employers on or after** January 1, 1996, each insurance company writing workers' compensation insurance policies in the Commonwealth of Kentucky, each group of self-insurers holding a valid certificate issued by the commissioner (or its third-party administrator), and each individual employer carrying its own risk and holding a valid certificate issued by the commissioner (or its third-party administrator) shall file the information required on the Form IA-2 with a data collection agent or a value added network designated by the Department of Workers' Claims [~~value-added network~~], in electronic format, every sixty (60) days for as long as the disability of an employee continues and whenever payments to an employee are commenced, terminated, changed, or resumed.

(3) Beginning **April 22, 1996, for medical bills paid or denied on or after** January 1, 1996, each insurance company writing workers' compensation insurance policies in the Commonwealth of Kentucky, each group of self-insurers holding a valid certificate issued by the commissioner (or its third-party administrator), and each individual employer carrying its own risk and holding a valid certificate issued by the commissioner (or its third-party administrator) shall file a medical report containing the information extracted from the standardized uniform health claim forms prescribed by the Health Policy Board of the Commonwealth of Kentucky pursuant to KRS Chapter 216 and the administrative regulations promulgated pursuant thereto. This information shall be filed with a data collection agent or a value added network designated by the Department of Workers' Claims, in electronic format, as soon as practicable and **after April 22, 1995,** not later than three (3) weeks following the payment or denial of a bill submitted on a uniform health claim form in a workers' compensation case.

Section 3. Data Collection Agents. If an insurance company, group self-insurer (or its third-party administrator) or an individual self-insurer (or its third-party administrator) is unable to transmit the information required under this administrative regulation to a value added network utilized by the Department of Workers' Claims using its own facilities and resources, it shall employ a data collection agent capable of transmitting the information to a value added network utilized by the Department of Workers' Claims. The Department of Workers' Claims shall maintain a directory of businesses capable of providing this service that have asked to be listed as potential data collection agents.

Section 4. **Acknowledgements. Acknowledgements of accepted filings made pursuant to this administrative regulation, and requests by the Department of Workers' Claims for resubmission of reports due to incomplete or incorrect information, shall be made in electronic format through the same data collection agent or value added network used for the filings.**

Section 5. Forms. (1) Forms IA-1 and IA-2 are filed herewith and incorporated by reference.

(2) Obtaining forms.

(a) Forms are available to the public at main and branch office of the Department of Workers' Claims:

1. Frankfort - Perimeter Park West, Building C, 1270 Louisville Road, Frankfort, Kentucky 40601;

2. Louisville - 410 West Chestnut Street, Louisville, Kentucky 40202;

3. Paducah - 220 B. North 8th Street, Paducah, Kentucky 42001; and

4. Pikeville - 412 Second Street, Pikeville, Kentucky 41501.

(b) Office hours of each office are 9 a.m. to 4 p.m. local time, Monday through Friday inclusive, for this purpose.

WALTER W. TURNER, Commissioner
APPROVED BY AGENCY: October 10, 1995
FILED WITH LRC: October 10, 1995 at 11 a.m.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Housing, Buildings and Construction
(As Amended)

815 KAR 8:010. Master heating, ventilation, and air conditioning (HVAC) contractor licensing requirements.

RELATES TO: KRS 198B.650 - 689
STATUTORY AUTHORITY: KRS 198B.654
NECESSITY AND FUNCTION: KRS 198B.654 requires the Board of Heating, Ventilation and Air Conditioning Contractors to promulgate administrative regulations requiring persons engaged in the heating, ventilation and air conditioning (HVAC) contracting business to be licensed effective July 1, 1995. This administrative regulation sets forth the required proof of experience, examination, fees, application form and other administrative requirements for licensing HVAC contractors. This amendment is necessary to delete language regarding the "grandfather clause" and update the application form to the current date.

Section 1. Definitions. (1) [~~"Actively engaged" means that the applicant has personally contracted for HVAC business in Kentucky, such as installing, servicing and repair over the three (3) year period of time required by Section 6 of this administrative regulation.~~

~~(2) "Current valid Kentucky local government HVAC contractor license" means a document issued by any Kentucky local government which qualifies the person to engage in the HVAC business as a contractor. It shall not mean an occupational license tax document.~~

~~(3) "HVAC" means heating, ventilation and air conditioning, hydronic and burner service systems as defined in KRS 198B.650(1), (2), (8), (9) and (15).~~

~~(4) "Immediate" or "immediately" means the time period after January 1, 1990, in which the experience necessary to qualify one to be licensed may have occurred.~~

~~(5)~~] "Master HVAC contractor" or "master" as defined by KRS 198B.650(12) and is authorized to contract for and engage in the business of installation, maintenance, altering, remodeling and repair of HVAC systems. If the individual is representing a company, the license issued in the name of the individual shall also name the company.

(2) [~~(6)~~] "Journeyman HVAC mechanic" or "journeyman" as defined by KRS 198B.650(10) and is authorized to install, maintain, alter, remodel, and repair heating systems, ventilation systems, hydronic systems, burner service or cooling systems, under the supervision of a master.

(3) [~~(7)~~] "Supervise" means exercising authority and responsibility for the direction of all persons engaged in carrying out the actual work on HVAC systems, including the authority to exercise independent judgment regarding activities of others acting under his direction.

Section 2. General Requirements. (1) Mandatory licensure. [~~Effective July 1, 1995,~~] Any person, other than one exempted by KRS 198B.674, who is engaged in the business of HVAC contracting shall comply with applicable administrative regulations of the board set forth in this administrative regulation.

(2) Continuing education. Beginning July 1, 1996, each licensee shall complete ten (10) hours of continuing education, approved by the board, prior to renewal of the license for the next year.

(3) Supervision. The master shall supervise and be primarily responsible for all HVAC work performed by the employees and subcontractors of the licensee. The master shall assign each apprentice to the oversight of one (1) or more journeyman. The master shall not personally engage in actual installation, maintenance, alteration or remodeling or repair unless the master also possesses a journeyman license.

(4) Company license. A licensee who is an employee of a company whom the licensee is representing shall notify the board, in writing, if the licensee ceases to represent the company or if the name of the company changes, requesting a change of information on his license and paying the change of information fee listed in Section 7 [~~8~~] (5) of this administrative regulation.

Section 3. Initial Application Requirements. (1) Filing the application. Each applicant seeking a master HVAC contractor license shall meet all of the following application requirements:

(a) The applicant shall submit the Master HVAC Contractor License Application Form HVAC 1, September, 1995 [~~November, 1994~~], hereby incorporated by reference, to the Department of Housing. Copies of the application form 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.

(b) The completed application form shall be accompanied by a nonrefundable initial license application fee of $100; and

(c) The applicant shall submit proof of satisfactory completion of the examination required by Section 4 of this administrative regulation; and

(d) The applicant shall be an individual; and

(e) The applicant shall have and shall verify to the board the applicant's experience as a contractor in the business of installation, alteration, maintenance and performance of repairs and alteration of HVAC systems, as required by Section [~~6~~] 5 [~~and 6~~] of this administrative regulation; and

(f) The applicant shall supply a certificate of insurance showing general liability insurance in the minimum amount of $500,000, including at least $300,000 for property damage. The named insurance carrier shall be a company which holds a certificate of authority from the Kentucky Department of Insurance; and

(g) If the applicant is an employee representing a company, the company name shall be stated on the application form. The company may provide the insurance certificates required by paragraph (f) of this subsection and shall be subject to this administrative regulation.

(2) Termination of application. The initial application shall remain pending until all requirements are met, up to a period of one (1) year after the date the application is submitted. At the end of one (1) year, the application shall be void.

Section 4. Examination Requirements. [~~Except for those applicants seeking a license pursuant to Section 6 (the "grandfather clause") of this administration regulation,~~] Each applicant shall take and pass the examination administered in compliance with this section.

(1) The examination shall test the applicant's knowledge of codes, standards, laws and administrative regulations and of current technological and industry recommended practices with respect to the proper installation, maintenance, repair, remodeling or alteration of all types of HVAC systems.

(2) Reasonable accommodations will be made where necessary to provide accessibility to disabled applicants, upon request; and oral examinations may be given upon good cause shown.

(3) The applicant shall successfully complete the test [~~examination~~] known as "Kentucky Master Heating, Ventilation and Air Conditioning Contractor Examination" with a passing grade of seventy-five (75) percent; or, the applicant shall pass another test or method of examination deemed equivalent by and approved by the board.

(4) Requests to sit for the examination shall be made directly to the testing company, the National Assessment Institute, 783 Old Hickory Boulevard, Suite 255, Brentwood, Tennessee 37027, or other testing agency approved by the board.

(5) The examination fee shall be fifty (50) dollars and shall accompany the application for examination.

(6) The examination shall be provided and administered by the approved testing agency as often as necessary but at least four (4)

times a year at various locations.

(7) An applicant shall not retake an examination less than sixty (60) days from the date of his last examination.

(8) A passing score on the examination shall be valid for a period of two (2) years.

Section 5. Experience Requirements. All applicants shall meet the experience requirements of this section.

(1) Minimum experience. Each applicant shall have at least two (2) years experience. Applicants shall receive credit for experience as follows:

(a) Credit for experience in the HVAC business obtained after July 1, 1995, shall be for HVAC work under the supervision of a master.

(b) Credit for experience obtained prior to [~~during the three (3) years immediately preceding July 1, 1994, through~~] July 1, 1995 [~~(i.e., between January 1, 1990 and July 1, 1995),~~] shall be for HVAC work as an actively engaged and lawfully established self-employed HVAC contractor/mechanic and for work as an actively engaged and lawfully qualified mechanic under another HVAC contractor.

(2) Records of experience. An applicant's experience shall be listed on the application form. Additional proof of experience may be requested by the board, prior to or after licensing, if the board has reason to believe that the experience shown is insufficient or nonexistent.

~~[(3) "Grandfather" exception. Applicants seeking licensure without examination shall comply with the experience and other requirements of Section 6 of this administrative regulation.~~

~~Section 6. Grandfather Clause. (1) Applicants shall be licensed without examination pursuant to this section.~~

~~(2) Applicants filing applications prior to July 1, 1995, shall have either:~~

~~(a) A minimum of three (3) years experience actively engaged and lawfully established as a HVAC contractor immediately prior to July 1, 1994 (that is between January 1, 1990 and July 1, 1994); or~~

~~(b) A current valid Kentucky local government HVAC contractor license which has been in effect since at least July 1, 1994; or~~

~~(c) A minimum of eight (8) years public school HVAC experience immediately prior to July 1, 1994, pursuant to KRS 198B.662(4).~~

~~(3) To qualify for licensure without examination, the application shall be completed and all fees, including proof of insurance, shall be provided before the master HVAC contractor license shall be issued.~~

~~(4) The deadline for filing the fee and signed application form shall be July 1, 1995.~~

~~(5) Affidavit of experience. If applying under the grandfather clause, the applicant shall complete and file, with the application form, the "Grandfather Clause Affidavit of Experience" Form HVAC-1(a), November, 1994, hereby incorporated by reference. Copies are available at the Department of Housing, Buildings and Construction, 1047 U.S. 127 South, Suite #1, Frankfort, Kentucky, between 8 a.m. and 4:30 p.m., Monday through Friday.~~

~~(6) Records of experience. Additional proof of experience may be requested by the board, prior to or after licensing, if the board has reason to believe that the experience shown or sworn to is insufficient or nonexistent.~~]

Section 6. [~~7.~~] Renewal and Reactivation Requirements and Procedures. (1) Except for licenses placed in inactive status, application for license renewal shall be filed by each licensee no later than June 30 of each year.

(2) A renewal fee of fifty (50) dollars shall be paid prior to renewal. The department shall send renewal application cards to each licensee each year to be returned, together with the required fee.

(3) Renewal applications filed late, but no later than September 29, shall be accepted, but a restoration fee shall be added to the renewal fee.

(4) Failure to renew by September 29 shall void the license and the applicant shall comply with all requirements for a new license pursuant to Section 3 of this administrative regulation.

(5) Licenses which have been placed in inactive status are exempt from annual renewal. They shall be reactivated upon payment of a renewal fee for the year reactivated, the reactivation fee and compliance with continuing education requirements for each year of inactive status.

(6) The application for renewal or reactivation of a licensed master HVAC contractor shall be denied if any of the following occur:

(a) The applicant fails to pay the fees required for renewal, reactivation and restoration, if applicable; or

(b) The applicant fails to comply with the continuing education requirements of the board; or

(c) The applicant fails to provide the current insurance certificate.

Section 7. [~~8.~~] Special Service Fees. In addition to other fees required by this administrative regulation, the following fees shall also be applied:

(1) Restoration fee. The fee for renewal of expired licenses shall be fifty (50) dollars.

(2) Inactive status fee. A licensee may place his license in "inactive status" upon payment of twenty (20) dollars. Inactive status shall be maintained until such time as the licensee requests reactivation.

(3) Reactivation fee. A license shall be reactivated upon payment of a fee of twenty (20) dollars and compliance with Section 6[~~7~~](5) of this administrative regulation.

(4) Duplicate license fee. Verified lost or destroyed licenses shall be replaced upon payment of a ten (10) dollar fee.

(5) Change of information fee. The fee for the change of information required by Section 2(4) of this administrative regulation shall be fifteen (15) dollars. If a change of information request is simultaneous with license renewal, this fee shall not be applicable.

Section 8. [~~9.~~] Revocation or Suspension of Licenses. A license issued pursuant to this administrative regulation may be suspended or revoked by the board for any of the reasons stated in KRS 198B.672.

CHARLES A. COTTON, Commissioner
EDWARD J. HOLMES, Secretary
APPROVED BY AGENCY: September 13, 1995
FILED WITH LRC: September 14, 1995 at 2 p.m.

CABINET FOR HUMAN RESOURCES
Department for Mental Health and
Mental Retardation Services
(As Amended)

908 KAR 1:320. Confidential record of treatment for federally assisted alcohol and other drug abuse programs.

RELATES TO: KRS 222.271, **42 CFR Parts 2, 2.11, 2.12**

STATUTORY AUTHORITY: KRS 194.050, 222.271, 42 CFR Parts 2, **2.11, 2.12**

NECESSITY AND FUNCTION: KRS 222.271 mandates the cabinet to establish standards to ensure the confidentiality of alcohol and other drug abuse client records. This administrative regulation establishes confidentiality standards for federally assisted programs.

Section 1. Definitions. (1) "AOD agency" means an alcohol or other drug abuse agency licensed **pursuant to** [~~under the authority of~~] KRS 222.231.

(2) "Federally assisted" is defined at 42 CFR Part 2, confidentiality of alcohol and drug abuse patient records, (October 1, 1994

edition).

Section 2. Applicability. An AOD agency, which is federally assisted, shall maintain a confidential record of treatment for all clients **pursuant to** **[~~according to the provisions of~~]** 42 CFR Part 2, confidentiality of alcohol and drug abuse patient records (October 1, 1994 edition), as amended at 60 Federal Register 22,296-22,297 (1995).

Section 3. Material Incorporated by Reference. (1) 42 CFR Part 2, Confidentiality of alcohol and drug abuse patient records, (October 1, 1994 edition), 42 CFR Part 2, 2.11 and 2.12, as amended at 60 Federal Register 22,296-22,297 (1995) are hereby incorporated by reference.

(2) Copies of the incorporated material may be inspected, copied or obtained at the Department for Mental Health and Mental Retardation Services, Division of Substance Abuse, 100 Fair Oaks Lane, Leestown Square, 4th Floor, Frankfort, Kentucky 40601, 8 a.m. through 4:30 p.m., Monday through Friday.

ELIZABETH REHM WACHTEL, PH.D., Commissioner
MASTEN CHILDERS II, Secretary
APPROVED BY AGENCY: August 14, 1995
FILED WITH LRC: August 30, 1995 at noon

PROPOSED AMENDMENTS RECEIVED THROUGH NOON, NOVEMBER 15, 1995

GENERAL GOVERNMENT CABINET
State Board of Elections
(Amendment)

31 KAR 5:020. Placement of voting machines.

RELATES TO: KRS 117.065
STATUTORY AUTHORITY: KRS 117.015(1), 117.035(1)
NECESSITY AND FUNCTION: County boards of elections are required to select voting locations. This administrative regulation describes the placement of voting machines so as to prevent unlawful voting activity.

Section 1. Where polling is conducted by the voters' operation of a machine, whether mechanical or electronic, the machine shall be positioned so that all persons using the machine for voting are visible to the clerk of the election and to the voters waiting to use the machine.

Section 2. Where polling is conducted at a machine which employs a curtain or similar device to protect the secrecy of the voters' selections, the machine shall be placed so that all persons entering the area behind the curtain are visible to the clerk of the election and to the voters waiting to use the machine.

Section 3. Where polling is conducted by paper ballot or by the use of paper cards as part of an electronic voting system, the tables or desks used by the voters in filling out the ballots or cards shall be positioned so that all persons filling out the ballots or cards are visible to the clerk of the election and to the voters waiting to vote.

Section 4. In no case shall the county board of elections authorize the placement of voting machines in a separate room [~~or area separated by a wall or other obstruction~~] from the area occupied by the clerk of the election and the voters waiting to vote.

BOB BABBAGE, Chairman
APPROVED BY AGENCY: November 15, 1995
FILED WITH LRC: November 15, 1995 at 10 a.m.
PUBLIC HEARING: A public hearing on this proposed amendment shall be held on December 21, 1995 9 a.m., in the conference room of the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by December 16, 1995, 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 wishes to be heard will be given an opportunity to comment on this 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 be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to: George Russell, Executive Director, State Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601-3240, (502) 573-7100.

REGULATORY IMPACT ANALYSIS

Contact Person: George Russell
(1) Type and number of entities affected: 120 county boards of election.
(2) Direct and indirect costs or savings on the:
(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: There are no direct or indirect costs or savings on the cost of living or employment in Kentucky as a result of this administrative regulation.
(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: There are no direct or indirect costs or savings on the cost of doing business in Kentucky as a result of this administrative regulation.
(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the: There are no direct or indirect costs or savings on compliance, reporting, and paperwork requirements as a result of this administrative regulation.
1. First year following implementation:
2. Second and subsequent years:
(3) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings: There are no direct or indirect costs or savings to the State Board of Elections as a result of this administrative regulation.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing paperwork:
(b) Reporting and paperwork requirements: There are no reporting or paperwork requirements for the State Board of Elections as a result of this administrative regulation.
(4) Assessment of anticipated effects on state and local revenues: There is no anticipated effect on state and local revenues as a result of this administrative regulation.
(5) Source of revenue to be used for implementation and enforcement of administrative regulation:
(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation on:
(a) Geographical area in which administrative regulation will be implemented:
(b) Kentucky:
(7) Assessment of alternative methods; reasons why alternatives were rejected: Alternative methods were not considered because it was unnecessary.
(8) Assessment of expected benefits:
(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: There are no effects on public health or environmental welfare in Kentucky as a result of this administrative regulation.
(b) State whether a detrimental effect on environment and public health would result if not implemented: There would not be a detrimental effect on the environment or public health if this administrative regulation is not implemented.
(c) If detrimental effect would result, explain detrimental effect:
(9) Identify any statute, administrative regulation, or government policy which may be in conflict, overlapping, or duplication: There are no known statutes, administrative regulations or government policies which overlap or conflict with this administrative 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?
(10) Any additional information or comments: None
(11) TIERING: Is tiering applied? No. Tiering is unnecessary because this administrative regulation must apply uniformly throughout the state.

DEPARTMENT OF PERSONNEL
(Amendment)

101 KAR 2:100. Leave administrative regulations.

RELATES TO: KRS 18A.030, 18A.110, 18A.195, 61.394, 344.030, PL 103-3

STATUTORY AUTHORITY: KRS 18A.030, 18A.110, 18A.155, 344.030, PL 103-3

NECESSITY AND FUNCTION: KRS 18A.110 requires the Commissioner of Personnel to promulgate comprehensive administrative regulations, consistent with KRS Chapter 18A, which govern annual leave, sick leave, special leaves of absence, and for other conditions of leave. This administrative regulation is necessary to comply with these statutory requirements.

Section 1. Annual Leave. (1) Each full-time employee in the state service, except seasonal, temporary, per diem, and emergency employees, and each part-time employee who works at least 100 hours a month shall accumulate annual leave with pay at the following rate:

Months of Service	Annual Leave Days
0-59 months	1 leave day per month; 12 per year
60-119 months	1 1/4 leave days per month; 15 per year
120-179 months	1 1/2 leave days per month; 18 per year
180 months and over	1 3/4 leave days per month; 21 per year

A full-time employee must have worked more than half of the workdays in a month to qualify for annual leave. Each employee shall be credited with additional leave upon the first day of the month following the month in which the leave is earned. In computing months of total service for the purpose of earning annual leave, only those months for which an employee earned annual leave shall be counted or in the case of a part-time employee, only those months in which the employee worked at least 100 hours shall be counted. In those cases where an employee is changed from part time to full time, those months in which the employee worked at least 100 hours as a part-time employee shall be counted in computing years of total service. Former employees who have been rehired and who have been previously dismissed for cause from state service shall receive credit for service prior to the dismissal, except where such dismissal resulted from a violation of KRS 18A.140, 18A.145, or 18A.990. In those cases where an employee is changed from full time to part time, those months for which the employee earned annual leave as a full-time employee shall be counted in computing months of total service. Employees serving on a part-time basis who work less than 100 hours a month shall not be entitled to annual leave.

(2) Annual leave may be accumulated and carried forward from one (1) calendar year to the next not to exceed the following maximum amounts:

Months of Service	Maximum Amount
0-59 months	Thirty (30) workdays
60-119 months	Thirty-seven (37) workdays
120-179 months	Forty-five (45) workdays
180-239 months	Fifty-two (52) workdays
240 months and over	Sixty (60) workdays

However, leave in excess of the above maximum amounts shall be converted to sick leave at the end of the calendar year, or upon retirement. Months of service for the purpose of determining the maximum amount of annual leave which may be accumulated and the amount to be converted to sick leave shall be computed as provided in subsection (1) of this section. Annual leave shall not be granted in excess of that earned prior to the starting date of leave.

(3) Absence due to sickness, injury, or disability in excess of that hereinafter authorized for such purposes may, at the request of the employee and within the discretion of the appointing authority, be charged against annual leave.

(4) Accumulated annual leave shall be granted by the appointing authority in accordance with operating requirements and, insofar as practicable, with the request of employees. An employee who makes a timely request for annual leave shall be granted annual leave by the appointing authority, during the calendar year, up to at least the amount of time he earned that year.

(5) Employees are charged with annual leave for absence only on days upon which they would otherwise work and receive pay.

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

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

(8) Before an employee may be placed on leave of absence without pay in excess of thirty (30) working days, he must have used or have been paid for any accumulated annual leave unless he has requested to retain up to ten (10) days of accumulated annual leave.

(9) Employees eligible for state contributions for life insurance and health benefits under the provisions of KRS Chapter 18A shall have worked or been on paid leave during the previous month subject to the following conditions:

(a) Any combination of workdays and paid leave used by the employee within a month shall entitle the employee to state-paid contributions for life insurance and health benefits in the following month.

(b) When an employee is unable to work, and elects to use paid leave to qualify for state contribution for life insurance and health benefits, he shall utilize his paid leave days consecutively.

(c) An employee who has exhausted paid leave shall not qualify for state contribution for life insurance and health benefits unless he works for more than half of the workdays in a month. If the employee is unable to work for more than half of the workdays in a month, the employee may continue his group health and life insurance benefits for the following month by paying the total cost of the state contributions and any employee contributions for such benefits.

(d) Any employee who leaves state government on or prior to the 15th day of the month, before working or being on paid leave for over half of the workdays in the month shall remain eligible for state contribution for life insurance and health benefits in the following month.

(10) Employees shall be paid in a lump sum for accumulated annual leave, not to exceed the maximum amounts as set forth in paragraph (2) of this section, when separated by proper resignation or retirement. In the case of layoff, the employee shall be paid in a lump sum for all accumulated leave. An employee in the unclassified service who reverts to the classified service or an employee who resigns one day and is employed the next day shall retain his accumulated leave in the receiving agency. The effective date of the separation shall be the last workday. An employee who resigns or is laid off from his position with an agency based on an approved plan of privatization of the services he performed may request, in writing, that accumulated annual leave not be paid upon resignation and that all, or any part of his accumulated annual leave, up to the maximum provided for in Section 1 of this administrative regulation be waived rather than paid, contingent upon an agreement with the successor employer to credit him with an equal amount of annual leave.

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

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

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

Section 2. Sick Leave. (1) Each employee in the state service, except emergency, per diem and part-time employees who work less than 100 hours a month, shall accumulate sick leave with pay at the rate of one (1) working day for each month of service. An employee must have worked more than half of the workdays in a month to qualify for sick leave with pay. Each employee shall be credited with additional sick leave upon the first day of the month following the month in which the sick leave is earned. Employees serving on a part-time basis who work at least 100 hours a month shall accumulate sick leave with pay at the rate of one (1) working day for each month of service. Each employee shall be credited with additional sick leave upon the first day of the month following the month in which the sick leave is earned.

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

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

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

(5) An appointing authority shall grant or require the use of accrued sick leave with pay when an employee:

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

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

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

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

(e) Has lost by death a parent, child, brother or sister, or the spouse of any of them, or any persons related by blood or affinity with a similarly close association. Leave under this paragraph is limited to three (3) days or a reasonable extension at the discretion of the appointing authority.

(6) At the termination of sick leave with pay not exceeding six (6) months, the appointing authority shall return the employee to his former position. At the termination of sick leave with pay exceeding six (6) months, the appointing authority shall return the employee to a position for which he is qualified and which resembles his former position as closely as circumstances permit.

(7) An appointing authority shall grant sick leave without pay for so long as an employee is disabled by sickness, or illness, or pregnancy, and the total continuous leave does not exceed one (1) year. The appointing authority may require periodic doctor's statements during the year attesting to the continued inability to perform the essential functions of his duties with or without reasonable accommodation. When the employee has given notice of his ability to resume his duties, the appointing authority shall return the employee to a position for which he is qualified and which resembles his former position as closely as circumstances permit. The employee shall inform the employer that reasonable accommodation is necessary and shall provide upon request supporting documentation from a certified professional. An employee who is unable to return to work at the end of one (1) year of sick leave without pay, after being requested to return to work at least ten (10) days prior to the expiration of such sick leave, shall be dismissed by the appointing authority only if the appointing authority has been unable to place the employee in a vacant, budgeted position, with the same agency, for which the employee qualifies. The employee shall be given priority consideration for such vacant position, if he is capable of performing its essential functions with or without reasonable accommodation. An employee granted sick leave without pay may, upon request, retain up to ten (10) days of accumulated sick leave.

(8) Employees eligible for state contributions for life insurance and health benefits under the provisions of KRS Chapter 18A shall have worked or been on paid leave during the previous month subject to the following conditions:

(a) Any combination of workdays and paid leave used by the employee in within a month shall entitle the employee to state-paid contributions for life insurance and health benefits in the following month.

(b) When an employee is unable to work, and elects to use paid leave to qualify for state contribution for life insurance and health benefits, he shall utilize his paid leave days consecutively.

(c) An employee who has exhausted paid leave shall not qualify for state contribution for life insurance and health benefits unless he works for more than half of the workdays in a month. If the employee is unable to work for more than half of the workdays in a month, the employee may continue his group health and life insurance benefits for the following month by paying the total cost of the state contributions and any employee contributions for such benefits.

(d) Any employee who leaves state government on or prior to the 15th day of the month, before working or being on paid leave for over half of the workdays in the month shall remain eligible for state contribution for life insurance and health benefits in the following month.

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

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

(11) Employees shall be credited for accumulated sick leave when separated by proper resignation, layoff, retirement, or when granted leave without pay. Former employees who are reinstated or reemployed shall have unused sick leave balances revived upon appointment and placed to their credit.

(12) In cases of absence due to illness or injury for which Workers' Compensation benefits are received, accumulated sick leave may be used in order to maintain regular full salary. If paid sick leave is used, Workers' Compensation pay benefits shall be assigned back

to the state for whatever period of time an employee received paid sick leave. The employee's sick leave shall be immediately reinstated to the extent that Workers Compensation Benefits were assigned.

(13) Application for sick leave. An employee shall file a written application for sick leave with or without pay within a reasonable time. Except in cases of emergency illness, an employee shall request advance approval for sick leave for medical, dental or optical examination, and for sick leave without pay. In all cases of illness, an employee is obligated to notify his immediate supervisor or other designated person. Failure to do so in a reasonable period of time may be cause for denial of sick leave for the period of absence.

(14) Supporting evidence.

(a) An appointing authority may require an employee to supply supporting evidence in order to receive sick leave. A supervisor's or employee's certificate may be accepted, but a medical certificate may be required, signed by a licensed practitioner and certifying to the incapacity, examination, or treatment. An appointing authority shall grant sick leave when the application is supported by acceptable evidence.

(b) An appointing authority may place on sick leave an employee whose health might be jeopardized by job duties, whose health might jeopardize others, or whose health prevents performance of duties and responsibilities, and who, on request, fails to produce a satisfactory medical certificate.

Section 3. Family Leave. (1) [~~Effective August 5, 1993, every employee in state service who has completed twelve (12) months of service and has worked or been on paid leave at least 1,250 hours during the preceding twelve (12) months shall qualify for twelve (12) weeks of family leave without pay. On the first day of January of each year thereafter~~] Every employee in state service who has completed twelve (12) months of service and has worked at least 1,250 hours during the preceding [~~calendar~~] year shall qualify for twelve (12) weeks of family leave [~~without pay~~]. Unused family leave shall not be carried over from year to year. This section shall be construed in a manner consistent with the Family and Medical Leave Act of 1993, 20 USC 2601, et seq. and 29 CFR Part 825.

(2)(a) A week of family leave is the amount of time an employee normally works each week.

(b) If an employee's schedule varies from week to week, a weekly average of the hours worked over the twelve (12) weeks prior to the beginning of the family leave shall be used for calculating the employee's normal work week.

(c) If there has been a permanent or long-term change in the employee's schedule (for reasons other than family leave), the hours worked under the new schedule shall be used for calculating the employee's normal work week.

(3) An employee who has requested leave under the conditions for which family leave is authorized shall be notified of the family leave designation, in writing, within two (2) business days of the date on which the request is made. [~~An appointing authority shall grant family leave, upon the receipt of a completed application from an employee.~~] The appointing authority shall require the employee to utilize accumulated sick and [~~,~~] annual [~~and compensatory~~] leave prior to granting unpaid family leave, provided that the employee may request to reserve ten (10) days of paid sick leave. The amount of available family leave shall be reduced by the amount of paid leave used. [~~A completed application means the request form and the medical certification required by subsection (4) of this section.~~] The employee shall make the request [~~application~~] as far in advance of the start of the leave as reasonable. Family leave shall be granted:

(a) For the birth of a child of the employee, adoption by the employee of a child, or placement with the employee of a foster child under an agreement with an agency of the Commonwealth or other state government. An appointing authority may require a couple in the employ of an agency to limit the total amount of family leave to twelve (12) weeks where leave is sought in connection with the birth, adoption or placement of a child;

(b) Within one (1) year of the birth of a child of the employee, adoption by the employee or placement with the employee of a foster child, for the care of such newborn, adopted, or foster child;

(c) To an employee to care for the employee's spouse, parent, child (including biological, adopted, step, or foster), or other family member of similarly close blood or legal relationship (who has resided with the employee for not less than thirty (30) days prior to the request [~~application~~]), if the spouse, child, parent or family member has a serious health condition. A child includes one who is over eighteen (18) years of age and who is incapable of self-care because of a mental or physical disability. A serious health condition is a condition which requires inpatient care or continuing treatment by a health provider which renders the employee incapable of performing the duties of the employee's position. [~~Where inpatient care is not involved, the expected absence from work, or from school, or incapacity in performing other daily activities of a family member shall be for a period of more than three (3) days.~~]

(d) An appointing authority shall grant family leave because of a serious health condition, of the employee, that makes the employee temporarily unable to perform the essential functions of his position.

(4)(a) The appointing authority shall require an employee granted family leave for a serious health condition to supply a certification, on a form prescribed by the commissioner, from a health care provider that includes a statement that the employee is in need of care or needed to care for a family member, or, that the employee's presence would be beneficial to the family member. An employee requesting intermittent leave or leave on a reduced leave schedule due to serious health condition of the employee or family member shall be required to supply a certification from a licensed health care provider that such leave is medically necessary and the expected duration and schedule of such leave. A "health care provider" includes: doctor of medicine, doctor of osteopathy, podiatrist, dentist, clinical psychologist, optometrist, chiropractor, nurse practitioner, and nurse midwife, or certified Christian Science practitioner.

(b) If an employee submits a complete certification signed by the health care provider, the appointing authority shall not request additional information from the employee's health care provider. If the appointing authority has reason to doubt the validity of a medical certification the appointing authority may require the employee to obtain a second opinion at the agency's expense. The appointing authority shall designate the health care provider to furnish the second opinion. The designated health care provider shall not be employed on a regular basis by the agency.

(c) If the opinions of the employee's health provider and the designated health care provider differ, the appointing authority may request the employee to obtain certification from a third health care provider who is approved by the employee. This third opinion shall be final and binding. If the appointing authority does not act in good faith to attempt to reach an agreement on the third health care provider, the appointing authority shall be bound by the original certification. If the employee does not act in good faith to attempt to reach an agreement on the third health care provider, the employee shall be bound by the opinion of the second health care provider. An appointing authority may require recertification of the need for family leave every thirty (30) working days.

(d) All documents relating to family leave shall be maintained separate from the personnel file and shall be confidential.

(5) If an employee requests intermittent leave or a reduced work schedule to care for a seriously ill family member or for the employee's own serious health condition, and the need for leave is reasonably based on planned medical treatment, the appointing authority may temporarily reassign the employee to an available alternative position with equivalent pay and benefits if the employee is qualified for the position and it better accommodates recurring periods of leave than the employee's regular job.

(6) Employees eligible for state contributions for life insurance and

health benefits under the provisions of KRS Chapter 18A shall have worked or been on paid leave or shall have been on family leave during the previous month subject to the following conditions:

(a) Any combination of work days and paid leave and family leave used by the employee within a month shall entitle the employee to state-paid contributions for life insurance and health benefits in the following month;

(b) When an employee is unable to work, and elects to use paid leave to qualify for state contribution for life insurance and health benefits, he shall utilize his paid leave days consecutively;

(c) When an employee is unable to work, and elects to use family leave as the sole qualification for the state contributions for life insurance and health benefits, he shall utilize his family leave days consecutively.

(d) An employee who has exhausted paid leave and family leave shall not qualify for state contribution for life insurance and health benefits unless he works for more than half of the work days in a month. If the employee is unable to work for more than half of the work days in a month, the employee may continue his group health and life insurance benefits for the following month by paying the total cost of the state contribution and the employee contributions for such benefits.

(e) An employee who uses family leave as the sole qualification for the state contribution for life insurance and health benefits who fails to return to work for thirty (30) calendar days after the family leave is exhausted, shall reimburse the Commonwealth for state contributions paid on behalf of the employee. The employee shall not be required to reimburse the Commonwealth if the reason the employee does not return is due to:

1. The continuation, recurrence or onset of a serious health condition which would entitle the employee to family leave under this administrative regulation.

2. Other circumstances beyond the employee's control. Examples of other circumstances beyond the employee's control are where a relative or individual other than an immediate family member has a serious health condition and the employee is needed to provide care; or the employee is laid off while on leave. Examples of other circumstances which are not beyond the employee's control are where an employee desires to remain with a parent in a distant city even though the parent no longer requires the employee's care; or a parent's decision not to return to work to stay with a newborn child.

(f) An employee, on family leave, shall continue to be responsible for the employee's share of contributions for life insurance and health benefits. The contributions shall be due at the same time the contributions would be made if by payroll deduction. An employee shall be granted a thirty (30) calendar day grace period to make any employee contributions for life insurance and health benefits and shall be notified by the agency, in writing, fifteen (15) calendar days before benefits expire. If the employee does not make the contribution within the thirty (30) day grace period, the employee's life insurance and health benefits shall cease on the date the grace period ends. If the life insurance and health benefits cease as a result of nonpayment of premiums by the employee after the grace period, upon the employee's return to work for thirty (30) calendar days, the life insurance and health benefits shall be restored to the same level of coverages as were provided when the leave commenced, effective with the employee's return to work.

(7) At the conclusion of the family leave, an employee shall be restored to the same job that the employee held before going on leave. The employee shall be returned to the same shift or equivalent schedule. If special qualifications are required for a position and said qualifications have lapsed during the employee's leave, the employee may be reassigned to different duties and given a reasonable opportunity to fulfill the requirements after returning to work.

Section 4. Court Leave. An employee shall be entitled to leave of absence from duties during his scheduled working hours, without loss of time or pay for that amount of time necessary to comply with subpoenas by any court, or administrative agency or body of the federal or state government or any political subdivision thereof, to serve as a juror or a witness except in cases where the employee himself or a member of his family is a party to the court or administrative proceeding. This leave shall include necessary travel time. If relieved from duty as a juror or witness during his normal working hours, the employee shall return to work. Court leave shall not be required to be reported by an employee for attendance at a hearing or trial when attendance is a part of assigned duties.

Section 5. Compensatory Leave and Overtime. (1) It shall be the responsibility of the appointing authorities to administer the overtime and compensatory leave provisions of the Fair Labor Standards Act (FLSA). An employee who is authorized to work in excess of the prescribed hours of duty shall be granted compensatory leave or paid overtime subject to the provisions of the Fair Labor Standards Act, the Kentucky Revised Statutes and this administrative regulation. Compensatory leave may be accumulated or taken off in one-quarter (1/4) hour increments. The maximum amount of compensatory leave that may be carried forward from one (1) pay period to another shall be 240 [~~200~~] hours.

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

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

(4) An employee who has accrued compensatory leave shall be permitted by the appointing authority or his designee to take such time off if the use of such time does not unduly disrupt the operations of the agency.

(5) [~~An appointing authority or his designee may direct an employee to take accumulated compensatory time off from work to maintain a manageable level of accumulated compensatory time and for the specific purpose of reducing an employee's compensatory leave. Notice must be in writing specifying the number of hours to be taken and the pay period in which the hours must be used.~~

~~(6)~~] An employee deemed to be "nonexempt" in relation to the FLSA shall be compensated for all hours worked in excess of forty (40) per week in accordance with the following provisions:

(a) An employee who has not accumulated the maximum amount of compensatory leave has the option to accumulate compensatory leave on an hour and one-half (1 1/2) basis for each hour worked in excess of forty (40) per week in lieu of paid overtime.

(b) The election to receive compensatory leave in lieu of paid overtime must be in writing and such election will remain in force for a minimum of six (6) months. The election can only be changed by submitting a new form. The effective date of any change will be the first day of the next workweek following receipt of the election.

(c) An employee who does not elect compensatory leave in lieu of paid overtime shall be paid one and one-half (1 1/2) times his regular hourly rate of pay for all hours worked in excess of forty (40) per week.

(6) [~~(7)~~] An employee deemed to be "exempt" in relation to the FLSA shall accumulate compensatory time on an hour-for-hour basis for all hours worked in excess of his normal work schedule.

(7) [~~(8)~~] An employee except one who is in policy making position, may, after accumulating 151 hours of compensatory leave, request that he be paid for fifty (50) hours at his regular rate of pay. If the appointing authority or his designee approves the payment, then an employee's leave balance shall be reduced accordingly.

(8) [~~(9)~~] All employees, except those who are in policy making positions, shall be paid for fifty (50) hours at their regular hourly rate of pay upon accumulating at the end of the pay period 240 [~~200~~] hours [~~or more~~] of compensatory leave. The employee's leave

balance shall be reduced accordingly.

(9) [~~(10)~~] All employees whose prescribed hours of duty are normally less than forty (40) per week and who have not exceeded the maximum amount of compensatory time shall receive compensatory leave on an hour-for-hour basis until the total hours worked in that week reaches forty (40).

(10) [~~(11)~~] Compensatory leave used during the same workweek it is earned does not constitute "hours worked" for computing paid overtime or time and one-half (1 1/2) compensatory time.

~~[(12) This administrative regulation shall become effective on August 1, 1994.]~~

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

Section 7. Voting Leave. All employees who are eligible and registered to vote shall be allowed, upon prior request, four (4) hours, for the purpose of voting. Such absence shall not be charged against leave. Employees who are not scheduled to work during voting hours shall not receive voting leave and shall not be entitled to compensatory leave in lieu of time off to vote. Employees who are permitted to work in lieu of voting leave shall be granted compensatory leave on an hour-for-hour basis.

Section 8. Special Leave of Absence. (1) In addition to leaves as above provided, an appointing authority may grant leave without pay for a period or periods not to exceed thirty (30) working days in any calendar year.

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

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

(4) An appointing authority, with approval of the commissioner, may place an employee on leave without pay for a period not to exceed thirty (30) working days pending an investigation into allegations of employee misconduct. The employee shall be notified in writing by the appointing authority that he is being placed on leave without pay and of the reasons therefor. An employee placed on special leave for investigative purposes may elect to use accumulated leave during the period of the investigation. If such investigation reveals no misconduct on behalf of the employee, he shall be made whole for the period of such leave and all records relating to the investigation will be purged from agency and Department of Personnel files. The appointing authority shall notify the employee in writing of the completion of the investigation and the action taken, including those cases where the employee voluntarily resigns in the interim.

(5) Employees eligible for state contributions for life insurance and health benefits under the provisions of KRS Chapter 18A shall have worked or been on paid leave during the previous month subject to the following conditions:

(a) Any combination of workdays and paid leave used by the employee within a month shall entitle the employee to state-paid contributions for life insurance and health benefits in the following month.

(b) When an employee is unable to work, and elects to use paid leave to qualify for state contribution for life insurance and health benefits, he shall utilize his paid leave days consecutively.

(c) An employee who has exhausted paid leave shall not qualify for state contribution for life insurance and health benefits unless he works for more than half of the workdays in a month. If the employee is unable to work for more than half of the workdays in a month, the employee may continue his group health and life insurance benefits for the following month by paying the total cost of the state contributions and any employee contributions for such benefits.

(d) Any employee who leaves state government on or prior to the 15th day of the month, before working or being on paid leave for over half of the workdays in the month shall remain eligible for state contribution for life insurance and health benefits in the following month.

Section 9. Absence Without Leave. An employee who is absent from duty without approval shall report the reason therefor to his supervisor immediately. Unauthorized and/or unreported absence shall be considered absence without leave [~~and deduction of pay may be made for each period of such absence~~]. Such absence may constitute grounds for disciplinary action. An employee who has been absent without leave or notice to the supervisor for a period of ten (10) working days shall be considered to have resigned his employment.

LOWELL W. CLARK, Commissioner

APPROVED BY AGENCY: November 14, 1995

FILED WITH LRC: November 15, 1995 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on December 21, 1995, at 10 a.m. EST at 200 Fair Oaks Lane, 5th Floor, Conference Room 508, Frankfort, Kentucky 40601. Persons interested in being heard at this hearing shall notify this agency in writing by December 16, 1995. If no written notice 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 wishes to be heard 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 transcript is made, in which case the person making the request shall have the responsibility for paying for the transcript. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. These comments must be submitted by no later than 4:30 p.m. EST on December 16, 1995. Send written notice of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person listed below.

CONTACT PERSON: Daniel F. Egbers, Managing Attorney, Department of Personnel, 200 Fair Oaks Lane, Suite 516, Frankfort, Kentucky 40601, (502) 564-4460.

The Department of Personnel does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or provisions of services and provides, upon request, reasonable accommodation including auxiliary aids and services necessary to afford individuals with disabilities an equal opportunity to participate in all programs and activities. Any individual who requires special accommodations in connection with this proceeding

should contact Charlotte White, Office of the Commissioner, Department of Personnel, 200 Fair Oaks Lane, Suite 516, Frankfort, Kentucky 40601, (502) 564-4460, at least one (1) week prior to the date the accommodations will be needed.

REGULATORY IMPACT ANALYSIS

Agency Contact: Daniel F. Egbers

(1) Type and number of entities affected: All classified employees in the Executive Branch of state government.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: None

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: None

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the: Minor variations on current reporting.

1. First year following implementation: No significant change.

2. Second and subsequent years: No significant change.

(3) Effects on the promulgating body:

(a) Direct and indirect costs or savings: None

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: No significant change.

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

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: No change from current sources.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on: N/A

(a) Geographical area in which administrative regulation will be implemented: Statewide

(b) Kentucky: Statewide

(7) Assessment of alternative methods; reasons why alternatives were rejected: None available since the regulation is amended to conform to federal mandates.

(8) Assessment of expected benefits: Protection from potential liability associated with noncompliance with federal regulations.

(a) Identify effects on public health and environmental welfare of the geographical are in which implemented and on Kentucky: None

(b) State whether a detrimental effect on environment and public health would result if not implemented: No

(c) If detrimental effect would result, explain detrimental effect: N/A

(9) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None once the amendments are implemented.

(a) Necessity of proposed regulation in conflict: None

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

(10) Any additional information or comments: These regulations are necessary to conform to federal regulations and rulings on the Family and Medical Leave Act and the Fair Labor Standards Act.

(11) TIERING? Is tiering applied? Yes. This regulation governs the classified service. 101 KAR 3:010 is being amended to provide parallel changes for the unclassified service.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. The rules concerning standards for the establishment and maintenance of a merit system for state governmental units receiving federal grants in aid were issued by the Office of Personnel Management and became effective on February 9, 1979. These rules were revised April 4, 1983, and are now codified as 5 CFR Part 900, Subpart F, Sections 900.601-900.606 (48 FR 9209, March 4, 1983). PL 103-3 requires employees to have 12 weeks of unpaid family leave each year. The United States Department of Labor issued in their regulations on June 4, 1993 (2 CFR Part 825).

2. State compliance standards. The purpose of this amendment is to implement provisions of Title II of the Intergovernmental Personnel Act of 1970, as amended, relating to federally required merit personnel systems in state agencies. Certain federal grant programs require, as a condition of eligibility, that state agencies that receive grants establish merit personnel systems for their personnel engaged in administration of the grant-aided program. These merit personnel systems are in some cases required by specific federal grant statutes and in other cases are required by regulations of the federal grantor agencies.

3. Minimum or uniform standards contained in the federal mandate. The standards required for a merit system of personnel administration include such merit principles as:

(a) Recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment.

(b) Providing equitable and adequate compensation.

(c) Training employees, as needed, to assure quality performance.

(d) Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected.

(e) Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, religious creed, age or handicap and with proper regard for their privacy and constitutional rights as citizens. This "fair treatment" principle includes compliance with the federal equal employment opportunity and nondiscrimination laws.

(f) Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? The provisions of the federal merit standards recognizes fully the rights, powers and responsibility of state government and encourages innovation and allows for diversity in the design, execution and management of the system of personnel management, as provided by the Intergovernmental Personnel Act of 1970 if standards have certain specific requirements and options. The requirements and options have been exercised by the General Assembly in the enactment of KRS Chapter 18A and its delegation of duties and responsibilities to the State Personnel Board and the Department of Personnel.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This regulation to our knowledge is not stricter than the federal mandate.

DEPARTMENT OF PERSONNEL
(Amendment)

101 KAR 3:010. Leave administrative regulations for unclassified service.

RELATES TO: KRS 18A.155, 61.394, PL 103-3
STATUTORY AUTHORITY: KRS 18A.155, 18A.195, PL 103-3
NECESSITY AND FUNCTION: KRS 18A.155 requires the

Commissioner of Personnel to submit to the Governor proposed administrative regulations for the unclassified service persons in positions enumerated in KRS 18A.115(1)(g), (h), (i), (j), (k), (p), (u) and (v). KRS 18A.155 further provides that these administrative regulations shall be approved by the Governor. In practice, the leave administrative regulations (101 KAR 2:100) which apply to merit system employees in the following specific areas have also been applied to the aforementioned categories of employees in the unclassified service.

Section 1. Annual leave. (1) Each full-time employee in the state service, except seasonal, temporary, per diem, and emergency employees, or each part-time employee who works at least 100 hours a month shall accumulate annual leave with pay at the following rate:

Months of Service	Annual Leave Days
0-59 months	1 leave day per month; 12 per year
60-119 months	1 1/4 leave days per month; 15 per year
120-179 months	1 1/2 leave days per month; 18 per year
180 months and over	1 3/4 leave days per month; 21 per year

A full-time employee must have worked more than half of the workdays in a month to qualify for annual leave. Each employee shall be credited with additional leave upon the first day of the month following the month in which the leave is earned. In computing months of total service for the purpose of earning annual leave, only those months for which an employee earned annual leave shall be counted or in the case of a part-time employee, only those months in which the employee worked at least 100 hours shall be counted. In those cases where an employee is changed from part time to full time, those months in which the employee worked at least 100 hours as a part-time employee shall be counted in computing years of total service. Former employees who have been rehired and who have been previously dismissed for cause from state service shall receive credit for service prior to the dismissal, except where such dismissal resulted from a violation of KRS 18A.140, 18A.145, or 18A.990. In those cases where an employee is changed from full time to part time, those months for which the employee earned annual leave as a full-time employee shall be counted in computing months of total service. Employees serving on a part-time basis who work less than 100 hours a month shall not be entitled to annual leave.

(2) Annual leave may be accumulated and carried forward from one (1) calendar year to the next not to exceed the following maximum amounts:

Months of Service	Maximum Amount
0-59 months	Thirty (30) workdays
60-119 months	Thirty-seven (37) workdays
120-179 months	Forty-five (45) workdays
180-239 months	Fifty-two (52) workdays
240 months and over	Sixty (60) workdays

However, leave in excess of the above maximum amounts shall be converted to sick leave at the end of the calendar year, or upon retirement. Months of service for the purpose of determining the maximum amount of annual leave which may be accumulated and the amount to be converted to sick leave shall be computed as provided in subsection (1) of this section. Annual leave shall not be granted in excess of that earned prior to the starting date of leave.

(3) Absence due to sickness, injury, or disability in excess of that authorized for such purposes may, at the request of the employee and within the discretion of the appointing authority, be charged against annual leave.

(4) Accumulated annual leave shall be granted by the appointing authority in accordance with operating requirements and, insofar as practicable, with the request of employees. An employee who makes a timely request for annual leave shall be granted annual leave by the appointing authority, during the calendar year, up to at least the amount of time he earned that year.

(5) Employees are charged with annual leave for absence only on days upon which they would otherwise work and receive pay.

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

(7) An employee who is transferred or otherwise changed from the jurisdiction of one (1) agency to another shall retain his accumulated annual leave in the receiving agency.

(8) Before an employee may be placed on leave of absence without pay in excess of thirty (30) working days, he must have used or have been paid for any accumulated annual leave unless he has requested to retain up to ten (10) days of accumulated annual leave.

(9) Employees eligible for state contributions for life insurance and health benefits under the provisions of KRS Chapter 18A shall have worked or been on paid leave for more than half of the workdays in a month, subject to the following conditions:

(a) Any combination of workdays and paid leave used by the employee within a month shall entitle the employee to state-paid contributions for life insurance and health benefits in the following month.

(b) When an employee is unable to work and elects to use paid leave to qualify for state contribution for life insurance and health benefits, he shall utilize his paid leave days consecutively.

(c) An employee who has exhausted paid leave shall not qualify for state contribution for life insurance and health benefits unless he works for more than half of the workdays in a month. If the employee is unable to work for more than half of the workdays in a month, the employee may continue his group health and life insurance benefits for the following month by paying the total cost of the state contributions and any employee contributions for such benefits.

(d) Any employee who leaves state government on or prior to the 15th day of the month, before working or being on paid leave for over half of the workdays in the month shall remain eligible for state contribution for life insurance and health benefits in the following month.

(10) Employees shall be paid in a lump sum for accumulated annual leave, not to exceed the maximum amounts as set forth in Section 1(2) of this administrative regulation, when separated by proper resignation or retirement. In the case of layoff, the employee shall be paid in a lump sum for all accumulated annual leave. An employee in the unclassified service who reverts to the classified service or an employee who resigns one day and is employed the next day shall retain his accumulated leave in the receiving agency. The effective date of the separation shall be the last workday. An employee who resigns his position with an agency based on an approved plan of privatization of the services he performed may request, in writing, that accumulated annual leave not be paid upon resignation and that all, or any part of his accumulated annual leave, up to the maximum provided for in Section 1 of this administrative regulation be waived rather than paid, contingent upon an agreement with the successor employer to credit him with an equal amount of annual leave.

(11) An employee who has been dismissed for cause or who has failed to give proper notice of resignation may, at the discretion of the appointing authority, be paid in a lump sum for accumulated annual leave not to exceed the maximum amounts set forth in Section 1(2) of this administrative regulation.

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

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

Section 2. Sick Leave. (1) Each employee in the state service, except an emergency, per diem and part-time employees who work less than 100 hours a month, shall accumulate sick leave with pay at the rate of one (1) working day for each month of service. An employee must have worked more than half of the workdays in a month to qualify for sick leave with pay. Each employee shall be credited with additional sick leave upon the first day of the month following the month in which the sick leave is earned. Employees serving on a part-time basis who work at least 100 hours a month shall accumulate sick leave with pay at the rate of one (1) working day for each month of service. Each employee shall be credited with additional sick leave upon the first day of the month following the month in which the sick leave is earned.

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

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

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

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

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

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

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

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

(e) Has lost by death a parent, child, brother or sister, or the spouse of any of them, or any persons related by blood or affinity with a similarly close association. Leave under this paragraph is limited to three (3) days or a reasonable extension at the discretion of the appointing authority.

(6) At the termination of sick leave with pay not exceeding six (6) months, the appointing authority may return the employee to his former position. At the termination of sick leave with pay exceeding six (6) months, the appointing authority may return the employee to a position for which he is qualified and which resembles his former position as closely as circumstances permit.

(7) An appointing authority shall grant sick leave without pay for so long as an employee is disabled by sickness, or illness, or pregnancy, and the total continuous leave does not exceed one (1) year. The appointing authority may require periodic doctor's statements during the year attesting to the continued inability to perform his/her duties. When the employee has given notice of his ability to resume his duties, the appointing authority may return the employee to a position for which he is qualified and which resembles his former position as closely as circumstances permit. An employee who is unable to return to work at the end of one (1) year of sick leave without pay, after being requested to return to work at least ten (10) days prior to the expiration of such sick leave, shall be dismissed by the appointing authority. An employee granted sick leave without pay may, upon request, retain up to ten (10) days of accumulated sick leave.

(8) Employees eligible for state contributions for life insurance and health benefits under the provisions of KRS Chapter 18A shall have worked or been on paid leave for more than half of the workdays in a month, subject to the following conditions:

(a) Any combination of workdays and paid leave used by the employee within a month shall entitle the employee to state-paid contributions for life insurance and health benefits in the following month.

(b) When an employee is unable to work and elects to use paid leave to qualify for state contribution for life insurance and health benefits, he shall utilize his paid leave days consecutively.

(c) An employee who has exhausted paid leave shall not qualify for state contribution for life insurance and health benefits unless he works for more than half of the workdays in a month. If the employee is unable to work for more than half of the workdays in a month, the employee may continue his group health and life insurance benefits for the following month by paying the total cost of the state contributions and any employee contributions for such benefits.

(d) Any employee who leaves state government on or prior to the 15th day of the month, before working or being on paid leave for over half of the workdays in the month shall remain eligible for state contribution for life insurance and health benefits in the following month.

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

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

(11) Employees shall be credited for accumulated sick leave when separated by proper resignation, layoff, retirement, or when granted leave without pay in excess of thirty (30) working days. Former employees who are reinstated or reemployed shall have unused sick leave balances revived upon appointment and placed to their credit.

(12) In cases of absence due to illness or injury for which Workers' Compensation benefits are received, accumulated sick leave may be used in order to maintain regular full salary. If paid sick leave is used, Workers' Compensation pay benefits shall be assigned back to the state for whatever period of time an employee received paid sick leave. The employee's sick leave shall be immediately reinstated to the extent that Workers' Compensation Benefits were assigned.

(13) Application for sick leave. An employee shall file a written application for sick leave with or without pay within a reasonable time. Except in cases of emergency illness, an employee shall request advance approval for sick leave for medical, dental or optical examination, and for sick leave without pay. In all cases of illness, an employee is obligated to notify his immediate supervisor or other designated person. Failure to do so in a reasonable period of time may be cause for denial of sick leave for the period of absence.

(14) Supporting evidence.

(a) An appointing authority may require an employee to supply supporting evidence in order to receive sick leave. A supervisor's or

employee's certificate may be accepted, but a medical certificate may be required, signed by a licensed practitioner and certifying to the incapacity, examination, or treatment. An appointing authority shall grant sick leave when the application is supported by acceptable evidence.

(b) An appointing authority may place on sick leave an employee whose health might be jeopardized by job duties, whose health might jeopardize others, or whose health prevents performance of duties and responsibilities, and who, on request, fails to produce a satisfactory medical certificate.

Section 3. Family Leave. It shall be the responsibility of the appointing authority to administer family leave in compliance with the Federal Family and Medical Leave Act of 1993 and regulations promulgated thereunder found in 29 CFR Part 825. Each employee in a nonexempt, nonpolicy making position shall be entitled to family leave as set out in 101 KAR 2:100, Section 3.

Section 4. Court Leave. An employee shall be entitled to leave of absence from duties during his scheduled working hours, without loss of time or pay for that amount of time necessary to comply with subpoenas by any court, or administrative agency or body of the federal or state government or any political subdivision thereof, to serve as a juror or a witness except in cases where the employee himself or a member of his family is a party to the court or administrative proceeding. This leave shall include necessary travel time. If relieved from duty as a juror or witness during his normal working hours, the employee shall return to work.

Section 5. Compensatory Leave and Overtime. (1) It shall be the responsibility of the appointing authorities to administer the overtime and compensatory leave provisions of this section and the Fair Labor Standards Act (FLSA). An employee who is authorized to work in excess of the prescribed hours of duty shall be granted compensatory leave or paid overtime subject to the provisions of the Fair Labor Standards Act, the Kentucky Revised Statutes and this administrative regulation. Compensatory leave may be accumulated or taken off in one-quarter (1/4) hour increments. The maximum amount of compensatory leave that may be carried forward from one (1) pay period to another shall be 240 [~~200~~] hours.

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

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

(4) An employee who has accrued compensatory leave shall be permitted by the appointing authority or his designee to take such time off if the use of such time does not unduly disrupt the operations of the agency.

(5) [~~An appointing authority or his designee may direct an employee to take accumulated compensatory time off from work to maintain a manageable level of accumulated compensatory time and for the specific purpose of reducing an employee's compensatory leave. Notice must be in writing specifying the number of hours to be taken and the pay period in which the hours must be used.~~

~~(6)~~] An employee deemed to be "nonexempt" in relation to the FLSA shall be compensated for all hours worked in excess of forty (40) per week in accordance with the following provisions:

(a) An employee who has not accumulated the maximum amount of compensatory leave has the option to accumulate compensatory leave on an hour and one-half (1 1/2) basis for each hour worked in excess of forty (40) per week in lieu of paid overtime.

(b) The election to receive compensatory leave in lieu of paid overtime must be in writing and such election will remain in force for a minimum of six (6) months. The election can only be changed by submitting a new form. The effective date of any change will be the first day of the next workweek following receipt of the election.

(c) An employee who does not elect compensatory leave in lieu of paid overtime shall be paid one and one-half (1 1/2) time his regular hourly rate of pay for all hours worked in excess of forty (40) per week.

(6) [~~(7)~~] An employee deemed to be "exempt" in relation to the FLSA shall accumulate compensatory time on an hour-for-hour basis for all hours worked in excess of his normal work schedule.

(7) [~~(8)~~] An employee except one who is in policy making position, may, after accumulating 151 hours of compensatory leave, request that he be paid for fifty (50) hours at his regular rate of pay. If the appointing authority or his designee approves the payment, then an employee's leave balance shall be reduced accordingly.

(8) [~~(9)~~](a) All employees, except those who are in policy making positions, shall be paid for fifty (50) hours at their regular hourly rate of pay. upon accumulating at the end of the pay period 240 [~~200~~] hours or more of compensatory leave. The employee's leave balance shall be reduced accordingly.

(b) An employee in a policy making position shall be paid for all accrued compensatory leave, not to exceed 240 [~~200~~] hours, only upon termination from the unclassified service. An employee who reverts to a position in the classified service or an employee who resigns one day and is employed the next day shall retain his accrued compensatory leave in the receiving agency.

(9) [~~(10)~~] All employees whose prescribed hours of duty are normally less than forty (40) per week and who have not exceeded the maximum amount of compensatory time shall receive compensatory leave on an hour-for-hour basis until the total hours worked in that week reaches forty (40).

(10) [~~(11)~~] Compensatory leave used during the same workweek it is earned does not constitute "hours worked" for computing paid overtime or time and one-half (1 1/2) compensatory time.

[~~(12) This administrative regulation shall become effective on August 1, 1994.~~]

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

Section 7. Voting Leave. All employees who are eligible and registered to vote shall be allowed, upon prior request, four (4) hours, for the purpose of voting. Such absence shall not be charged against leave. Employees who are not scheduled to work during voting hours shall not receive voting leave and shall not be entitled to compensatory leave in lieu of time off to vote. Employees who are permitted to work in lieu of voting leave shall be granted compensatory leave on an hour-for-hour basis.

Section 8. Special Leave of Absence. (1) In addition to leaves as above provided, an appointing authority may grant leave without pay for a period or periods not to exceed thirty (30) working days in any

calendar year.

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

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

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

(5) Employees eligible for state contributions for life insurance and health benefits under the provisions of KRS Chapter 18A shall have worked or been on paid leave for more than half of the workdays in a month, subject to the following conditions:

(a) Any combination of workdays and paid leave used by the employee within a month shall entitle the employee to state-paid contributions for life insurance and health benefits in the following month.

(b) When an employee is unable to work and elects to use paid leave to qualify for state contribution for life insurance and health benefits, he shall utilize his paid leave days consecutively.

(c) An employee who has exhausted paid leave shall not qualify for state contribution for life insurance and health benefits unless he works for more than half of the workdays in a month. If the employee is unable to work for more than half of the workdays in a month, the employee may continue his group health and life insurance benefits for the following month by paying the total cost of the state contributions and any employee contributions for such benefits.

(d) Any employee who leaves state government on or prior to the 15th day of the month, before working or being on paid leave for over half of the workdays in the month shall remain eligible for state contribution for life insurance and health benefits in the following month.

Section 9. Absence Without Leave. An employee who is absent from duty without approval shall report the reason therefor to his supervisor immediately. Unauthorized and/or unreported absence shall be considered absence without leave [~~and deduction of pay may be made for each period of such absence. Such absence may constitute grounds for disciplinary action~~]. An employee who has been absent without leave or notice to the supervisor for a period of ten (10) working days shall be considered to have resigned his employment.

LOWELL W. CLARK, Commissioner

APPROVED BY AGENCY: November 14, 1995

FILED WITH LRC: November 15, 1995 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on December 21, 1995, at 10 a.m. EST at 200 Fair Oaks Lane, 5th Floor, Conference Room 508, Frankfort, Kentucky 40601. Persons interested in being heard at this hearing shall notify this agency in writing by December 16, 1995. If no written notice 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 wishes to be heard 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 transcript is made, in which case the person making the request shall have the responsibility for paying for the transcript. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. These comments must be submitted by no later than 4:30 p.m. EST on December 16, 1995. Send written notice of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person listed below.

CONTACT PERSON: Daniel F. Egbers, Managing Attorney, Department of Personnel, 200 Fair Oaks Lane, Suite 516, Frankfort, Kentucky 40601, (502) 564-4460.

The Department of Personnel does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or provisions of services and provides, upon request, reasonable accommodation including auxiliary aids and services necessary to afford individuals with disabilities an equal opportunity to participate in all programs and activities. Any individual who requires special accommodations in connection with this proceeding should contact Charlotte White, Office of the Commissioner, Department of Personnel, 200 Fair Oaks Lane, Suite 516, Frankfort, Kentucky 40601, (502) 564-4460, at least one (1) week prior to the date the accommodations will be needed.

REGULATORY IMPACT ANALYSIS

Agency Contact: Daniel F. Egbers

(1) Type and number of entities affected: All classified employees in the Executive Branch of state government.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: None

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: None

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the: Minor variations on current reporting.

1. First year following implementation: No significant change.
2. Second and subsequent years: No significant change.

(3) Effects on the promulgating body:

(a) Direct and indirect costs or savings: None

1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: No significant change.

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

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: No change from current sources.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on: N/A

(a) Geographical area in which administrative regulation will be implemented: Statewide

(b) Kentucky: Statewide

(7) Assessment of alternative methods; reasons why alternatives were rejected: None available since the regulation is amended to conform to federal mandates.

(8) Assessment of expected benefits: Protection from potential liability associated with noncompliance with federal regulations.

(a) Identify effects on public health and environmental welfare of the geographical are in which implemented and on Kentucky: None

(b) State whether a detrimental effect on environment and public health would result if not implemented: No

(c) If detrimental effect would result, explain detrimental effect: N/A

(9) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None once the amendments are implemented.

(a) Necessity of proposed regulation in conflict: None

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

(10) Any additional information or comments: These regulations are necessary to conform to federal regulations and rulings on the Family and Medical Leave Act and the Fair Labor Standards Act.

(11) TIERING? Is tiering applied? Yes. This regulation governs the unclassified service. 101 KAR 2:100 is being amended to provide parallel changes for the classified service.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. The rules concerning standards for the establishment and maintenance of a merit system for state governmental units receiving federal grants in aid were issued by the Office of Personnel Management and became effective on February 9, 1979. These rules were revised April 4, 1983, and are now codified as 5 CFR Part 900, Subpart F, Sections 900.601-900.606 (48 FR 9209, March 4, 1983). PL 103-3 requires employees to have 12 weeks of unpaid family leave each year. The United States Department of Labor issued in their regulations on June 4, 1993 (2 CFR Part 825).

2. State compliance standards. The purpose of this amendment is to implement provisions of Title II of the Intergovernmental Personnel Act of 1970, as amended, relating to federally required merit personnel systems in state agencies. Certain federal grant programs require, as a condition of eligibility, that state agencies that receive grants establish merit personnel systems for their personnel engaged in administration of the grant-aided program. These merit personnel systems are in some cases required by specific federal grant statutes and in other cases are required by regulations of the federal grantor agencies.

3. Minimum or uniform standards contained in the federal mandate. The standards required for a merit system of personnel administration include such merit principles as:

(a) Recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment.

(b) Providing equitable and adequate compensation.

(c) Training employees, as needed, to assure quality performance.

(d) Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected.

(e) Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, religious creed, age or handicap and with proper regard for their privacy and constitutional rights as citizens. This "fair treatment" principle includes compliance with the federal equal employment opportunity and nondiscrimination laws.

(f) Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? The provisions of the federal merit standards recognizes fully the rights, powers and responsibility of state government and encourages innovation and allows for diversity in the design, execution and management of the system of personnel management, as provided by the Intergovernmental Personnel Act of 1970 if standards have certain specific requirements and options. The requirements and options have been exercised by the General Assembly in the enactment of KRS Chapter 18A and its delegation of duties and responsibilities to the State Personnel Board and the Department of Personnel.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This regulation to our knowledge is not stricter than the federal mandate.

DEPARTMENT OF CORRECTIONS
(Amendment)

501 KAR 6:040. Kentucky State Penitentiary.

RELATES TO: KRS Chapters 196, 197, 439

STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640

NECESSITY AND FUNCTION: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorize the commissioner to promulgate administrative regulations necessary and suitable for the proper administration of the department or any division therein. These policies and procedures are incorporated by reference in order to comply with the accreditation standards of the American Correctional Association.

Section 1. (1)(a) Kentucky State Penitentiary policies and procedures, November 14 [~~October 12~~], 1995 are incorporated by reference.

(b) They may be inspected, copied, or obtained at the Office of the General Counsel, Department of Corrections, State Office Building, 501 High Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(2) Kentucky State Penitentiary policies and procedures include:

KSP 000000-06	Administrative Regulations
KSP 01-02-01	Public Information and Media Communications
KSP 020000-15	Legal Assistance
KSP 02-01-01	Inmate Commissary Program
KSP 02-08-01	Inventory Records and Control
KSP 02-11-01	Requisition and Purchase of Supplies and Equipment
KSP 02-12-01	Inmate Personal Funds
KSP 05-02-01	Management Information System
KSP 06-01-01	Inmate Records [~~(Amended 10/12/95)~~]
KSP 09-08-01	Searches and Preservation of Evidence
KSP 10-02-01	Special Management Units: Assignment, Classification Review and Release
KSP 10-02-05	Special Security Unit
KSP 10-04-01	Special Needs Inmates (Amended 11/14/95)
KSP 100000-03	Disposition of Unauthorized Property
KSP 100000-08	Behavioral Counseling Record
KSP 100000-20	Legal Services Program
KSP 100000-21	Photocopies for Nonindigent Inmates with Special Court Deadlines
KSP 11-03-01	Therapeutic Diets
KSP 11-06-01	Food Service Inspections
[~~KSP 110000-15~~	~~Transfers to Kentucky Correctional Psychiatric Center (KCPC) (Deleted 11/14/95)~~]
KSP 120000-11	Religious Services - Staffing
KSP 120000-18	Religious Services - Religious Programming
KSP 120000-20	Marriage of Inmates
KSP 13-01-01	Pharmacy Procedures (Amended 11/14/95)

KSP 13-02-01	Hospital Services
KSP 13-02-02	Sick Call
KSP 13-02-03	Health Evaluations
KSP 13-02-04	Emergency Medical Procedure
KSP 13-02-05	Consultations
KSP 13-02-08	Medical Records [~~(Amended 10/12/95)~~]
KSP 13-02-09	Psychiatric and Psychological Services [~~(Amended 10/12/95)~~]
KSP 13-02-11	Psychological and [~~/~~] Psychiatric Treatment Upon Release (Amended 11/14/95)
KSP 13-02-12	Dental Services for Special Management Units
KSP 13-02-13	Optometric Services
KSP 130000-10	Execution Plan
KSP 14-03-01	Marriage of Inmates
KSP 14-06-01	Inmate Grievance Procedure
KSP 15-01-01	Inmate Grooming and Dress Code
KSP 15-03-01	Award of Meritorious Good Time
KSP 15-06-01	Due Process/Disciplinary Procedures
KSP 15-10-01	Discharge of Inmates by Shock Probation
KSP 16-01-01	Visiting Program
KSP 16-02-01	Inmate Correspondence
KSP 16-03-02	Inmate Telephone Access
KSP 16-04-01	Inmate Packages
KSP 17-01-01	Inmate Personal Property
KSP 17-01-03	Procedures for Providing Clothing, Linens and Other Personal Items [~~(Amended 10/12/95) (Renumbered from 100000-05)~~]
KSP 17-01-04	Property Room, Clothing Storage and Property Inventory Control
KSP 18-01-01	General Guidelines and Functions of the Classification Document
KSP 18-01-02	Functions of the Classification Committee [~~(Amended 10/12/95) (Renumbered from 110000-18)~~]
KSP 18-06-01	Classification Document
KSP 18-10-01	Preparole Progress Report
KSP 18-11-01	Transfers to Kentucky Correctional Psychiatric Center (KCPC) (Amended 11/14/95) (Renumbered from 110000-15)
KSP 18-15-01	Protective Custody Unit
KSP 19-04-01	Inmate Work Programs: Safety Inspections of Inmate Work Locations [~~(Amended 10/12/95) (Renumbered from 090000-01)~~]
KSP 19-04-02	Unit Classification Committee: Inmate Work Assignments [~~(Amended 10/12/95) Renumbered from 110000-12)~~]
KSP 19-05-01	Correctional Industries [~~(Amended 10/12/95)~~]
KSP 20-04-01	Educational Programs
KSP 22-04-01	Arts and Crafts Program
KSP 25-04-01	Inmate Furloughs [~~(Amended 10/12/95) (Renumbered from 120000-08)~~]
KSP 25-08-01	Extended Furloughs

JACK C. LEWIS, Commissioner

APPROVED BY AGENCY: November 14, 1995

FILED WITH LRC: November 15, 1995 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation has been scheduled for December 22, 1995 at 9 a.m., in the State Office Building Auditorium. Those interested in attending this hearing shall notify in writing: Jack Damron, Department of Corrections, 2nd Floor, State Office Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Contact person: Jack Damron

(1) Type and number of entities affected: 322 employees of the correctional institutions, 813 inmates, and all visitors to state correctional institutions.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented: None

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented: None

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: None
2. Second and subsequent years: None

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: Policy revisions.

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

(5) Source of revenue to be used for implementation and enforcement of administrative regulation is the funds budgeted for this 1994-1996 biennium.

(6) Economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: None

(b) Kentucky: None

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

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: None

(b) State whether a detrimental effect on environment and public health would result if not implemented: None

(c) If detrimental effect would result, explain detrimental effect: N/A

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

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

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

(10) Any additional information or comments: None

(11) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it. Disparate treatment of any person or entity subject to this administrative regulation could raise questions of arbitrary action on the part of the agency. The "equal protection" and "due process" clauses of the 14th Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution.

DEPARTMENT OF CORRECTIONS
(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 commissioner to promulgate [~~adopt, amend or rescind~~] administrative regulations necessary and suitable for the proper administration of the cabinet or any division therein. These policies and procedures are incorporated by reference

in order to comply with the accreditation standards of the American Correctional Association. [~~These administrative regulations are in conformity with these provisions.~~]

Section 1. (1)(a) Northpoint Training Center [~~Pursuant to the authority vested in the Department of Corrections the following~~] policies and procedures, November 14, 1995 [~~revised April 15, 1994~~], are incorporated by reference [~~and shall be referred to as Northpoint Training Center Policies and Procedures~~].

(b) It may be inspected, copied, or [~~Copies of the procedures may be~~] obtained at [~~from~~] the Office of the General Counsel, Department of Corrections, State Office Building, 501 High Street, Frankfort, Kentucky 40601, Monday through Friday, [~~or may be reviewed at the Office of General Counsel weekdays from~~] 8 a.m. to 4:30 p.m.

(2) Northpoint Training Center policies and procedures include:

NTC 01-05-01 Extraordinary Occurrence Reports (Amended 11/14/95)
NTC 01-10-01 Legal Assistance for Corrections Staff (Amended 11/14/95)
NTC 01-11-01 Political Activities of Merit Employees (Amended 11/14/95)
NTC 01-15-01 Establishment of the Warden as Chief Executive Officer
NTC 01-17-01 Relationships with Public, Media and Other Agencies (Amended 11/14/95)
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 Accounts
NTC 04-01-01 Training and Staff Development
NTC 04-04-01 Firearms and Chemical Agents Training
NTC 06-01-01 Offender Records (Amended 11/14/95)
NTC 06-01-02 Records - Release of Information
NTC 06-01-03 Taking Offender Record Folders onto the Yard (Amended 11/14/95)
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 Unit
NTC 10-02-01 Protective Custody Unit
NTC 10-03-01 Protective Custody
NTC 11-03-01 Food Services: General Guidelines
NTC 11-04-01 Food Service: Meals
NTC 11-04-02 Menu, Nutrition and Special Diets
NTC 11-05-02 Health Standards and Regulations for Food Service Employees
NTC 11-06-01 Inspection and Sanitation
NTC 11-07-01 Purchasing and Storage of Food Products
NTC 12-01-01 Institutional Inspection
NTC 12-02-01 Personal Hygiene for Inmates; Clothing and Linens
NTC 12-02-02 Issuance of Personal Hygiene Products
NTC 13-01-01 Emergency Medical Care Plan
NTC 13-01-02 Emergency and Specialized Health Services
NTC 13-02-01 Administration and Authority for Health Services
NTC 13-03-01 Sick Call and Pill Call
NTC 13-04-01 Utilization of Pharmaceutical Products
NTC 13-05-01 Dental Services
NTC 13-05-03 Dental Radiation Levels
NTC 13-05-04 Attest Steam Incubator
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 [~~(Amended 4/15/94)~~]
NTC 13-19-03 Suicide Prevention and Intervention Program
NTC 13-20-01 Infectious Disease
NTC 13-20-02 Infection Control
NTC 13-20-03 Disposal of Biohazard Waste
NTC 13-21-01 Vision Care and Optometry 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, Viewing, Handling and Storage of Video Tapes [~~(Amended 4/15/94)~~]
NTC 14-02-01 Inmate Grievance Procedure
NTC 14-03-01 Inmate Rights and Responsibilities
NTC 14-03-02 Board of Claims
NTC 15-01-01 Restoration of Forfeited Good Time
NTC 15-02-01 Due Process/Disciplinary Procedures
NTC 15-02-02 Extra Duty Assignments
NTC 15-02-03 Hearing Officer
NTC 15-03-01 Rules for Inmates Assigned to Outside Detail
NTC 15-03-02 Rules and Regulations for General Population Dormitories
NTC 15-04-01 Inmate Identification
NTC 16-01-01 Mail Regulations
NTC 16-02-01 Visiting
NTC 16-02-02 Extended and Special Visits
NTC 16-02-03 Honor Dorm and Outside Detail Dorm Visiting
NTC 16-02-04 Controlled Visitation (Amended 11/14/95)
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 17-01-05 State Issue and Required Inmate Clothing
NTC 17-03-01 Assessment/Orientation
NTC 18-01-01 Preparole Progress Report
NTC 18-02-01 Classification
NTC 18-02-02 Classification - 48 Hour Notification
NTC 18-03-01 Special Notice Form
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 Educational Programs
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
NTC 23-03-01 Marriage of Inmates
NTC 24-04-01 Honor Status [~~(Amended 4/15/94)~~]
NTC 24-05-01 Unit Management
NTC 25-01-01 Release Preparation Program
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
NTC 26-01-01 Citizen Involvement and Volunteer Services Program

JACK C. LEWIS, Commissioner
APPROVED BY AGENCY: November 14, 1995
FILED WITH LRC: November 15, 1995 at 10 a.m.
PUBLIC HEARING: A public hearing on this administrative regulation has been scheduled for December 22, 1995, at 9 a.m., in the State Office Building Auditorium. Those interested in attending this hearing shall notify in writing: Jack T. Damron, Office of General Counsel, 2nd Floor, State Office Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Jack Damron
(1) Type and number of entities affected: 277 employees of the correctional institutions, 940 inmates, and all visitors to state correctional institutions.
(2) Direct and indirect costs or savings on the:
(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented: None
(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented: None
(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:
1. First year following implementation: None
2. Second and subsequent years: None
(3) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: Policy revisions.
(4) Assessment of anticipated effect on state and local revenues: None
(5) Source of revenue to be used for implementation and enforcement of administrative regulation is the funds budgeted for this 1994-1996 biennium.
(6) Economic impact, including effects of economic activities arising from administrative regulation, on:
(a) Geographical area in which administrative regulation will be implemented: None
(b) Kentucky: None
(7) Assessment of alternative methods; reasons why alternatives were rejected: None
(8) Assessment of expected benefits:
(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: None
(b) State whether a detrimental effect on environment and public health would result if not implemented: None
(c) If detrimental effect would result, explain detrimental effect: N/A
(9) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed administrative regulation if in conflict: N/A
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A
(10) Any additional information or comments: None
(11) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it. Disparate treatment of any person or entity subject to this administrative regulation could raise questions of arbitrary action on the part of the agency. The "equal protection" and "due process" clauses of the 14th Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution.

DEPARTMENT OF CORRECTIONS
(Amendment)

501 KAR 6:090. Frankfort Career Development 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 commissioner to promulgate administrative regulations necessary and suitable for the proper administration of the department or any division therein. These policies and procedures are incorporated by reference in order to comply with the accreditation standards of the American Correctional Association.

Section 1. (1)(a) Frankfort Career Development Center policies and procedures, November 14 [~~October 12~~], 1995, are incorporated by reference.
(2) They may be inspected, copied, or obtained at the Office of the General Counsel, Department of Corrections, State Office Building, 501 High Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.
(2) Frankfort Career Development Center policies and procedures include:

FCDC 01-04-01	Roles of Consultants, Contract Personnel, Volunteers, Employees, and Employees of Other Agencies (Amended 11/14/95) [~~Confidentiality of Information Roles and Services of Consultant, Contract Personnel, Governmental Services Supervisors and Volunteers~~]
FCDC 01-09-01	Organization and Assignment of Responsibilities [~~(Amended 10/12/95)~~]
FCDC 02-02-01	Inventory Control (Amended 11/14/95) [~~of Nonexpendable Personal Property~~]
FCDC 02-09-01	Inmate Account (Amended 11/14/95) [~~Draw and Savings Deposit Transactions Between Inmates~~]
FCDC 02-10-01	Fiscal Management and Control (Amended 11/14/95)
FCDC 02-11-01	Fiscal Management: Accounting Procedures (Amended 11/14/95)
FCDC 02-12-01	Fiscal Management: Checking Accounts (Amended 11/14/95)
FCDC 02-13-01	Purchasing and Receiving (Amended 11/14/95)
FCDC 06-02-01	Offender [~~Inmate~~] Records (Amended 11/14/95)
FCDC 08-01-01	Fire Safety Practices [~~(Amended 10/12/95)~~]
FCDC 09-01-02	Institutional Entry and Exit Surveillance and Perimeter Security Procedures [~~(Amended 10/12/95)~~]
FCDC 09-03-01	Control and Accountability of Flammable Toxic, Caustic and Other Hazardous Materials (Amended 11/14/95)
FCDC 09-06-08	Searches and Contraband Procedures: Disposition of Contraband (Amended 11/14/95) [~~Control~~]
FCDC 11-03-01	Food Service
FCDC 11-04-02	Menu, Nutrition and Special Diets [~~(Added 10/12/95)~~]
FCDC 11-06-01	Inspection and Sanitation [~~(Added 10/12/95)~~]
FCDC 11-07-01	Purchasing and Storage of Food Products [~~(Added 10/12/95)~~]
FCDC 12-03-01	Laundry, Clothing, Hygiene and Grooming Services (Amended 11/14/95)
FCDC 12-04-01	Safety and Sanitation Practices and Inspections (Amended 11/14/95)

FCDC 13-01-01 Use of Pharmaceutical Products (Amended 11/14/95)
FCDC 13-01-02 Medical Emergencies and Medical Psychiatric Transfers (Amended 11/14/95)
FCDC 13-01-03 Informed Consent (Amended 11/14/95)
FCDC 13-02-01 Inmate Medical Screenings and Health Evaluations (Amended 11/14/95)
FCDC 13-03-01 Psychiatric and Psychological Services (Amended 11/14/95)
FCDC 13-03-02 Parental Administration of Medications and Use of Psychotropic Drugs (Amended 11/14/95)
FCDC 13-05-01 Family Notification: Serious Illness, Injury, Major Surgery or Death (Amended 11/14/95)
FCDC 13-06-01 Chronic and Convalescent Care (Amended 11/14/95)
FCDC 13-08-01 Sick Call and [/] Physician's Weekly Clinic (Amended 11/14/95)
FCDC 13-09-01 Management of Serious Clinic and Infectious Diseases (Amended 11/14/95)
FCDC 13-10-01 Treatment Protocol Regarding First-Aid Procedures, Routine Health Care
FCDC 13-11-01 Health Education: Provision of Special Health Care Needs (Amended 11/14/95)
FCDC 13-13-01 Physicians Referrals (Amended 11/14/95)
FCDC 13-14-01 Health Records (Amended 11/14/95)
FCDC 13-15-01 Routine and Emergency Dental Appointments (Amended 11/14/95)
FCDC 13-16-01 Routine and Emergency Eye Examinations (Amended 11/14/95)
FCDC 13-17-01 Inmate Death
FCDC 14-01-01 Prohibiting Inmate Authority Over Other Inmates (Amended 11/14/95)
FCDC 14-02-01 Inmate Grievance System (Amended 11/14/95)
FCDC 14-03-01 Inmate Rights and Responsibilities [(~~Amended 10/12/95~~)]
FCDC 14-04-01 Legal Services Program (Amended 11/14/95)
FCDC 15-01-01 Good Time [-] Credits (Amended 11/14/95)
FCDC 15-01-02 Restoration of Forfeited Good Time (Added 11/14/95)
FCDC 15-03-01 Conduct of Adjustment Hearings (Chairperson)
FCDC 15-04-01 Detention Orders and Protective Custody Requests (Amended 11/14/95)
FCDC 16-01-01 Visiting
FCDC 16-02-01 Inmate Correspondence (Amended 11/14/95)
FCDC 16-03-01 Inmate Access to Telephones (Amended 11/14/95)
FCDC 16-04-01 Inmate Packages (Amended 11/14/95)
FCDC 17-01-01 Inmate Property Control [(~~Amended 10/12/95~~)]
FCDC 17-01-02 Authorized Inmate Personal Property [(~~Added 10/12/95~~)]
FCDC 17-02-01 Inmate Reception, Orientation, and Discharge
FCDC 18-01-01 Inmate Classification and Review (Amended 11/14/95)
FCDC 19-01-01 Security and Operation of the Governmental Services Program (Amended 11/14/95)
FCDC 19-02-01 Inmate Work Programs (Amended 11/14/95)
FCDC 20-01-01 Academic and Vocational Education (Amended 11/14/95)
FCDC 22-01-01 Privilege Trips (Amended 11/14/95)
FCDC 22-01-03 Shopping Trips (Amended 11/14/95)
FCDC 22-02-01 Recreation and Inmate Activities (Amended 11/14/95)
[~~FCDC 22-02-03 Arts and Crafts Program (Deleted 11/14/95)~~]
FCDC 23-01-01 Religious Services (Amended 11/14/95)
FCDC 24-01-01 Social Services Program [(~~Amended 10/12/95~~)]
FCDC 24-02-01 Substance Abuse Programs (Amended 11/14/95)
FCDC 25-01-01 Escorted Leaves (Amended 11/14/95)
FCDC 25-03-01 Release Preparation Program (Amended 11/14/95)

JACK C. LEWIS, Commissioner
APPROVED BY AGENCY: November 14, 1995
FILED WITH LRC: November 15, 1995 at 10 a.m.
PUBLIC HEARING: A public hearing on this administrative regulation has been scheduled for December 22, 1995 at 9 a.m., in the State Office Building Auditorium. Those interested in attending this hearing shall notify in writing: Jack Damron, Department of Corrections, 2nd Floor, State Office Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Contact person: Jack Damron
(1) Type and number of entities affected: 42 employees of the correctional institutions, 180 inmates, and all visitors to state correctional institutions.
(2) Direct and indirect costs or savings on the:
(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented: None
(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented: None
(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:
1. First year following implementation: None
2. Second and subsequent years: None
(3) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: Policy revisions.
(4) Assessment of anticipated effect on state and local revenues: None
(5) Source of revenue to be used for implementation and enforcement of administrative regulation is the funds budgeted for this 1994-1996 biennium.
(6) Economic impact, including effects of economic activities arising from administrative regulation, on:
(a) Geographical area in which administrative regulation will be implemented: None
(b) Kentucky: None
(7) Assessment of alternative methods; reasons why alternatives were rejected: None
(8) Assessment of expected benefits:
(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: None
(b) State whether a detrimental effect on environment and public health would result if not implemented: None
(c) If detrimental effect would result, explain detrimental effect: N/A
(9) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed administrative regulation if in conflict: N/A
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A
(10) Any additional information or comments: None
(11) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it. Disparate treatment of any person or entity subject to this administrative regulation could raise questions of arbitrary action on the part of the agency. The "equal protection" and "due process" clauses of the 14th Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution.

DEPARTMENT OF CORRECTIONS
(Amendment)

501 KAR 6:110. Roederer 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 commissioner to promulgate administrative regulations necessary and suitable for the proper administration of the department or any division therein. These policies and procedures are incorporated by reference in order to comply with the accreditation standards of the American Correctional Association.

Section 1. (1)(a) Roederer Correctional Complex policies and procedures, November 14 [~~October 12~~], 1995, are incorporated by reference.

(2) They may be inspected, copied, or obtained at the Office of the General Counsel, Department of Corrections, State Office Building, 501 High Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(2) Roederer Correctional Complex policies and procedures include:

RCC 01-06-01	Inmate Access to and Communication with RCC Staff
RCC 01-08-01	Public Information and News Media Access (Amended 11/14/95)
[~~RCC 01-09-01~~	~~Staff Participation in Professional Organization and Conferences; Provisions for Leave and Reimbursement for Expenses (Deleted 11/14/95)~~]
RCC 01-10-01	RCC Cooperation with Outside Bodies Including Courts, Governmental Legislative, Executive, and Community Agencies [~~(Amended 10/12/95)~~]
RCC 02-01-01	Fiscal Management: Organization
RCC 02-01-02	Fiscal Management: Accounting Procedures
RCC 02-01-03	Fiscal Management: Agency Funds
RCC 02-01-04	Fiscal Management: Insurance
RCC 02-02-01	Fiscal Management: Budget
RCC 02-02-02	Inmate Control of Personal Funds
RCC 02-02-03	Storage and Disposition of Monies received on Weekends, Holidays, and Between 4 p.m. and 8 a.m. Weekdays
RCC 02-02-05	Inmate Canteen Services
RCC 02-03-01	Fiscal Management: Audits
RCC 02-04-01	Purchase Orders
RCC 02-04-02	Processing of Invoices (Amended 11/14/95)
RCC 02-06-01	Property Inventory
RCC 04-01-01	Employee Training and Development [~~(Amended 10/12/95)~~]
RCC 04-01-02	First Aid and CPR Training
RCC 06-01-01	Offender Records (Amended 11/14/95)
RCC 06-03-01	Records Release of Information
RCC 06-03-02	Storage of Expunged Records
RCC 06-03-04	Access to Psychological and Psychiatric Reports
RCC 06-04-01	Court Trips (Amended 11/14/95)
RCC 06-04-02	Receipt of Order of Appearance (Amended 11/14/95)
RCC 08-01-01	Fire Prevention
RCC 08-08-01	Control and Use of Flammable, Toxic, and Caustic Materials
RCC 09-04-03	Duties and Responsibilities of the Fire Safety Officer
RCC 09-06-01	Search Policy/Disposition of Contraband [~~(Amended 10/12/95)~~
~~RCC 10-01-02~~	~~Temporary Holding Cell Guidelines (Deleted 11/14/95)~~]
RCC 11-01-01	Food Services: General Guidelines [~~(Amended 10/12/95)~~]
RCC 11-02-01	Food Service: Security (Amended 11/14/95)
RCC 11-03-01	Dining Room Guidelines
RCC 11-04-01	Food Service: Meals
RCC 11-04-02	Food Service: Menu, Nutrition and Special Diets
RCC 11-05-02	Health Requirements [~~Medical Screening~~] of Food Handlers (Amended 11/14/95)
RCC 11-06-01	Food Service: Inspections and Sanitation
RCC 11-07-01	Food Service: Purchasing, Storage and Farm Products
RCC 12-01-01	Sanitation, Living Conditions Standards, Clothing Issues (Amended 11/14/95)
RCC 12-01-02	Bed Areas (Amended 11/14/95)
RCC 12-01-03	General Guidelines for Living Units
RCC 12-02-01	Issuance of Clean Laundry and Receiving of Dirty Laundry
RCC 12-03-01	Personal Hygiene Items: Issuance and Placement Schedule (Amended 11/14/95)
RCC 12-03-02	Barber Shop Services and Equipment Control (Amended 11/14/95)
RCC 12-04-01	Institutional Inspections
RCC 12-05-02	Use of Noncombustible Receptacle
RCC 12-06-01	Insect and Vermin Control (Amended 11/14/95)
RCC 13-01-01	Organization of Health Services
RCC 13-02-01	Health Maintenance Services: Sick Call and Pill Call [~~(Amended 10/12/95)~~]
RCC 13-03-01	Dental Procedures and Sick Call
RCC 13-04-01	Preliminary Health Evaluation and Establishment of Inmate Medical
RCC 13-05-02	Licensure and Training Standards for Medical Department
RCC 13-06-01	Suicide Prevention and Intervention Program (Amended 11/14/95)
RCC 13-06-03	Emergency Medical and Dental Care Services (Amended 11/14/95)
RCC 13-06-04	First Aid/CPR Training Program
RCC 13-07-01	Health Records
RCC 13-07-03	Use of Pharmaceutical Products
RCC 13-07-04	Self-administered Medication Program [~~(Added 10/12/95)~~]
RCC 13-09-01	Notification of Inmate Family in the Event of Serious Illness, Surgery, or Inmate Death
RCC 13-10-01	Health Education/Special Health Programs
RCC 13-11-01	Informed Consent
RCC 13-12-01	Mental Health/Provision of Psychiatric Services by KCPC
RCC 13-12-02	Transfer of Inmates to Kentucky Correctional Psychiatric Center
RCC 13-13-01	Identification of Special Needs Inmates
RCC 13-15-01	Medical Restraints
RCC 13-16-01	Specialized Health Services
RCC 13-17-01	Vision Care and Optometry Services
RCC 13-18-01	Infection Control
RCC 14-01-01	Inmate Rights and Responsibilities
RCC 16-01-01	Inmate Visiting [~~(Amended 10/12/95)~~]
RCC 16-01-03	Extended and Special Visits [~~(Added 10/12/95)~~]
RCC 16-02-01	Telephone Communications
RCC 16-03-01	Mail Regulations
RCC 17-01-01	Assessment/Orientation Procedure for Intrasystem Transfers
RCC 17-03-01	Inmate Personal Property and Property Control [~~(Amended 10/12/95)~~]
RCC 17-05-02	Housing Unit Assignment Assessment/ Classification Center

RCC 17-05-03	Notifying Inmate's Families of Admission and Procedures for Mail and Visiting
RCC 17-05-04	Assessment Center Operations Rules and Regulations
RCC 17-05-05	Assessment Center Operations and Reception Programs
RCC 18-01-01	Institutional Classification Committee
RCC 19-01-01	Job Assignments [~~(Amended 10/12/95)~~]
RCC 20-01-01	Academic Education Program (Amended 11/14/95)
RCC 20-01-03	Vocational Horticulture Program [~~(Added 10/12/95)~~]
RCC 21-01-01	Library Services
RCC 22-01-01	Recreation and Inmate Activities
RCC 22-03-01	Inmate Clubs and Organizations [~~(Amended 10/12/95)~~]
RCC 23-01-01	Religious Services
RCC 24-01-01	Social Services and Counseling Program
RCC 25-04-02	Parole Eligibility Dates
RCC 25-05-01	Inmate Discharge Procedure [~~(Amended 10/12/95)~~]

JACK C. LEWIS, Commissioner

APPROVED BY AGENCY: November 14, 1995

FILED WITH LRC: November 15, 1995 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation has been scheduled for December 22, 1995 at 9 a.m., in the State Office Building Auditorium. Those interested in attending this hearing shall notify in writing: Jack Damron, Department of Corrections, 2nd Floor, State Office Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Contact person: Jack Damron

(1) Type and number of entities affected: 177 employees of the correctional institutions, 657 inmates, and all visitors to state correctional institutions.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented: None

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented: None

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: None
2. Second and subsequent years: None

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: Policy revisions.

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

(5) Source of revenue to be used for implementation and enforcement of administrative regulation is the funds budgeted for this 1994-1996 biennium.

(6) Economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: None

(b) Kentucky: None

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

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: None

(b) State whether a detrimental effect on environment and public health would result if not implemented: None

(c) If detrimental effect would result, explain detrimental effect: N/A

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

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

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

(10) Any additional information or comments: None

(11) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it. Disparate treatment of any person or entity subject to this administrative regulation could raise questions of arbitrary action on the part of the agency. The "equal protection" and "due process" clauses of the 14th Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution.

DEPARTMENT OF CORRECTIONS
(Amendment)

501 KAR 6:120. Blackburn Correctional Complex.

RELATES TO: KRS Chapters 196, 197, 439

STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640

NECESSITY AND FUNCTION: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorizes the commissioner to promulgate administrative regulations necessary and suitable for the proper administration of the department or any division therein. These policies and procedures are incorporated by reference in order to comply with the accreditation standards by the American Correctional Association.

Section 1. (1)(a) "Blackburn Correctional Complex Policies and Procedures", November 14, [~~October 12,~~] 1995, is incorporated by reference.

(b) It may be inspected, copied, or obtained at the Office of the General Counsel, Department of Corrections, State Office Building, 501 High Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(2) Blackburn Correctional Complex Policies and Procedures:

BCC 01-07-01	Extraordinary Occurrence Reports
BCC 01-09-01	Legal Assistance for Staff
BCC 01-11-01	Roles of Consultants, Contract Employees, Volunteers and Employees of Other Agencies
BCC 01-13-01	Relationships with Public, Media, and Other Agencies [~~(Amended 10/12/95)~~]
BCC 01-13-02	Public Information and News Media Access [~~(Added 10/12/95)~~]
BCC 01-15-01	Internal Affairs Office
BCC 01-16-01	Tours of Blackburn Correctional Complex
BCC 01-19-01	Inmate Access to BCC Staff [~~(Amended 10/12/95)~~]
BCC 02-01-01	Inmate Canteen
BCC 02-02-01	Fiscal Responsibility
BCC 02-02-02	Fiscal Management: Accounting Procedures [~~(Amended 10/12/95)~~]
BCC 02-02-03	Fiscal Management: Checks
BCC 02-02-04	Fiscal Management: Budget [~~(Amended 10/12/95)~~]
BCC 02-02-05	Fiscal Management: Insurance
BCC 02-02-06	Fiscal Management: Audits
BCC 02-04-01	Billing Method for Health Services Staff Paid by Personal Service Contract
BCC 02-05-01	Property Inventory [~~(Amended 10/12/95)~~]

BCC 02-06-01 Purchasing [~~(Amended 10/12/95)~~]
BCC 02-07-01 Inmate Personal Accounts [~~(Amended 10/12/95)~~]
BCC 04-02-01 Firearms Training [~~(Amended 10/12/95)~~]
BCC 04-03-01 Educational Assistance Program [~~(Amended 10/12/95)~~]
BCC 05-01-01 Inmate Participation in Authorized Research
BCC 06-02-01 Records - Release of Information [~~(Amended 10/12/95)~~]
BCC 06-02-02 Offender Records [~~(Amended 10/12/95)~~]
BCC 06-03-01 Reporting Inmate Misconduct Following Favorable Recommendation by the Parole Board [~~(Amended 10/12/95)~~]
BCC 08-02-01 Natural Disaster Plan (Tornado)
BCC 08-03-01 Emergency Preparedness Plan Manual
BCC 08-04-01 Fire Safety Plan, Drills and Related Staff Duties
BCC 08-04-02 Immediate Release of Inmates from Locked Areas
BCC 08-05-01 Duties of Fire Safety Officer
BCC 08-06-01 Storage Control and Accountability of Flammable, Toxic, Caustic and Other Hazardous Materials [~~(Amended 10/12/95)~~]
BCC 08-07-01 Facility Furnishings: Exit and Emergency Lights and Noncombustible Containers [~~(Amended 10/12/95)~~]
BCC 09-01-01 Inclement Weather/Emergency Condition Operation (Amended 11/14/95)
BCC 09-02-01 Restricted Areas (Amended 11/14/95)
BCC 09-02-02 Inmate Pass System to Restricted Areas (Amended 11/14/95)
BCC 09-02-03 Regulation of Inmate Movement (Amended 11/14/95)
BCC 09-02-04 Radio Escorted Yard Movement During Daylight Savings Time (November 1 - April 30) (Amended 11/14/95)
BCC 09-03-01 Inmate Identification
BCC 09-04-02 Complex Entry & Exit (Amended 11/14/95)
BCC 09-05-01 Key Control (Amended 11/14/95)
BCC 09-06-02 Transportation to Courts (Amended 11/14/95)
BCC 09-07-01 Drug Abuse and Intoxicants Testing (Amended 11/14/95)
BCC 09-08-02 Use of Restraints (Amended 11/14/95)
BCC 09-09-01 Population Counts and Count Documentation (Amended 11/14/95)
BCC 09-10-03 Development of Institutional Post Orders (Amended 11/14/95)
[~~BCC 09-10-04 Governmental Services, Study Release Officer Post Orders (Deleted 11/14/95)~~
~~BCC 09-10-05 Unit A-1 Post Orders (Deleted 11/14/95)~~
~~BCC 09-10-06 Recreation Post Orders: Observation (Deleted 11/14/95)~~
~~BCC 09-10-07 Entrance Gate Post Orders (Deleted 11/14/95)~~
~~BCC 09-10-08 Visiting Area Post Orders (Deleted 11/14/95)~~
~~BCC 09-10-09 Security Staff General Orders (Deleted 11/14/95)~~
~~BCC 09-10-10 Dining Room Officer Post Orders (Deleted 11/14/95)~~
~~BCC 09-12-01 Use of Physical Force; Prohibition of Personal Abuse and Corporal Punishment (Deleted 11/14/95)~~
~~BCC 09-13-01 Perimeter Patrol (Deleted 11/14/95)~~]
BCC 09-14-01 Prohibiting Inmate Authority Over Other Inmates (Amended 11/14/95)
BCC 09-15-01 Search Policy/Disposition of Contraband (Amended 11/14/95)
BCC 09-16-01 Security Activity Logs (Amended 11/14/95)
BCC 09-17-01 Institutional Supervisor Inspections (Amended 11/14/95)
BCC 09-18-01 Use of State Vehicles and Staff Owned Vehicles (Amended 11/14/95)
BCC 09-19-01 Duties and Responsibilities of the Institutional Captain
[~~BCC 09-19-02 Duties and Responsibilities of the Shift Supervisor (Deleted 11/14/95)~~]
BCC 09-20-01 Inmate Death (Amended 11/14/95)
BCC 09-21-01 Tool Control
BCC 09-22-01 Emergency Communication System (Amended 11/14/95)
BCC 10-01-01 Special Management Inmates
BCC 10-01-02 Short-Term Administrative Segregation Holding Area [~~(Amended 10/12/95)~~]
BCC 11-01-01 Menu and Special Diets
BCC 11-02-01 Food Service: Inspection, Health Protection and Sanitation
BCC 11-03-01 Food Service: Meals
BCC 11-04-01 Dining Room Guidelines
BCC 11-05-01 Food Service Security: Knife & Other Sharp Instrument and Utensil Control
BCC 11-06-01 Purchasing, Storage and Farm Products
BCC 11-07-01 Food Service Operations Manual
BCC 12-02-01 Personal Hygiene Items
BCC 12-02-02 Personal Hygiene for Inmates: Clothing, Linens and Shower Facilities
BCC 12-05-01 Barber Shop Services [~~(Amended 10/12/95)~~]
BCC 12-06-01 BCC Housekeeping Plan
BCC 13-01-01 Sick Call and Pill Call [~~(Amended 10/12/95)~~]
BCC 13-02-01 Administration and Authority for Health Services [~~(Amended 10/12/95)~~]
BCC 13-03-01 Provisions of Health Care Delivery
BCC 13-04-01 Licensure and Training Standards (Amended 11/14/95)
BCC 13-05-01 Medical Alert System [~~(Amended 10/12/95)~~]
BCC 13-06-01 Health Care Practices (Amended 11/14/95)
BCC 13-07-01 Emergency Medical Care Plan (Amended 11/14/95)
BCC 13-07-02 Emergency and Specialized Health Services
BCC 13-07-03 Immediate Medical Treatment for Person's Injured by Weapon or Chemical Agent
BCC 13-08-01 Inmate Health Screening and Evaluation
BCC 13-09-01 Prohibition on Medical Experimentation
BCC 13-10-01 Dental Services [~~(Amended 10/12/95)~~]
BCC 13-11-01 Suicide Prevention and Intervention Program [~~(Amended 10/12/95)~~]
BCC 13-12-01 Use of Pharmaceutical Products [~~(Amended 10/12/95)~~]
BCC 13-12-02 Parenteral Administration of Medications and Use of Psychotropic Drugs (Amended 11/14/95)
BCC 13-13-01 Inmate Health Education (Amended 11/14/95)
BCC 13-14-01 Management of Serious and Infectious Diseases
BCC 13-15-01 Informed Consent
BCC 13-16-01 Health Records
BCC 13-17-01 Notification of Inmate Family in the Event of Serious Illness, Injury or Surgery (Amended 11/14/95)
BCC 13-19-01 Physicians Referrals/Continuity of Care
BCC 13-20-01 Chronic and Convalescent Care (Amended 11/14/95)
BCC 13-22-01 Psychiatric and Psychological Services, Handling of Mentally Retarded Inmates and Transfers [~~(Amended 10/12/95)~~]
BCC 13-23-01 First Aid Kits [~~(Amended 10/12/95)~~]
BCC 14-01-01 Office of Public Advocacy Attorney Visits
BCC 14-02-01 Law Library
BCC 14-04-01 Inmate Rights and Responsibilities (Amended 11/14/95)
BCC 14-06-01 Legal and Support Services for Inmates
BCC 15-02-02 Room Assignment
BCC 15-03-01 Rules and Regulations for Dormitories [~~(Amended 10/12/95)~~]
BCC 15-05-01 Extra Duty Assignments
BCC 16-01-01 Inmate Furloughs

BCC 16-02-01	Inmate Visiting
BCC 16-03-02	Outgoing Inmate Packages
BCC 16-03-03	Inmate Correspondence [~~(Amended 10/12/95)~~]
BCC 17-02-01	Authorized Inmate Personal Property
BCC 17-03-01	Processing of New Inmates From Local Jails
BCC 18-01-01	Classification: Institutional Classification and Reclassification [~~(Amended 10/12/95)~~]
BCC 18-02-01	Racial Balance in Living Areas
BCC 19-01-01	Inmate Work Programs [~~(Amended 10/12/95)~~]
BCC 19-02-01	Classification of Inmates to Governmental Service Program
BCC 19-03-01	Correctional Industries
BCC 20-01-01	Academic and Vocational School
BCC 20-04-01	Educational Program Evaluation [~~(Amended 10/12/95)~~]
BCC 20-05-01	Educational Program Planning [~~(Amended 10/12/95)~~]
BCC 20-06-01	Academic and Vocational Curriculum [~~(Amended 10/12/95)~~]
BCC 21-01-01	Library Services [~~(Amended 10/12/95)~~]
BCC 21-01-02	Audio or Video Tape Court Transcripts [~~(Added 10/12/95)~~]
BCC 22-01-01	Arts and Crafts/Production and Sale of Items
BCC 22-02-01	Privileged Trips
BCC 22-03-01	Recreational Employees
BCC 22-04-01	Recreation and Inmate Activities
BCC 22-04-02	Inmate Clubs and Organizations
BCC 22-04-03	Conducting Inmate Organizational Meetings and Programs
BCC 22-04-04	Recreation Program Availability
BCC 22-04-05	Supervision of Leisure-time Craft Club Activities and Materials
BCC 22-06-01	Music Club
BCC 22-08-01	Unit Recreation Program
BCC 22-09-01	Use of Inmates in Recreation Programs
BCC 23-01-01	Religious Services
BCC 24-01-01	Duties and Responsibilities of Classification and Treatment Officers
BCC 24-02-01	Duties and Responsibilities of the Unit Director and Assistant to the Unit Director
BCC 24-03-01	Social Services
BCC 25-01-01	Inmate Check Out Procedure
BCC 25-02-02	Temporary Release and Community Center Release
BCC 25-05-01	Supplemental Preparole Progress Reports
BCC 26-01-01	Citizen Involvement and Volunteer Service Program [~~(Amended 10/12/95)~~]

JACK C. LEWIS, Commissioner

APPROVED BY AGENCY: November 14, 1995

FILED WITH LRC: November 15, 1995 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation has been scheduled for December 22, 1995 at 9 a.m., in the State Office Building Auditorium. Those interested in attending this hearing shall notify in writing: Jack Damron, Department of Corrections, 2nd Floor, State Office Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Contact person: Jack Damron

(1) Type and number of entities affected: 92 employees of the correctional institutions, 403 inmates, and all visitors to state correctional institutions.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented: None

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented: None

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: None

2. Second and subsequent years: None

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: Policy revisions.

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

(5) Source of revenue to be used for implementation and enforcement of administrative regulation is the funds budgeted for this 1994-1996 biennium.

(6) Economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: None

(b) Kentucky: None

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

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: None

(b) State whether a detrimental effect on environment and public health would result if not implemented: None

(c) If detrimental effect would result, explain detrimental effect: N/A

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

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

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

(10) Any additional information or comments: None

(11) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it. Disparate treatment of any person or entity subject to this administrative regulation could raise questions of arbitrary action on the part of the agency. The "equal protection" and "due process" clauses of the 14th Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution.

DEPARTMENT OF CORRECTIONS
(Amendment)

501 KAR 6:130. Western 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 commissioner to promulgate administrative regulations necessary and suitable for the proper administration of the department or any division therein. These policies and procedures are incorporated by reference in order to comply with the accreditation standards of the American Correctional Association.

Section 1. (1)(a) Western Kentucky Correctional Complex policies and procedures, November 14 [~~October 12~~], 1995, are incorporated

by reference.

(b) They may be inspected, copied, or obtained at the Office of the General Counsel, Department of Corrections, State Office Building, 501 High Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(2) Western Kentucky Correctional Complex policies and procedures include:

WKCC 01-02-01	Public Information and Media Communication
WKCC 02-00-03	Invoice and Voucher Processing
WKCC 02-00-04	Monetary Receipts During Nonbusiness Hours
WKCC 02-00-06	Purchasing Procedures
WKCC 02-01-01	Inmate Funds
WKCC 02-01-02	Inmate Canteen
WKCC 02-02-01	Agency Funds and Accounting Procedures
WKCC 02-08-01	Property Receipt and Inventory Procedures
WKCC 04-01-01	Travel Reimbursement for Official Business in Attendance at Professional Meetings
WKCC 04-02-01	Employee Training and Development
WKCC 04-04-01	Educational Assistance Program
WKCC 05-01-01	Research, Consultants, and Student Interns
WKCC 06-00-01	Offender Records and Information Access
WKCC 06-00-02	Court Orders, Orders of Appearance, Warrants, Detainers, Etc.
WKCC 09-00-01	Drug Abuse and Alcohol Testing
WKCC 10-02-01	Special Management Inmates
WKCC 11-00-02	Food Service Inmate Work Responsibilities, Evaluations, and Health Requirements
WKCC 11-00-03	Food Service Inspections, Sanitation, Purchasing, and Storage of Food
WKCC 11-00-04	Food Service Security
WKCC 11-00-05	Food Service General Guidelines
WKCC 11-03-01	Food Service Meals, Menus, Nutrition and Special Diets [~~(Amended 10/12/95)~~]
WKCC 12-01-01	Inmate Clothing
WKCC 13-00-01	Special Health Programs
WKCC 13-01-01	Use of Pharmaceutical Products
WKCC 13-02-01	Health Care Services
WKCC 14-04-01	Legal Services Program
WKCC 14-06-01	Inmate Grievance Procedure
WKCC 15-01-01	Hair and Grooming Standards [~~(Amended 10/12/95)~~]
WKCC 16-01-01	Visiting Policy and Procedures
WKCC 16-02-01	Inmate Correspondence
WKCC 16-03-01	Inmate Access to Telephones
WKCC 16-04-01	Inmate Packages
WKCC 17-01-01	Inmate Personal Property
WKCC 17-02-01	Inmate Reception and Orientation (Amended 11/14/95)
~~[WKCC 18-01-01~~	~~Structure, Guidelines, and Functions of the Classification Committee (Deleted 11/14/95)]~~
WKCC 20-01-01	Education Program
WKCC 22-00-01	Inmate Recreation and Leisure Time Activities
WKCC 22-00-02	Inmate Clubs and Organizations
WKCC 23-00-01	Religious Services
WKCC 25-02-01	Inmate Release Process
WKCC 25-03-01	Prerelease Programs

JACK C. LEWIS, Commissioner

APPROVED BY AGENCY: November 14, 1995

FILED WITH LRC: November 15, 1995 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation has been scheduled for December 22, 1995 at 9 a.m., in the State Office Building Auditorium. Those interested in attending this hearing shall notify in writing: Jack Damron, Department of Corrections, 2nd Floor, State Office Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Contact person: Jack Damron

(1) Type and number of entities affected: 146 employees of the correctional institutions, 410+ inmates, and all visitors to state correctional institutions.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented: None

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented: None

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: None
2. Second and subsequent years: None

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: Policy revisions.

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

(5) Source of revenue to be used for implementation and enforcement of administrative regulation is the funds budgeted for this 1994-1996 biennium.

(6) Economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: None

(b) Kentucky: None

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

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: None

(b) State whether a detrimental effect on environment and public health would result if not implemented: None

(c) If detrimental effect would result, explain detrimental effect: N/A

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

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

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

(10) Any additional information or comments: None

(11) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it. Disparate treatment of any person or entity subject to this administrative regulation could raise questions of arbitrary action on the part of the agency. The "equal protection" and "due process" clauses of the 14th Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution.

DEPARTMENT OF CORRECTIONS
(Amendment)

501 KAR 6:140. Bell County Forestry Camp.

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 commissioner to promulgate administrative regulations necessary and suitable for the proper administration of the department or any division therein. These policies and procedures are incorporated by reference in order to comply with the accreditation standards of the American Correctional Association.

Section 1. (1)(a) "Bell County Forestry Camp Policies and Procedures", November 14, 1995 [~~(April 13, 1995)~~], is incorporated by reference.

(b) It may be inspected, copied, or obtained at the Office of the General Cuonsel, Department of Corrections, State Office Building, 501 High Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(2) Bell County Forestry Camp Policies and Procedures:

BCFC 01-02-01 Organization and Assignment of Responsibility
BCFC 01-05-01 Monitoring of Operations, Policies and Procedures
BCFC 01-08-01 Public Information and News Media Access (Amended 11/14/95)
BCFC 01-11-01 Institutional Duty Officer
BCFC 01-13-01 Annual Planning Document
BCFC 02-02-01 Inmate Accounts [~~(Amended 4/13/95)~~]
BCFC 02-03-01 Purchase Orders [~~(Amended 4/13/95)~~]
BCFC 02-04-01 Processing of Invoices [~~(Amended 4/13/95)~~]
BCFC 02-05-01 BCFC Materials Receiving Procedure [~~(Amended 4/13/95)~~]
BCFC 02-06-01 Property Inventory [~~(Amended 4/13/95)~~]
BCFC 02-06-02 Materials Receiving and Control [~~(Added 4/13/95)~~]
BCFC 02-07-01 Imprest Cash Fund [~~(Added 4/13/95)~~]
BCFC 02-08-01 Prisoners Fund [~~(Added 4/13/95)~~]
BCFC 04-01-01 Employee Training and Development
BCFC 05-01-01 Information System
BCFC 06-01-01 Offender Records
BCFC 06-02-01 Storage of Expunged Records
BCFC 06-03-01 Court Trips
BCFC 06-03-02 Receipt of Order of Appearance
BCFC 07-04-01 Smoking Control
BCFC 07-05-01 Permit Required Confined Space
BCFC 07-06-01 Control of Hazardous Energy (Lockout or Tagout)
BCFC 08-02-01 Fire Prevention [~~(Amended 4/13/95)~~]
BCFC 08-03-01 Fire Procedures [~~(Amended 4/13/95)~~]
BCFC 08-03-02 Fire Extinguishers and Their Use [~~(Amended 4/13/95)~~]
BCFC 08-09-01 Guidelines for the Control and Use of Flammable, Toxic, and Caustic Substances [~~(Amended 4/13/95)~~]
BCFC 08-09-02 OSHA Hazard Communication Program [~~(Amended 4/13/95)~~]
BCFC 08-10-01 Bell County Forestry Camp Emergency Response Team
BCFC 09-06-01 Search Policy, Disposition of Contraband [~~(Amended 4/13/95)~~]
BCFC 09-14-01 Bell County Forestry Camp - Restricted Area [~~(Amended 4/13/95)~~]
BCFC 10-01-01 Special Management Inmates [~~(Amended 4/13/95)~~]
BCFC 11-01-01 Food Services: General Guidelines
BCFC 11-02-01 Food Service Security
BCFC 11-03-01 Dining Room Guidelines
BCFC 11-04-01 Food Service: Meals
BCFC 11-04-02 Food Service: Menu, Nutrition and Special Diets
BCFC 11-05-02 Health Requirements of Food Handlers
BCFC 11-06-01 Food Service: Inspection and Sanitation
BCFC 11-07-01 Food Service: Purchasing, Storage and Farm Products
BCFC 12-01-01 Sanitation, Living Conditions Standards, and Clothing Issues [~~(Amended 4/13/95)~~]
BCFC 12-01-02 Bed Areas and Bed Assignments [~~(Amended 4/13/95)~~]
BCFC 12-02-01 Issuance of Clean Laundry and Receiving of Dirty Laundry [~~(Amended 4/13/95)~~]
BCFC 12-03-01 Personal Hygiene Items: Issuance and Placement Schedule [~~(Amended 4/13/95)~~]
BCFC 12-03-02 Barbershop Services and Equipment Control [~~(Amended 4/13/95)~~]
BCFC 12-04-01 Institutional Inspections [~~(Amended 4/13/95)~~]
BCFC 12-05-01 Fire Safety and Use of Noncombustible Receptacles [~~(Amended 4/13/95)~~]
BCFC 12-06-01 Insect and Vermin Control [~~(Amended 4/13/95)~~]
BCFC 13-01-01 Organization of Health Services
BCFC 13-02-01 Sick Call and Physician's Weekly Clinic (Amended 11/14/95)
BCFC 13-03-01 Routine and Emergency Dental Appointments
BCFC 13-04-01 Inmate Medical Screenings and Health Evaluations (Amended 11/14/95)
BCFC 13-05-01 Medical Emergencies and Medical or Psychiatric Transfers (Amended 11/14/95)
BCFC 13-06-01 Physician's Referrals
BCFC 13-07-01 Health Records
BCFC 13-08-01 Routine and Emergency Eye Examinations
BCFC 13-09-01 Family Notification: Serious Illness, Injury, Major Surgery or Death
BCFC 13-10-01 Health Education: Special Health Care Needs
BCFC 13-11-01 Informed Consent
BCFC 13-12-01 Psychiatric and Psychological Services
BCFC 13-13-01 Chronic and Convalescent Care
BCFC 13-14-01 Use of Pharmaceutical Products (Amended 11/14/95)
BCFC 13-15-01 Parenteral Administration of Medications and Use of Psychotropic Drugs
BCFC 13-16-01 Elective Services
BCFC 13-18-01 Management of Serious and Infectious Diseases
BCFC 13-19-01 Bloodborne Pathogens Exposure Control Plan
BCFC 14-01-01 Inmate Rights and Responsibilities
BCFC 14-02-01 Legal Services Program
BCFC 14-03-01 Inmate Grievance Procedure
BCFC 15-01-01 Due Process/Disciplinary Procedures
BCFC 16-01-01 Inmate Visiting
BCFC 16-02-01 Telephone Communications
BCFC 16-03-01 Mail Regulations
BCFC 16-03-02 Inmate Packages
BCFC 17-01-01 BCFC Inmate Receiving and Orientation Process
BCFC 17-03-01 Inmate Personal Property
BCFC 17-04-01 BCFC Inmate Property Control
BCFC 17-05-01 Inmate Canteen
BCFC 18-01-01 Institutional Classification Committee
BCFC 19-01-01 Work Assignments
BCFC 19-02-01 Government Service Detail
BCFC 20-01-01 Academic School (Amended 11/14/95)
BCFC 20-02-01 Educational Program Planning
BCFC 20-03-01 Academic Curriculum
BCFC 21-01-01 Library Services
BCFC 22-01-01 Recreation and Inmate Activities
BCFC 22-02-01 Inmate Clubs and Organizations
BCFC 22-03-01 Privilege Trips
BCFC 23-01-01 Religious Service
BCFC 24-01-01 Social Services and Counseling Program (Amended 11/14/95)
BCFC 24-01-02 Casework Services
BCFC 25-01-01 Prerelease Program
BCFC 25-02-01 Community Center Program
BCFC 25-02-02 Inmate Furloughs
BCFC 25-04-01 Inmate Discharge Procedure

BCFC 26-01-01 Citizen Involvement and Volunteer Services Program

JACK C. LEWIS, Commissioner

APPROVED BY AGENCY: November 14, 1995

FILED WITH LRC: November 15, 1995 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation has been scheduled for December 22, 1995 at 9 a.m., in the State Office Building Auditorium. Those interested in attending this hearing shall notify in writing: Jack Damron, Department of Corrections, 2nd Floor, State Office Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Contact person: Jack Damron

(1) Type and number of entities affected: 40 employees of the correctional institutions, 200 inmates, and all visitors to state correctional institutions.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented: None

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented: None

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: None

2. Second and subsequent years: None

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: Policy revisions.

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

(5) Source of revenue to be used for implementation and enforcement of administrative regulation is the funds budgeted for this 1994-1996 biennium.

(6) Economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: None

(b) Kentucky: None

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

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: None

(b) State whether a detrimental effect on environment and public health would result if not implemented: None

(c) If detrimental effect would result, explain detrimental effect: N/A

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

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

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

(10) Any additional information or comments: None

(11) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it. Disparate treatment of any person or entity subject to this administrative regulation could raise questions of arbitrary action on the part of the agency. The "equal protection" and "due process" clauses of the 14th Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution.

TRANSPORTATION CABINET
Department of Highways
Division of Transportation Planning
Division of Operations
(Amendment)

603 KAR 5:230. [~~Bridge weight limits on~~] The extended weight coal or coal by-products haul road system and associated bridge weight limits.

RELATES TO: KRS 177.9771, 189.230

STATUTORY AUTHORITY: KRS 177.9771

NECESSITY AND FUNCTION: KRS 177.9771(2) requires the Secretary of the Transportation Cabinet to certify those public highways which meet certain criteria as the extended weight coal or coal by-products haul road system. KRS 189.230 provides that the Department of Highways may prescribe gross vehicle weight limits for bridges lower than the limits prescribed in KRS 177.9771 on any bridge which may be damaged or destroyed to the point of catastrophic failure if gross vehicle weights exceed certain limits. This administrative regulation identifies the extended weight coal or coal by-products haul road system and the bridges on the system which the Department of Highways has judged may be so damaged and prescribes the maximum weight limit for each of these bridges. Further, KRS 177.9771(9) requires the Transportation Secretary to meet with certain local governing bodies and give consideration to their concerns before adding to or deleting from the extended weight coal or coal by-products haul road system and establishes procedures to be followed by local governing bodies requesting this consideration.

Section 1. Definitions. The following terms when used in this administrative regulation or the material incorporated by reference in the administrative regulation shall have the following meanings:

(1) "TY I" means a single unit truck consisting of two (2) single axles.

(2) "TY II" means a single unit truck consisting of one (1) steering axle and two (2) axles in tandem arrangement.

(3) "TY III" means a single unit truck consisting of one (1) steering axle and three (3) axles in tridem arrangement.

(4) "TY IV" means a tractor-semitrailer combination with five (5) or more axles.

(5) "KY" means a state numbered highway maintained by the Kentucky Department of Highways.

(6) "US" means a United States numbered highway maintained by the Kentucky Department of Highways.

(7) "I" means an interstate and defense highway maintained by the Kentucky Department of Highways.

(8) "CR" means a public highway, road, or street not maintained by the Kentucky Department of Highways.

(9) "MP" means milepoint.

(10) "FROM" means the beginning milepoint and terminus of a road segment on the extended weight coal haul road system.

(11) "TO" means the ending milepoint and terminus of a road segment on the extended weight coal haul road system.

(12) "Catastrophic failure" means a failure that is marked by sudden or unpredictable damage ranging from extreme misfortune to utter ruin.

(13) "AASHTO" means the American Association of State Highway and Transportation Officials.

(14) "CO" means county.

(15) "LN" means line.

(16) "Mpt." means milepoint.

(17) "PKWY" means parkway.

(18) "Local governing body" means the fiscal court of any county, the city council or commission of a city of the first through fourth classes or the council of an urban county government.

(19) "Coal by-products" means any of the following: fly ash, bottom ash, wet bottom boiler slag, scrubber sludge, burned coal waste (red dog), coal slag, and coal cinders.

(20) "P" means parallel bridge.

Section 2. Evaluation of Bridges. (1) The Department of Highways shall determine the bridges on the extended weight coal or coal by-products haul road system which may be damaged or destroyed to the point of catastrophic failure by motor vehicles operating at the weights authorized by KRS 177.9771. This determination shall be based upon an analysis of the bridges in accordance with the guidelines and ratings set forth in the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions. The load factor method of analysis may be used only when a bridge is known to have been designed by that method. When the allowable stress method of analysis is used the maximum allowable stress in steel members shall not exceed sixty-nine (69) percent of the yield strength of the steel.

(2) When the analysis specified in subsection (1) of this section cannot be applied to a bridge, the Department of Highways shall determine if any bridge may be damaged or destroyed to the point of catastrophic failure in accordance with the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions. Before making such a determination the Department of Highways shall conduct an on-site inspection to determine whether the bridge shows appreciable signs of deterioration or distress or otherwise poses a significant hazard to the traveling public.

Section 3. Limiting Weight on Bridges. When the Department of Highways determines that a bridge on the extended weight coal or coal by-products haul road system may be damaged or destroyed to the point of catastrophic failure, the department may adopt a weight limit for the bridge in accordance with the guidelines set forth in the AASHTO Manual for Maintenance Inspection Bridges, 1983 edition and 1984 and 1985 Interim Revisions.

Section 4. Dimension Limits on the Extended Weight Coal Haul Road System. Motor vehicles displaying a valid extended weight coal haul decal or cooperative license plate issued pursuant to KRS 177.9771 and being operated on a road segment set forth in Section 5 of this administrative regulation may be operated at the dimension limits but shall not exceed the dimension limits set forth in 603 KAR 5:070, Section 4 [3].

Section 5. The Extended Weight Coal and Coal By-product Highway System and Limited Bridges. (1) The [following] highways listed in Official Order 96616, or portions of those highways, are certified as meeting the criteria of and are designated as the extended weight coal and coal by-products haul road system.

(2) [Further,] The Department of Highways has determined that the bridges listed beneath the highways on the extended weight coal or coal by-products haul road system in Official Order 96616 may be damaged or destroyed to the point of catastrophic failure as provided in Section 2 of this administrative regulation and has established a weight limit for each as set forth in Section 3 of this administrative regulation.

(3) Official Order 96616, effective on October 13, 1995, is incorporated by reference as a part of this administrative regulation.

[ADAIR COUNTY

	ROAD	FROM	TO
*	Cumberland Parkway	48.9 KY 55	57.8 Russell County Line
	Weight Limit - Russell Creek Bridge @ milepoint 56.19		
	TY I = 20 tons, TY II = 44 tons, TY III = 47 tons, TY IV = 55 tons		
*	KY 55	10.1 Cumberland Parkway	19.0 Taylor County Line
	Weight Limit - Bridge over Cumberland Parkway @ milepoint 10.06		
	TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 51 tons		
	Weight Limit - Russell Creek Bridge @ milepoint 11.66		
	TY I = 20 tons, TY II = 35 tons, TY III = 39 tons, TY IV = 56 tons		

ANDERSON COUNTY

	ROAD	FROM	TO
*	Bluegrass Pkwy	44.8 Washington County Line	61.9 Woodford County Line

BATH COUNTY

	ROAD	FROM	TO
*	KY 11	0.0 Montgomery CO LN	12.8 Fleming CO LN

BELL COUNTY

	ROAD	FROM	TO
*	US 25E	0.0 Virginia State LN	12.9 KY 66
	Weight Limit - Bridge B000126 over Little Yellow Creek @ milepoint 2.17		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over CSX R.R. @ milepoint 7.52		
	TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 57 tons		
*	US 119	0.0 US 25E	15.8 Harlan CO LN
	Weight Limit - Bridge over Cumberland River @ milepoint 0.02		
	TY I = 20 tons, TY II = 30 tons, TY III = 32 tons, TY IV = 40 tons		
*	KY 66	12.6 Tipple	14.8 Mine
*	KY 74	0.0 Tenn. State Line	0.9 KY 535
		9.8 Mine	16.8 US 25E
	Weight Limit - Bridge B000112 over CSX R.R. @ milepoint 11.56		

TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Bridge over Stoney Fork @ milepoint 13.07
TY I = 20 tons, TY II = 42 tons, TY III = 48 tons, TY IV = 60 tons
Weight Limit - Bridge over Yellow Creek Bypass Canal @ milepoint 14.21
TY I = 20 tons, TY II = 42 tons, TY III = 48 tons, TY IV = 60 tons
Weight Limit - Bridge over Little Yellow Creek @ milepoint 16.66
TY I = 20 tons, TY II = 30 tons, TY III = 33 tons, TY IV = 37 tons

*	KY 186	0.3 Mine	3.0 KY 74

Weight Limit - Bridge over Bennett's Fork @ milepoint 2.41
TY I = 20 tons, TY II = 35 tons, TY III = 40 tons, TY IV = 60 tons

*	KY 221	10.4 Tipple	12.6 Harlan CO LN
*	KY 441	0.0 KY 74	0.5 Beans Fork RD

Weight Limit - Bridge B00089 over Beans Fork @ milepoint 0.41
TY I = 20 tons, TY II = 24 tons, TY III = 26 tons, TY IV = 41 tons

*	KY 535	0.0 KY 74	0.3 Mine
*	Old US 25E Loop #5 Road		
	CR 5144	0.0 Tipple	0.3 US 25E
*	Beans Fork RD		
	CR 5217	0.0 KY 441	1.1 Mine
*	Hignite Creek Road		
	CR 5219	0.0 KY 74	2.3 Mine Access RD

Weight Limit - Bridge over Hignite Creek
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

BOURBON COUNTY

	ROAD	FROM	TO
*	US 27	8.3 US 460	15.4 Harrison CO LN

Weight Limit - Bridge B0001 over Houston Creek @ milepoint 8.95
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 47 tons
Weight Limit - Bridge over Townsend Creek @ milepoint 15.43
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 56 tons

*	US 68	2.4 US 68X	10.8 Nicholas CO LN

Weight Limit - Bridge over Hinkston Creek @ milepoint 9.41
TY I = 20 tons, TY II = 34 tons, TY III = 38 tons, TY IV = 51 tons

*	US 68X	1.4 KY 627	2.8 US 68 (East)
*	US 460	7.7 US 27	9.2 US 68X

Weight Limit - Bridge B00063 over Houston Creek @ milepoint 8.95
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 47 tons

*	KY 627	0.0 Clark CO LN	9.5 US 68X

BOYD COUNTY

	ROAD	FROM	TO
*	US 23	0.0 Lawrence CO LN	21.0 Greenup CO LN

Weight Limit - Bridge B00063 over CSX R.R. @ milepoint 19.45
TY I = 20 tons, TY II = 29 tons, TY III = 31 tons, TY IV = 40 tons
Weight Limit - Bridge B00038 over CSX R.R. & Armco Rd. @ milepoint 19.45
TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 54 tons

*	US 23S	0.0 US 60	0.6 Ohio State LN

Weight Limit - Northbound Bridge B00058 over Ohio River @ milepoint 0.03
TY I = 20 tons, TY II = 32 tons, TY III = 37 tons, TY IV = 54 tons
Weight Limit - Southbound Bridge B00040 over Ohio River @ milepoint 0.05
TY I = 20 tons, TY II = 28 tons, TY III = 33 tons, TY IV = 36 tons

*	US 23X	1.6 US 60	1.7 US 23
*	US 60	12.1 US 23X	12.4 US 23
*	KY 757	6.2 US 23	10.2 US 23

BRACKEN COUNTY

	ROAD	FROM	TO
*	KY 8	0.0 Pendleton CO LN	1.0 KY 2228
*	KY 9	0.0 Pendleton CO LN	19.9 Mason CO LN
*	KY 2228	0.0 KY 9	0.3 KY 8

BREATHITT COUNTY

	ROAD	FROM	TO
*	KY 15	0.0 Perry CO LN	27.5 Wolfe CO LN

Weight Limit - Bridge over Lost Creek @ milepoint 0.48
TY I = 20 tons, TY II = 37 tons, TY III = 40 tons, TY IV = 53 tons

~~Weight Limit - Bridge over Lost Creek @ milepoint 3.07~~
~~TY I = 20 tons, TY II = 37 tons, TY III = 40 tons, TY IV = 53 tons~~
~~Weight Limit - Bridge over Lost Creek @ Milepoint 3.80~~
~~TY I = 20 tons, TY II = 36 tons, TY III = 40 tons, TY IV = 52 tons~~
~~Weight Limit - Bridge over Lost Creek @ milepoint 6.48~~
~~TY I = 20 tons, TY II = 38 tons, TY III = 41 tons, TY IV = 50 tons~~
~~Weight Limit - Bridge over Lost Creek @ milepoint 6.69~~
~~TY I = 20 tons, TY II = 39 tons, TY III = 42 tons, TY IV = 52 tons~~
~~Weight Limit - Bridge over Troublesome Creek @ Milepoint 7.64~~
~~TY I = 20 tons, TY II = 38 tons, TY III = 42 tons, TY IV = 51 tons~~
~~Weight Limit - Bridge over Quicksand Creek @ milepoint 14.73~~
~~TY I = 20 tons, TY II = 36 tons, TY III = 39 tons, TY IV = 48 tons~~

*	~~KY 30~~	~~14.1 Tipple~~	~~14.8 KY 15 (North)~~
*	~~KY 476~~	~~0.0 Perry CO LN~~	~~11.4 KY 15~~

~~Weight Limit - Bridge over Troublesome Creek @ milepoint 7.02~~
~~TY I = 20 tons, TY II = 30 tons, TY III = 37 tons, TY IV = 44 tons~~

*	~~KY 542~~	~~15.8 Tipple~~	~~18.6 Magoffin CO LN~~
*	~~KY 1098~~	~~0.0 KY 15~~	~~12.8 Mine~~

~~Weight Limit - Bridge B00047 over South Fork Quicksand Creek @ milepoint 5.27~~
~~TY I = 20 tons, TY II = 33 tons, TY III = 38 tons, TY IV = 60 tons~~

*	~~Slucher Branch RD~~		
	~~CR 5067~~	~~0.0 KY 542~~	~~3.0 Mine~~
*	~~Slucher Branch/Howes Fork RD~~		
	~~CR 5068~~	~~0.0 Slucher Branch RD~~	~~1.5 Haul RD~~
*	~~Buckhorn Creek RD~~		
	~~CR 5135~~	~~0.0 KY 476~~	~~2.0 Long Fork RD~~

~~BULLITT COUNTY~~

	ROAD	FROM	TO
*	~~US 31E~~	~~0.0 Spencer CO LN~~	~~5.5 Jefferson CO LN~~

~~BUTLER COUNTY~~

	ROAD	FROM	TO
*	~~Green River Parkway~~	~~18.2 Warren CO LN~~	~~35.1 Ohio CO LN~~

~~Weight Limit - Bridge B00061 over Green River @ milepoint 32.64~~
~~TY I = 20 tons, TY II = 39 tons, TY III = 48 tons, TY IV = 54 tons~~

*	~~US 231~~	~~17.4 Tipple~~	~~18.2 Tipple~~

~~CALDWELL COUNTY~~

ROAD	FROM	TO
~~Western Kentucky Parkway~~	~~5.6 Lyon CO LN~~	~~21.8 Hopkins CO LN~~

~~Weight Limit - Bridge B00029 over L. C. R.R. @ milepoint 11.36~~
~~TY I = 20 tons, TY II = 40 tons, TY III = 41 tons, TY IV = 58 tons~~
~~Weight Limit - Bridge B00033 over Tradewater River @ milepoint 21.75~~
~~TY I = 20 tons, TY II = 42 tons, TY III = 45 tons, TY IV = 60 tons~~

~~CAMPBELL COUNTY~~

ROAD	FROM	TO
~~KY 471~~	~~0.0 US 27~~	~~0.7 I 275~~

~~CHRISTIAN COUNTY~~

	ROAD	FROM	TO
*	~~US 41~~	~~28.5 KY 1296~~	~~31.6 Hopkins CO LN~~

~~Weight Limit - Bridge B0002 over Campbells Creek @ milepoint 29.51~~
~~TY I = 20 tons, TY II = 39 tons, TY III = 45 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge B0001 over CSX RR @ milepoint 30.88~~
~~TY I = 20 tons, TY II = 33 tons, TY III = 37 tons, TY IV = 52 tons~~

*	~~KY 1296~~	~~2.7 Campbell Cemetery RD~~	~~5.2 US 41~~
*	~~Campbell Cemetery Road~~		
	~~CR 5418~~	~~0.0 KY 1296~~	~~0.3 Mine~~

~~CLARK COUNTY~~

	ROAD	FROM	TO
*	~~Mountain Parkway~~	~~0.0 I 64~~	~~11.9 Powell CO LN~~

~~Weight Limit - Bridge B00055 over I 64 @ milepoint 0.13~~
~~TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 49 tons~~
~~Weight Limit - Bridge over C & O RR @ milepoint 3.65~~

~~TY I = 20 tons, TY II = 42 tons, TY III = 46 tons, TY IV = 57 tons~~

*	~~US 60~~	~~0.0 Fayette CO LN~~	~~6.7 KY 627~~
		~~7.0 KY 89~~	~~7.2 KY 15~~
*	~~KY 15~~	~~0.0 Powell CO LN~~	~~13.1 US 60~~

~~Weight Limit - Bridge B0011 over Big Stoner Creek @ milepoint 7.00~~
~~TY I = 20 tons, TY II = 21 tons, TY III = 24 tons, TY IV = 40 tons~~

*	~~KY 89~~	~~15.9 US 60~~	~~16.0 KY 627~~
*	~~KY 418~~	~~5.7 KY 1924~~	~~5.8 KY 627~~
*	~~KY 627~~	~~0.1 KY 418~~	~~6.4 KY 1958~~
		~~7.8 US 60~~	~~8.1 KY 89~~
		~~9.3 I 64~~	~~14.8 Bourbon CO LN~~
*	~~KY 1924~~	~~0.0 Dale Power Plant~~	~~1.8 KY 418~~
*	~~KY 1958~~	~~0.0 KY 627~~	~~2.8 I 64~~

~~CLAY COUNTY~~

	~~ROAD~~	~~FROM~~	~~TO~~
*	~~Daniel Boone Parkway~~	~~10.6 Laurel CO LN~~	~~35.9 Leslie CO LN~~

~~Weight Limit - Bridge over Little Goose Creek Rd. @ milepoint 10.81~~
~~TY I = 20 tons, TY II =41 tons, TY III = 47 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over Urban Road @ milepoint 13.90~~
~~TY I = 20 tons, TY II = 41 tons, TY III = 47 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over Hooker Road @ milepoint 16.14~~
~~TY I = 20 tons, TY II = 41 tons, TY III = 45 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over Red Bird River @ milepoint 33.58~~
~~TY I = 20 tons, TY II = 42 tons, TY III = 45 tons, TY IV = 57 tons~~

*	~~US 421~~	~~0.0 Leslie CO LN~~	~~24.0 KY 11~~

~~Weight Limit - Bridge over Horse Creek @ milepoint 16.58~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 55 tons~~
~~Weight Limit - Bridge B000108 over Little Goose Creek @ milepoint 18.59~~
~~TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 50 tons~~
~~Weight Limit - Bridge over Island Creek @ milepoint 20.49~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 44 tons~~
~~Weight Limit - Bridge over Branch of Island Creek @ milepoint 21.20~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 32 tons, TY IV = 56 tons~~

*	~~KY 11~~	~~7.8 Tipple~~	~~8.9 US 421 (South)~~
*	~~KY 66~~	~~3.1 Mine~~	~~19.1 Daniel Boone Parkway~~

~~Weight Limit - Bridge over Phelps Fork Creek @ milepoint 4.95~~
~~TY I = 20 tons, TY II = 33 tons, TY III = 38 tons, TY IV = 60 tons~~

*	~~KY 80~~	~~0.0 Laurel CO LN~~	~~7.5 US 421~~
*	~~KY 1524~~	~~0.0 US 421~~	~~1.1 KY 2000~~
*	~~KY 2000~~	~~0.0 KY 1524~~	~~1.9 Carpenter Branch RD~~
*	~~Lynn Log Fork RD~~		
	~~CR 5194~~	~~0.0 US 421~~	~~0.4 Mine~~
*	~~Carpenter Branch Road~~		
	~~CR 5199~~	~~0.0 KY 2000~~	~~1.0 Mine~~
*	~~Paw Paw RD~~		
	~~CR 5271~~	~~0.0 KY 80~~	~~0.3 Tipple~~

~~DAVIESS COUNTY~~

	~~ROAD~~	~~FROM~~	~~TO~~
*	~~Audubon Parkway~~	~~15.9 Henderson County Line~~	~~23.5 US 60 Bypass~~

~~Weight Limit - Bridge B00059 over Worthington RD @ milepoint 22.71~~
~~TY I = 20 tons, TY II = 37 tons, TY III = 41 tons, TY IV = 56 tons~~

*	~~Green River Parkway~~	~~59.5 Ohio CO LN~~	~~70.7 US 60 Bypass~~
*	~~US 60~~	~~10.2 US 60 Bypass~~	~~10.6 KY 331~~
		~~13.9 US 231 NB~~	~~28.0 Hancock CO LN~~

~~Weight Limit - Westbound Bridge B0001 over L & N RR @ milepoint 16.66~~
~~TY I = 20 tons, TY II = 44 tons, TY III = 48 tons, TY IV = 60 tons~~
~~Weight Limit - Eastbound Bridge B0004 over Power Plant Entrance @ milepoint 16.66~~
~~TY I = 20 tons, TY II = 35 tons, TY III = 38 tons, TY IV = 54 tons~~
~~Weight Limit - Bridge B0007 over Pup Creek @ milepoint 20.31~~
~~TY I = 20 tons, TY II = 38 tons, TY III = 44 tons, TY IV = 60 tons~~

*	~~US 60B~~	~~0.0 US 60~~	~~10.2 US 60~~

~~Weight Limit - Bridge over US 431 @ milepoint 4.22~~
~~TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 51 tons~~
~~Weight Limit - Bridge over L & N Railroad @ milepoint 4.84~~
~~TY I = 20 tons, TY II = 35 tons, TY III = 38 tons, TY IV = 50 tons~~

~~Weight Limit - Bridge over Sutherland Road @ milepoint 5.08~~
~~TY I = 20 tons, TY II = 39 tons, TY III = 45 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over Horse Fork Creek @ milepoint 5.65~~
~~TY I = 20 tons, TY II = 32 tons, TY III = 37 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over I C RR @ milepoint 7.71~~
~~TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 49 tons~~
~~Weight Limit - Bridge over L&N RR & KY 2710 @ milepoint 9.77~~
~~TY I = 20 tons, TY II = 36 tons, TY III = 37 tons, TY IV = 44 tons~~

*	~~US 231~~	~~0.0 Ohio CO LN~~	~~11.3 US 60 Bypass~~

~~Weight Limit - Bridge over Panther Creek @ milepoint 3.91~~
~~TY I = 20 tons, TY II = 40 tons, TY III = 46 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over overflow @ milepoint 9.22~~
~~TY I = 20 tons, TY II = 41 tons, TY III = 49 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over Owensboro Beltline @ milepoint 11.29~~
~~TY I = 20 tons, TY II = 36 tons, TY III = 42 tons, TY IV = 60 tons~~

*	~~US 431~~	~~0.0 McLean CO LN~~	~~11.4 US 60 Bypass~~

~~Weight Limit - Bridge B0050 over Panther Creek @ milepoint 8.04~~
~~TY I = 20 tons, TY II = 32 tons, TY III = 38 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over Panther Creek @ milepoint 8.54~~
~~TY I = 20 tons, TY II = 23 tons, TY III = 27 tons, TY IV = 45 tons~~
~~Weight Limit - Bridge over Panther Creek Branch @ milepoint 9.03~~
~~TY I = 20 tons, TY II = 40 tons, TY III = 46 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge B00046 over Drainage Ditch @ milepoint 9.83~~
~~TY I = 20 tons, TY II = 22 tons, TY III = 24 tons, TY IV = 39 tons~~
~~Weight Limit - Bridge B00045 over Drainage Ditch @ milepoint 9.86~~
~~TY I = 20 tons, TY II = 22 tons, TY III = 24 tons, TY IV = 39 tons~~
~~Weight Limit - Bridge B00044 over Drainage Ditch @ milepoint 10.05~~
~~TY I = 20 tons, TY II = 22 tons, TY III = 24 tons, TY IV = 39 tons~~
~~Weight Limit - Bridge B00043 over Drainage Ditch @ milepoint 10.12~~
~~TY I = 20 tons, TY II = 22 tons, TY III = 24 tons, TY IV = 39 tons~~
~~Weight Limit - Bridge B00042 over Drainage Ditch @ milepoint 10.13~~
~~TY I = 20 tons, TY II = 22 tons, TY III = 24 tons, TY IV = 39 tons~~
~~Weight Limit - Bridge B00041 over Drainage Ditch @ milepoint 10.15~~
~~TY I = 20 tons, TY II = 22 tons, TY III = 24 tons, TY IV = 39 tons~~
~~Weight Limit - Bridge B00040 over Drainage Ditch @ milepoint 10.02~~
~~TY I = 20 tons, TY II = 22 tons, TY III = 24 tons, TY IV = 39 tons~~

*	~~KY 81~~	~~0.0 McLean County Line~~	~~11.9 US 60 Bypass~~

~~Weight Limit - Bridge B0057 @ milepoint 2.52~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 36 tons~~
~~Weight Limit - Bridge over Panther Creek @ milepoint 6.50~~
~~TY I = 20 tons, TY II = 25 tons, TY III = 29 tons, TY IV = 45 tons~~

*	~~KY 140~~	~~2.8 KY 1207~~	~~3.4 US 431~~
*	~~KY 144~~	~~0.0 US 60~~	~~9.3 Mine~~

~~Weight Limit - Bridge B00136 over CSX RR @ milepoint 0.16~~
~~TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons~~

*	~~KY 331~~	~~0.0 US 60 (East)~~ ~~(Via Industrial Dr. & Medley Roost Rd.)~~	~~2.6 Dock~~
*	~~KY 554~~	~~1.9 Mine~~	~~4.8 KY 81~~
*	~~KY 951~~	~~0.0 KY 144~~	~~5.1 Mine~~
*	~~KY 1207~~	~~3.6 Mine~~	~~5.5 KY 140~~
*	~~KY 1389~~	~~8.4 Mine~~	~~10.7 Hancock CO LN~~
*	~~Free Silver RD~~		
	~~CR 5045~~	~~0.0 Mine~~	~~0.3 Pup Creek RD~~
*	~~Pup Creek RD~~		
	~~CR 5046~~	~~0.0 KY 951~~	~~1.6 KY 951~~
*	~~Iceland RD~~		
	~~CR 5076~~	~~0.0 US 60~~	~~0.2 Dock~~
*	~~Ben Ford RD~~		
	~~CR 5238~~	~~0.0 KY 1207~~	~~2.0 US 431~~

~~ESTILL COUNTY~~

	ROAD	FROM	TO
*	~~KY 82~~	~~0.0 KY 89~~	~~5.0 Powell CO LN~~
*	~~KY 89~~	~~11.4 KY 52~~	~~17.9 KY 82~~

~~Weight Limit - Bridge over Sweet Lick Creek @ milepoint 12.08~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 29 tons, TY IV = 49 tons~~
~~Weight Limit - Bridge over Calloway Creek @ milepoint 15.38~~

~~TY I = 20 tons, TY II = 35 tons, TY III = 39 tons, TY IV = 58 tons~~

*	~~KY 1840~~	~~0.0 Stump Road~~	~~0.4 KY 89~~
*	~~Stump RD~~		
	~~CR 5356~~	~~0.0 KY 1840~~	~~0.8 Tipple~~

~~FAYETTE COUNTY~~

	ROAD	FROM	TO
*	~~US 60~~	~~0.0 Woodford CO LN~~	~~4.7 KY 4 (West)~~

~~Weight Limit - Bridge B00121 over South Elkhorn Creek @ milepoint 1.30~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~

		~~10.2 KY 4 (East)~~	~~19.3 Clark CO LN~~
*	~~KY 4~~	~~4.6 US 60 (West)~~	~~12.7 US 60 (East)~~

~~Weight Limit - Bridge B00022 & P over US 60, Versailles Road @ milepoint 4.61~~
~~TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 58 tons~~
~~Weight Limit - Bridge B00021 & P over Viley Pike @ milepoint 5.48~~
~~TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge B00032 over CSX RR @ milepoint 6.01~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~
~~Weight Limit - Bridge B00039 over CSX RR @ milepoint 6.76~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~
~~Weight Limit - Bridge B00037 & P over US 421 @ milepoint 7.24~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~
~~Weight Limit - Bridge B00038 & P over Southern RR @ milepoint 8.03~~
~~TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 51 tons~~

*	~~KY 922~~	~~1.0 KY 4~~	~~2.9 I 75~~

~~FLEMING COUNTY~~

	ROAD	FROM	TO
*	~~US 68~~	~~0.0 Robertson CO LN~~	~~5.4 Mason CO LN~~
*	~~KY 11~~	~~0.0 Bath CO LN~~	~~17.3 Mason CO LN~~

~~Weight Limit - Bridge over Fleming Creek @ milepoint 7.80~~
~~TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 48 tons~~
~~Weight Limit - Bridge over Cassidy Creek @ milepoint 8.77~~
~~TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 50 tons~~

~~FLOYD COUNTY~~

	ROAD	FROM	TO
*	~~US 23~~	~~0.0 Pike CO LN~~	~~24.0 Johnson CO LN~~

~~Weight Limit - Bridge over CSX RR @ milepoint 21.29~~
~~TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 40 tons~~

*	~~KY 3~~	~~0.0 US 23 & KY 80~~	~~2.5 KY 1428~~
		~~10.0 US 23~~	~~12.0 Johnson CO LN~~
*	~~KY 7~~	~~0.0 Knott CO LN~~	~~10.4 Mine~~

~~Weight Limit - Bridge over Right Fork Beaver Creek @ milepoint 8.01~~
~~TY I = 20 tons, TY II = 33 tons, TY III = 36 tons, TY IV = 44 tons~~

*	~~KY 80~~	~~0.0 Knott CO LN~~	~~14.4 US 23 & KY 3~~
*	~~KY 114~~	~~0.0 Magoffin County Line~~	~~12.4 KY 1428~~

~~Weight Limit - Bridge over Middle Creek @ milepoint 10.60~~
~~TY I = 20 tons, TY II = 43 tons, TY III = 46 tons, TY IV = 56 tons~~

*	~~KY 122~~	~~8.5 KY 80~~	~~26.1 KY 979~~

~~Weight Limit - Bridge over Left Fork of Beaver Creek @ milepoint 23.55~~
~~TY I = 20 tons, TY II = 40 tons, TY III = 44 tons, TY IV = 57 tons~~

*	~~KY 194~~	~~0.0 KY 1428 at Emma~~	~~1.7 Mine~~

~~Weight Limit - Bridge over Cow Creek @ milepoint 1.27~~
~~TY I = 20 tons, TY II = 41 tons, TY III = 48 tons, TY IV = 60 tons~~

*	~~KY 302~~	~~2.6 Mine~~	~~2.9 Johnson County Line~~
*	~~KY 404~~	~~0.0 Magoffin CO LN~~	~~8.1 KY 114~~

~~Weight Limit - Bridge over Middle Creek @ milepoint 8.07~~
~~TY I = 20 tons, TY II = 40 tons, TY III = 41 tons, TY IV = 51 tons~~

*	~~KY 550~~	~~0.0 Knott CO LN~~	~~0.2 KY 7 South~~

~~Weight Limit - Bridge over Right Fork of Beaver Creek @ milepoint 0.06~~
~~TY I = 20 tons, TY II = 40 tons, TY III = 44 tons, TY IV = 57 tons~~

		~~0.2 KY 7 North~~	~~0.7 Tipple~~
*	~~KY 680~~	~~0.0 KY 122~~	~~0.1 Goose Creek RD~~
		~~2.6 KY 777~~	~~2.9 KY 777~~
		~~5.0 KY 122~~	~~7.5 Mine~~
		~~10.0 Mine~~	~~10.5 KY 979~~

* KY 777	4.9 Head Turkey Creek RD	8.8 KY 80
* KY 850	4.3 Pitts Fork RD	7.5 KY 404
* KY 979	0.0 KY 122	19.2 US 23
Weight Limit - Bridge over Clear Creek @ milepoint 1.68		
TY I = 20 tons, TY II = 40 tons, TY III = 47 tons, TY IV = 60 tons		
Weight Limit - Bridge B00091 over Toler Creek @ milepoint 17.43		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
* KY 1101	0.0 Johnson RD	1.0 KY 122 at Drift
* KY 1426	5.6 Mine	7.9 KY 2030
	11.4 Mine	14.3 US 23
* KY 1428	2.6 KY 3381	12.5 KY 3
Weight Limit - Bridge over Big Sandy River @ milepoint 5.82		
TY I = 20 tons, TY II = 39 tons, TY III = 42 tons, TY IV = 42 tons		
Weight Limit - Cow Creek Bridge @ milepoint 8.70		
TY I = 20 tons, TY II = 29 tons, TY III = 37 tons, TY IV = 50 tons		
	14.1 Mine	15.6 KY 114
* KY 1929	2.0 Neds Fork RD	4.5 KY 680
* KY 2030	5.0 Little Muddy Creek RD	7.8 KY 1426
* KY 2557	0.0 Betsy Layne BR RD	0.3 US 23
* KY 3379	0.8 Mine	7.0 KY 979
* KY 3381	0.8 Crum Branch RD	2.9 KY 1428
* Daniel's Creek RD		
CR 5014	0.0 US 23	0.5 Mine
* Ivel Coal Company RD		
CR 5020	0.0 US 23	0.1 Tipple
* Ivy Creek RD		
CR 5032	0.0 US 23	3.0 Haul RD
* Left Fork Ivy Creek Road		
CR 5033	0.0 CR 5032	2.1 Mine
* Sugarloaf Branch RD		
CR 5048	0.0 KY 1428	0.6 Mine
* Long Branch of John's Creek Road		
CR 5049	0.0 KY 302	1.7 Mine
* Bull Creek Road		
CR 5055	0.0 KY 3	0.4 Cabin Coal Tipple
* Crum Branch RD		
CR 5100	0.0 KY 3381	0.6 Mine
* Betsy Layne Branch Road		
CR 5111	0.0 KY 2557	0.9 Somerset Coal Mine
* Betsy Layne Branch Road		
CR 5113	0.0 KY 2557	0.9 Mine
* Cedar Hill Road		
CR 5118	0.0 KY 1426	0.6 Tipple
* Tackett Branch RD		
CR 5129	0.0 KY 979	1.0 Mine
* Rocky Branch RD		
CR 5137	0.0 Mink Branch RD	0.4 Mine
* Mink Branch Road		
CR 5138	0.0 KY 979	0.9 Rocky Branch RD
Weight Limit - Bridge over Big Mud Creek		
TY I = 22 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons		
* Dry Branch/Mud Creek Road		
CR 5139	0.0 KY 979	1.2 Joseph Mining Mine
* Ned Fork Road		
CR 5140	0.0 KY 1929	1.1 Premium Elkhorn Shannon Mine
* Mitchell Branch RD		
CR 5154	0.0 KY 979	0.5 Mine
* Tackett Branch RD		
CR 5156	0.0 KY 979	0.9 Buzzard Rock RD
* Buzzard Rock Road		
CR 5157	0.0 Tackett Fork RD	0.5 Pike CO LN
* Buckhorn Hollow RD		
CR 5159	0.0 Ky 979	0.5 Mine
* Reynold's Branch RD		
CR 5187	0.0 KY 979	0.2 Mine
* Spewing Camp Branch		
CR 5190	0.0 KY 122	2.5 Mine

~~Weight Limit - Bridge over Left Fork of Beaver Creek~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~

*	~~Little Muddy Creek Road~~		
	~~CR 5197~~	~~0.0 KY 2030~~	~~2.5 Upper Wolfpen BR RD~~
*	~~Upper Wolfpen Branch Road~~		
	~~CR 5197B~~	~~0.0 Little Muddy Creek Road~~	~~0.7 Mine~~
*	~~Morgan Fork RD~~		
	~~CR 5198~~	~~0.0 Little Muddy Creek RD~~	~~1.1 Mine~~
*	~~Stonecoal Branch RD~~		
	~~CR 5234~~	~~0.0 KY 1101~~	~~1.4 Mine~~
*	~~Simpson Branch RD~~		
	~~CR 5239~~	~~0.0 KY 1101~~	~~1.3 Mine~~
*	~~Step Branch RD~~		
	~~CR 5247~~	~~0.0 KY 122~~	~~0.1 Mine~~
*	~~Grassy Road~~		
	~~CR 5266 E~~	~~0.0 KY 7~~	~~0.2 Tipple~~
*	~~Head of Turkey Creek RD~~		
	~~CR 5268~~	~~0.0 KY 777~~	~~2.0 Mine~~
*	~~Goose Creek RD~~		
	~~CR 5273~~	~~0.0 KY 680~~	~~1.2 Mine~~
*	~~Pitts Fork Road~~		
	~~CR 5288~~	~~0.0 KY 850~~	~~0.9 Mine~~

~~FRANKLIN COUNTY~~

	~~ROAD~~	~~FROM~~	~~TO~~
*	~~US 60~~	~~0.0 Shelby CO LN~~	~~6.5 US 127~~
	~~Weight Limit - Bridge over South Benson Creek @ milepoint 2.72~~		
	~~TY I = 20 tons, TY II = 23 tons, TY III = 26 tons, TY IV =41 tons~~		
		~~12.0 KY 676~~	~~14.0 Woodford CO LN~~
*	~~US 127~~	~~5.2 KY 676~~	~~6.1 US 60~~
*	~~KY 676~~	~~0.0 US 127~~	~~5.3 US 60~~

~~GREENUP COUNTY~~

	~~ROAD~~	~~FROM~~	~~TO~~
*	~~US 23~~	~~0.0 Boyd CO LN~~	~~7.6 KY 503~~
*	~~KY 207~~	~~11.2 Collins Crossing RD~~	~~12.4 KY 503 North~~
*	~~KY 503~~	~~5.5 KY 207~~	~~9.1 US 23~~

~~HANCOCK COUNTY~~

	~~ROAD~~	~~FROM~~	~~TO~~
*	~~US 60~~	~~0.0 Daviess CO LN~~	~~7.3 KY 271 South~~
*	~~KY 69~~	~~0.0 Ohio CO LN~~	~~4.6 KY 144~~
	~~Weight Limit - Bridge B0007 @ mile 3.23~~		
	~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~		
	~~Weigth Limit - Bridge B0008 @ milepoint 4.18~~		
	~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~		
*	~~KY 144~~	~~0.0 Daviess CO LN~~	~~3.0 KY 69~~
	~~Weight Limit - Bridge over Horse Fork @ milepoint 2.92~~		
	~~TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons~~		
*	~~KY 271~~	~~0.0 KY 1389~~	~~6.0 KY 334~~
*	~~KY 334~~	~~14.7 Power Plant~~	~~16.4 KY 271~~
*	~~KY 1389~~	~~0.0 Daviess CO LN~~	~~KY 271~~
*	~~KY 3092~~	~~0.0 KY 271~~	~~2.0 KY 334~~

~~HARLAN COUNTY~~

	~~ROAD~~	~~FROM~~	~~TO~~
*	~~US 119~~	~~0.0 Bell CO LN~~	~~24.4 Mine~~
		~~26.4 Tipple~~	~~28.2 Mine~~
*	~~US 421~~	~~0.0 Virginia State LN~~	~~17.9 US 119~~
	~~Weight Limit - Bridge over Cranks Creek @ milepoint 2.70~~		
	~~TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 43 tons~~		
	~~Weight Limit - Bridge over Fork of Crummies Creek @ milepoint 7.36~~		
	~~TY I = 20 tons, TY II = 29 tons, TY III = 32 tons, TY IV = 42 tons~~		
	~~Weight Limit - Bridge over KY 840, L&N RR, Clover Fork @ milepoint 17.51~~		
	~~TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 51 tons~~		
		~~23.9 KY 221 West~~	~~27.6 Leslie CO LN~~
*	~~KY 38~~	~~0.0 US 421~~	~~29.5 Virginia State LN~~

~~Weight Limit - Bridge over Clover Fork Cumberland River @ milepoint 8.21~~
~~TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 55 tons~~
~~Weight Limit - Bridge over Yocum Creek @ milepoint 8.60~~
~~TY I = 8 tons, TY II = 8 tons, TY III = 8 tons, TY IV = 8 tons~~
~~Weight Limit - Bridge over Fugett Creek @ milepoint 17.11~~
~~TY I = 20 tons, TY II = 31 tons, TY III = 36 tons, TY IV = 59 tons~~

*	~~KY 72~~	~~2.5 Tipple~~	~~4.2 Tom's Branch RD~~
		~~7.1 KY 1216~~	~~11.3 US 421~~
*	~~KY 215~~	~~0.0 KY 38~~	~~1.7 Pounding Mill BR RD~~

~~Weight Limit - Bridge B00017 over Yocum Creek @ milepoint 1.055~~
~~TY I = 20 tons, TY II = 37 tons, TY III = 43 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge B00018 over Yocum Creek @ milepoint 1.40~~
~~TY I = 20 tons, TY II = 27 tons, TY III = 29 tons, TY IV = 39 tons~~

*	~~KY 221~~	~~0.0 Bell CO LN~~	~~8.9 US 421 (South)~~
		~~8.9 US 421 (North)~~	~~11.4 KY 2009~~
*	~~KY 990~~	~~0.0 US 421~~	~~1.3 Coalgood Tipple~~
*	~~KY 1137~~	~~0.0 US 421~~	~~3.2 Mine Access RD~~
*	~~KY 1216~~	~~0.0 Mine~~	~~0.7 KY 72~~
*	~~KY 1601~~	~~2.3 Tipple and Mine~~	~~2.4 KY 38~~
*	~~KY 2006~~	~~0.0 Clover Lick RD~~	~~4.2 Tipple~~
*	~~KY 2009~~	~~0.0 KY 221~~	~~2.7 Leslie CO LN~~

~~Weight Limit - Bridge over Fork of Laurel Fork Creek @ milepoint 1.51~~
~~TY I = 20 tons, TY II = 26 tons, TY III = 30 tons, TY IV = 51 tons~~

*	~~KY 2425~~	~~0.0 Crawford Branch~~	~~0.4 KY 72~~
*	~~KY 2430~~	~~0.0 KY 38~~	~~0.1 Mine~~
*	~~KY 3449~~	~~0.0 Forester's Creek RD~~	~~1.1 Kentucky Harlan Tipple~~
*	~~KY 3451~~	~~1.4 Mine~~	~~2.2 US 119~~

~~Weight Limit - Bridge over Ewing Creek @ milepoint 1.60~~
~~TY I = 20 tons, TY II = 32 tons, TY III = 38 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over Cumberland River @ milepoint 2.15~~
~~TY I = 20 tons, TY II = 23 tons, TY III = 25 tons, TY IV = 32 tons~~

*	~~Clover Lick Creek RD~~		
	~~CR 5027~~	~~0.0 KY 2006~~	~~0.4 Mine~~
*	~~Pounding Mill Branch RD~~		
	~~CR 5108H~~	~~0.0 KY 215~~	~~0.8 Mine~~
*	~~Graye Branch Road~~		
	~~CR 5206K~~	~~0.0 US 421 @ Grays Knob~~	~~0.4 Tipple~~

~~Weight Limit - Bridge over Martins Fork~~
~~TY I = 20 tons, TY II = 20 tons, TY III = 20 tons, TY IV = 20 tons~~

*	~~Rockhouse Road~~		
	~~CR 5256~~	~~0.2 Tipple~~	~~0.8 Mine~~
*	~~River Road~~		
	~~CR 5326E~~	~~0.0 KY 38~~	~~0.1 Brookside Tipple~~
*	~~Ages Creek RD~~		
	~~CR 5326M~~	~~0.0 Tipple~~	~~0.3 Tipple~~

~~HARRISON COUNTY~~

	~~ROAD~~	~~FROM~~	~~TO~~
*	~~US 27~~	~~0.0 Bourbon CO LN~~	~~19.5 Pendleton CO LN~~

~~Weight Limit - Bridge over South Fork Licking River @ milepoint 5.65~~
~~TY I = 20 tons, TY II = 43 tons, TY III = 47 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over L&N RR @ milepoint 6.28~~
~~TY I = 20 tons, TY II = 34 tons, TY III = 37 tons, TY IV = 42 tons~~
~~Weight Limit - Bridge over Indian Creek @ milepoint 7.09~~
~~TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 54 tons~~
~~Weight Limit - Bridge B00065 over Sycamore Creek @ milepoint 9.09~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~
~~Weight Limit - Bridge over Two Lick Creek @ milepoint 10.40~~
~~TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 50 tons~~
~~Weight Limit - Bridge over Curry Creek @ milepoint 13.27~~
~~TY I = 20 tons, TY II = 31 tons, TY III = 35 tons, TY IV = 51 tons~~
~~Weight Limit - Bridge over Richland Creek @ milepoint 19.18~~
~~TY I = 20 tons, TY II = 34 tons, TY III = 40 tons, TY IV = 60 tons~~

~~HENDERSON COUNTY~~

	~~ROAD~~	~~FROM~~	~~TO~~
*	~~Audubon PKWY~~	~~0.0 Pennyrile PKWY~~	~~15.9 Davis CO LN~~

~~Weight Limit - Bridge over Green River @ milepoint 15.78~~
~~TY I = 20 tons, TY II = 37 tons, TY III = 44 tons, TY IV = 54 tons~~

*	~~Pennyrile PKWY~~	~~65.3 Webster CO LN~~	~~78.4 US 41~~
*	~~US 41~~	~~0.0 Webster CO LN~~	~~0.2 KY 2097~~
		~~10.9 KY 425~~	~~13.0 KY 812~~
		~~13.4 Pennyrile Parkway~~	~~21.2 Indiana State Line~~

~~Weight Limit - Bridge B00049 over Van Wyk RD @ milepoint 15.01~~
~~TY I = 20 tons, TY II = 40 tons, TY III = 45 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over Canoe Creek @ milepoint 15.17~~
~~TY I = 20 tons, TY II = 40 tons, TY III = 45 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over Henderson Bypass @ milepoint 15.54~~
~~TY I = 20 tons, TY II = 40 tons, TY III = 43 tons, TY IV = 56 tons~~
~~Weight Limit - South End Ohio River Bridge @ milepoint 19.24~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 37 tons~~
~~Weight Limit - Ohio River Bridge @ milepoint 19.24~~
~~TY I = 20 tons, TY II = 34 tons, TY III = 39 tons, TY IV = 51 tons~~

*	~~KY 136~~	~~18.9 Riverport Road~~	~~19.5 KY 425 and US 60~~
*	~~KY 416~~	~~7.8 Pennyrile Parkway~~	~~8.0 KY 2096~~
		~~16.7 Private Haul RD~~	~~16.9 Audubon Parkway~~
*	~~KY 425~~	~~0.0 US 60~~	~~5.5 Pennyrile PKWY~~
*	~~KY 812~~	~~5.6 Mine~~	~~7.4 US 41~~
*	~~KY 2096~~	~~0.0 KY 416~~	~~3.1 KY 2097~~
*	~~KY 2097~~	~~0.0 US 41~~	~~0.8 KY 2096 Anaconda Aluminum Plant RD~~
*	~~Ammonia Plant Road~~		
	~~CR 5305~~	~~0.0 KY 136~~	~~1.2 Dock~~
*	~~Riverport Road~~		
	~~CR 5360~~	~~0.0 KY 136~~	~~0.7 Riverport Dock~~

~~HOPKINS COUNTY~~

	ROAD	FROM	TO
*	~~Western Kentucky Parkway~~		
		~~21.8 Caldwell CO LN~~	~~24.4 KY 109~~
		~~38.3 Pennyrile PKWY~~	~~43.4 Muhlenberg CO LN~~

~~Weight Limit - Bridge over Pennyrile Parkway @ milepoint 38.31~~
~~TY I = 20 tons, TY II = 40 tons, TY III = 44 tons, TY IV = 57 tons~~

*	~~Pennyrile Parkway~~	~~29.6 US 41 (South)~~	~~55.0 Webseter CO LN~~

~~Weight Limit - Bridge B00016 on exit ramp to U.S. 41 @ milepoint 45.2~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~
~~Weight Limit - Bridge B00012 over KY 138 @ milepoint 54.07~~
~~TY I = 20 tons, TY II = 40 tons, TY III = 44 tons, TY IV = 58 tons~~

*	~~US 41~~	~~0.0 Christian CO LN~~	~~2.3 Pennyrile Parkway (South)~~

~~Weight Limit - Bridge over Drakes Creek @ milepoint 0.49~~
~~TY I = 20 tons, TY II = 31 tons, TY III = 37 tons, TY IV = 52 tons~~

*	~~US 41A~~	~~7.1 KY 813~~	~~10.7 KY 112~~
*		~~16.1 KY 281~~	~~29.4 Webster CO LN~~
*	~~US 62~~	~~1.7 KY 109~~	~~22.2 Muhlenberg CO LN~~

~~Weight Limit - Bridge over Copperas Creek @ milepoint 5.76~~
~~TY I = 20 tons, TY II = 32 tons, TY III = 37 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over Cane Run Creek @ milepoint 7.99~~
~~TY I = 20 tons, TY II = 42 tons, TY III = 49 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge B00057 over Fox Run Creek Branch @ milepoint 10.25~~
~~TY I = 20 tons, TY II = 33 tons, TY III = 49 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over Pleasant Run @ milepoint 12.56~~
~~TY I = 20 tons, TY II = 42 tons, TY III = 49 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge B00055 over Pleasant Run Branch @ milepoint 12.93~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 52 tons~~
~~Weight Limit - Bridge B00061 over BR of Pleasant Run Creek @ milepoint 14.00~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~
~~Weight Limit - Bridge over CSX RR, Fork Pleasant Run @ milepoint 14.94~~
~~TY I = 20 tons, TY II = 42 tons, TY III = 46 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge B00048 over US 41 @ milepoint 15.70~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~
~~Weight Limit - Bridge over Drakes Creek @ milepoint 16.77~~
~~TY I = 20 tons, TY II = 39 tons, TY III = 43 tons, TY IV = 59 tons~~
~~Weight Limit - Bridge B00052 over Drakes Creek Branch @ milepoint 17.25~~
~~Weight Limit - Bridge over Pond River Overflow @ milepoint 21.45~~
~~TY I = 20 tons, TY II = 38 tons, TY III = 44 tons, TY IV = 60 tons~~

~~Weight Limit - Bridge over Pond River Overflow @ milepoint 21.83~~
~~TY I = 20 tons, TY II = 38 tons, TY III = 44 tons, TY IV = 60 tons~~
~~Weight Limit - Pond River Bridge B00049 @ milepoint 22.19~~
~~TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons~~

*	~~KY 70~~	~~4.5 Peter Howton Road~~	~~7.1 KY 109~~
		~~19.9 Pennyrile PKWY~~	~~22.4 KY 1221~~
*	~~KY 109~~	~~2.1 US 62~~	~~17.2 KY 814~~

~~Weight Limit - Bridge over Western Kentucky Parkway @ milepoint 3.81~~
~~TY I = 20 tons, TY II = 40 tons, TY III = 43 tons, TY IV = 56 tons~~
~~Weight Limit - Bridge B00078 over Lick Creek Fork @ milepoint 8.42~~
~~TY I = 20 tons, TY II = 32 tons, TY III = 48 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge B00074 @ milepoint 13.37~~
~~TY I = 20 tons, TY II = 33 tons, TY III = 50 tons, TY IV = 60 tons~~

*	~~KY 112~~	~~9.6 KY 1337~~	~~9.8 US 41A~~
*	~~KY 260~~	~~2.0 Pennyrile PKWY~~	~~2.1 KY 2664~~
*	~~KY 262~~	~~0.0 KY 630~~	~~0.1 Tipple~~
*	~~KY 281~~	~~0.0 US 41A~~	~~0.7 Pennyrile Parkway~~

~~Weight Limit - Bridge B00081 over L&N RR @ milepoint 0.25~~
~~TY I = 20 tons, TY II = 44 tons, TY III = 47 tons, TY IV = 58 tons~~

*	~~KY 502~~	~~0.0 KY 109~~	~~6.2 KY 1034~~

~~Weight Limit - Bridge over Clear Creek Branch @ milepoint 1.06~~
~~TY I = 20 tons, TY II = 39 tons, TY III = 45 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over Clear Creek Overflow @ milepoint 2.77~~
~~TY I = 20 tons, TY II = 35 tons, TY III = 41 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over Clear Creek @ milepoint 2.90~~
~~TY I = 20 tons, TY II = 37 tons, TY III = 43 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over Clear Creek Overflow @ milepoint 3.07~~
~~TY I = 20 tons, TY II = 37 tons, TY III = 43 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over Clear Creek @ milepoint 3.23~~
~~TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons~~

*	~~KY 630~~	~~0.0 KY 262~~	~~2.0 US 41A~~
*	~~KY 813~~	~~2.5 Bailey Street~~	~~2.8 US 62~~
		~~5.4 Drakes Creek RD~~	~~6.1 Mine~~
*	~~KY 814~~	~~0.0 KY 109~~	~~1.4 Webster CO LN~~
*	~~KY 1034~~	~~4.2 KY 502~~	~~8.7 KY 630~~

~~Weight Limit - Bridge over Pond Creek @ milepoint 7.02~~
~~TY I = 20 tons, TY II = 23 tons, TY III = 29 tons, TY IV = 41 tons~~
~~Weight Limit - Bridge over New Pond Creek @ milepoint 7.06~~
~~TY I = 20 tons, TY II = 23 tons, TY III = 29 tons, TY IV = 41 tons~~

*	~~KY 1221~~	~~0.0 Frank Lama RD~~	~~4.1 KY 70~~
*	~~KY 2086~~	~~0.0 Walnut Grove RD~~	~~1.2 KY 109~~
*	~~KY 2171~~	~~0.0 US 41A~~	~~3.1 Pennyrile Parkway~~
*	~~KY 2647~~	~~0.0 KY 2648~~	~~0.6 McIntosh Chapel RD~~
*	~~KY 2648~~	~~0.0 Clarence Prowse RD~~	~~0.2 KY 2647 (McIntosh Chapel RD)~~
*	~~KY 2664~~	~~0.0 KY 260~~	~~1.6 End of State Maintenance~~
*	~~Airport RD~~		
	~~CR 5130~~	~~0.0 Seabree Avenue~~	~~0.8 Private Haul RD~~
*	~~Hecla Street~~		
	~~CR 5134A~~	~~0.0 CR 5134G~~	~~0.8 CR 5130~~
*	~~Seabree Avenue~~		
	~~CR 5134G~~	~~0.0 KY 112~~	~~0.4 Airport RD~~
*	~~Farmers Crossing Road~~		
	~~CR 5161~~	~~0.0 Drakes Creek RD~~	~~2.9 Mine~~
*	~~Goat Lane~~		
	~~CR 5179~~	~~0.0 US 62~~	~~0.4 Drakes Creek RD~~
*	~~Drakes Creek RD~~		
	~~CR 5180~~	~~0.0 Farmers Crossing RD~~	~~0.2 KY 813~~
		~~1.8 Goat Lane~~	~~1.9 KY 813~~
*	~~Stone's Chapel Road~~		
	~~CR 5187~~	~~0.0 Charolais Mine~~	~~0.2 CR 5189~~
*	~~McIntosh Chapel Road~~		
	~~CR 5189~~	~~0.0 Stone's Chapel Road~~	~~1.7 KY 2647~~
*	~~Clarence Prowse Road~~		
	~~CR 5190~~	~~0.0 KY 2648~~	~~0.7 US 41~~
*	~~Buttermilk Road~~		
	~~CR 5268~~	~~0.0 US 62~~	~~2.5 Mine~~
*	~~Walnut Grove Road~~		

CR 5301	0.0 Mine	0.6 KY 2086
* Lee Johnson RD		
CR 5329	0.0 KY 70	0.3 Mine
* Manitou/Richland RD		
CR 5393	2.6 Mine	4.6 Private Haul RD

JACKSON COUNTY

ROAD	FROM	TO
* US 421	4.6 KY 30 East	8.0 Kelly RD
Weight Limit - Bridge over Flat Lick Creek @ milepoint 6.26		
TY I = 20 tons, TY II = 30 tons, TY III = 37 tons, TY IV = 58 tons		
* KY 30	0.0 Laurel CO LN	12.5 US 421 (South)
Weight Limit - Bridge over Moores Creek @ milepoint 0.59		
TY I = 20 tons, TY II = 32 tons, TY III = 35 tons, TY IV = 50 tons		
Weight Limit - Bridge over Pond Creek @ milepoint 2.64		
TY I = 20 tons, TY II = 32 tons, TY III = 35 tons, TY IV = 50 tons		
Weight Limit - Bridge over Pond Lick Creek @ milepoint 5.86		
TY I = 20 tons, TY II = 41 tons, TY III = 49 tons, TY IV = 60 tons		

JEFFERSON COUNTY

ROAD	FROM	TO
* US 31E	0.0 Bullitt CO LN	6.1 KY 1066
	16.7 US 42	17.8 US 31W @ Second Street
* US 31W	3.2 Kosmos Cement CO	7.4 KY 841
	18.5 Wilson Avenue	22.1 US 31E @ Second Street
* US 42	0.0 US 31E	0.8 US 60
Weight Limit - Bridge B00347 over Beargrass Creek @ milepoint 0.23		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
* US 60	0.0 US 42 (Westbound)	17.4 Shelby CO LN
Weight Limit - Bridge over Beargrass Creek @ milepoint 0.11		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
Weight Limit - Bridge over Floyd's Fork @ milepoint 13.56		
TY I = 20 tons, TY II = 40 tons, TY III = 44 tons, TY IV = 58 tons		
Weight Limit - Bridge over Longrun Creek @ milepoint 15.79		
TY I = 20 tons, TY II = 35 tons, TY III = 40 tons, TY IV = 60 tons		
* KY 841	0.0 US 31W	10.2 I 65
Weight Limit - Bridge over New Cut Road @ milepoint 6.032		
TY I = 20 tons, TY II = 45 tons, TY III = 50 tons, TY IV = 54 tons		
* KY 864	4.3 KY 1065	4.5 KY 1065
* KY 1065	1.0 New Cut Road (KY 1865)	11.9 US 31E
Weight Limit - Bridge over Northern Ditch @ milepoint 1.40		
TY I = 20 tons, TY II = 27 tons, TY III = 37 tons, TY IV = 40 tons		
Weight Limit - Bridge over I 65 @ milepoint 4.75		
TY I = 20 tons, TY II = 40 tons, TY III = 45 tons, TY IV = 60 tons		
* KY 1230	7.5 Port Access RD	7.7 Smith Lane
* KY 1865	0.9 KY 841	1.3 KY 1065
* KY 1934	1.1 River Port Drive	3.3 KY 2051
	5.7 Ralph AVE	7.1 KY 1834 Cane Run RD
* KY 2051	2.0 Cane Run RD	4.8 Consumer
* KY 2054	0.7 KY 1934	1.6 Dixie Highway (US 31W)
* KY 2056	0.4 Consumer	1.6 KY 1934 Cane Run RD
* Ralph Avenue (Louisville)		
CS 1RA	0.5 Consumer	1.8 KY 1934
* Dixie Highway	0.5 Hill Street	0.9 Wilson Avenue
* Wilson Avenue	0.0 US 31W	0.3 Dixie Highway
* Smith Riverport RD		
CS 47sr	0.0 KY 1230	0.9 KY 1934

JOHNSON COUNTY

ROAD	FROM	TO
* US 23	8.8 US 460	18.4 Lawrence CO LN
* US 460	0.0 Magoffin CO LN	8.3 US 23
* KY 3	0.0 Floyd CO LN	4.6 Martin CO LN
* KY 40	8.7 US 23	11.1 KY 1107
* KY 302	0.0 Floyd County Line	0.1 KY 3
* KY 581	0.0 KY 40	0.5 KY 1145
* KY 1107	3.3 KY 40	3.9 Mine

* KY 1428	3.4 US 23	3.8 Tipple
* Lackey Branch RD		
CR 5128	0.0 KY 3	0.5 Tipple

KNOTT COUNTY

ROAD	FROM	TO
* KY 7	0.0 Letcher CO LN	16.0 Floyd CO LN
Weight Limit - Bridge over Beaver Fork @ milepoint 6.10		
TY I = 20 tons, TY II = 39 tons, TY III = 44 tons, TY IV = 60 tons		
* KY 15	0.0 Letcher CO LN	9.4 Perry CO LN
Weight Limit - Bridge over Carr Fork Lake @ milepoint 5.64		
TY I = 20 tons, TY II = 37 tons, TY III = 44 tons, TY IV = 60 tons		
* KY 80	0.0 Perry CO LN	20.1 Floyd CO LN
* KY 160	0.0 KY 15	12.5 KY 80
Weight Limit - Bridge over Carr Fork Lake @ milepoint 1.74		
TY I = 20 tons, TY II = 46 tons, TY III = 48 tons, TY IV = 58 tons		
* KY 550	0.0 Perry County Line	9.6 Ogden Creek Best Road
Weight Limit - Bridge over Montgomery Creek @ milepoint 4.12		
TY I = 20 tons, TY II = 30 tons, TY III = 37 tons, TY IV = 57 tons		
	22.8 Blue Springs Branch RD	26.6 Floyd CO LN
Weight Limit - Bridge over Jones Fork @ milepoint 25.30		
TY I = 20 tons, TY II = 28 tons, TY III = 32 tons, TY IV = 45 tons		
* KY 582	0.0 KY 160	5.0 Willard Branch RD
	11.8 Brighton Fork of Bill Does BR	12.7 KY 7
Weight Limit - Bridge over Right Fork Beaver Creek @ milepoint 12.69		
TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 44 tons		
* KY 777	0.0 KY 80	0.1 Floyd CO LN
* KY 899	0.0 KY 160	2.1 KY 1393
* KY 1087	1.4 KY 1102	3.4 Mine
	13.2 KY 1098	13.8 KY 80
* KY 1088	6.9 Haul RD	9.4 KY 15
Weight Limit - Bridge over Yellow Creek @ milepoint 9.12		
TY I = 20 tons, TY II = 27 tons, TY III = 31 tons, TY IV = 52 tons		
Weight Limit - Bridge over Carr Creek @ milepoint 9.36		
TY I = 20 tons, TY II = 34 tons, TY III = 38 tons, TY IV = 54 tons		
* KY 1098	9.7 Mine	12.0 KY 1087
* KY 1102	1.1 Sandlick Branch RD	2.7 KY 80
* KY 1231	0.0 KY 15	8.0 KY 550
Weight Limit - Bridge over Troublesome Creek @ milepoint 7.97		
TY I = 20 tons, TY II = 31 tons, TY III = 35 tons, TY IV = 55 tons		
* KY 1393	0.0 KY 582	2.8 KY 899
* KY 1410	0.0 KY 160	4.7 Letcher CO LN
Weight Limit - Bridge over Carr Fork @ milepoint 0.01		
TY I = 20 tons, TY II = 45 tons, TY III = 48 tons, TY IV = 57 tons		
* KY 1498	0.0 KY 7	1.0 Mine
* KY 2759	0.0 KY 550	1.2 KY 160
* KY 3209	0.0 KY 80	0.4 KY 1087
Weight Limit - Bridge over Ball Fork @ milepoint 0.05		
TY I = 20 tons, TY II = 39 tons, TY III = 44 tons, TY IV = 60 tons		
* Potato Branch Road		
CR 5005	0.0 KY 7	0.2 Mine
* Big Springs Branch Road		
CR 5032	0.0 KY 550	0.1 Tipple
* Plum Branch RD		
CR 5037C	0.0 KY 777	0.5 Mine
* Hunter Branch RD		
CR 5038	0.0 KY 80	0.5 Mine
* Left Fork of Hollybush Creek RD		
CR 5113	0.0 KY 3393	1.0 Mine
* Mullins Branch RD		
CR 5114	0.0 KY 7	2.4 Left Fork Hollybush RD
* Righthand Fork of Bill Does Branch RD		
CR 5115	0.0 KY 582	0.5 Mine
* Bates Branch Road		
CR 5117	0.0 KY 7	1.4 Wheelwright Mine
* Puncheon Branch RD		
CR 5119	0.0 KY 7	2.4 Crager Fork RD

* Crager Fork RD		
CR 5121	0.0 Puncheon BR RD	0.7 Mine
* Arnold Fork Road		
CR 5122	0.0 KY 1498	2.0 Mine
* Mudlick Branch Road		
CR 5123	0.0 Arnold Fork Road	0.4 Mine
* Willard Branch RD		
CR 5133	0.0 KY 582	0.5 Mine
* Wolfpen Branch RD		
CR 5139	0.0 KY 1410	1.0 Mine
* HEC Mine Road		
CR 5207A	0.0 KY 1231	0.3 Mine
* Lick Branch Road		
CR 5250	0.0 KY 550	0.6 Mine
* Walkers Branch Road		
CR 5251	0.0 KY 550	1.7 Mine
* Sandlick Branch Road		
CR 5336	0.0 KY 1102	1.1 Mine

KNOX COUNTY

ROAD	FROM	TO
* US 25E	5.3 Mine	15.6 CR 5305E
* KY 6	8.5 Mine	14.7 KY 11
* KY 11	0.0 Whitley CO LN	10.1 US 25E
Weight Limit - Bridge over Little Poplar Creek @ milepoint 2.17		
TY I = 20 tons, TY II = 38 tons, TY III = 42 tons, TY IV = 56 tons		
* KY 225	13.9 Tipple	14.8 KY 2421
* KY 1304	0.0 US 25E	1.4 Powell Branch RD
* KY 1809	0.0 Whitley CO LN	5.0 Stony Fork RD
	6.1 KY 11	6.3 KY 11
* KY 2421	0.0 KY 225	0.9 KY 11
* Powell Branch RD		
CR 5010	0.0 KY 1304	0.5 Mine
* O. Prichard Hollow RD		
CR 5212	0.0 KY 1809	0.6 Mine
* Hubbs Road		
CR 5214	0.0 KY 1809	1.2 Mine
Weight Limit - Bridge over Hubbs Creek east of Bryant's Store		
TY I = 20 tons, TY II = 24 tons, TY III = 28 tons, TY IV = 47 tons		
Weight Limit - Bridge over Hubbs Creek @ Bain Branch		
TY I = 3 tons, TY II = 3 tons, TY III = 3 tons, TY IV = 3 tons		
* Sugartree Road		
CR 5216	0.0 Hubbs Road	0.5 Mine
* Goldens Creek RD		
CR 5222	0.0 Whitley CO LN	1.0 Mine
* Bailey Branch Loop		
CR 5305E	0.0 US 25E	0.3 CR 5305F
* Bailey Hollow		
CR 5305F	0.0 CR 5305E	0.2 Tipple

LAUREL COUNTY

ROAD	FROM	TO
* Daniel Boone Parkway	0.0 US 25	10.6 Clay CO LN
Weight Limit - Bridge over Little Laurel River @ milepoint 3.40		
TY I = 20 tons, TY II = 42 tons, TY III = 45 tons, TY IV = 60 tons		
Weight Limit - Bridge over Sallys Branch Rd. @ milepoint 4.18		
TY I = 20 tons, TY II = 43 tons, TY III = 47 tons, TY IV = 60 tons		
Weight Limit - Bridge over KY 1305 @ milepoint 6.42		
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 49 tons		
Weight Limit - Bridge over Lick Creek Road @ milepoint 7.64		
TY I = 20 tons, TY II = 40 tons, TY III = 41 tons, TY IV = 49 tons		
Weight Limit - Bridge over KY 488 @ milepoint 8.57		
TY I = 20 tons, TY II = 40 tons, TY III = 45 tons, TY IV = 60 tons		
* US 25	13.6 KY 80 & Daniel Boone Parkway	16.3 KY 490
* KY 30	1.4 KY 490	9.8 Jackson CO LN
* KY 80	0.0 Pulaski CO LN	11.1 US 25
Weight Limit - Bridge over I 75 @ milepoint 10.59		

TY I = 20 tons, TY II = 40 tons, TY III = 43 tons, TY IV = 53 tons

	21.2 KY 1803	24.7 Clay CO LN

Weight Limit - Bridge over Hoopoole Creek @ milepoint 22.22
TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 44 tons

* KY 192	20.9 US 25	22.0 Daniel Boone PKWY
* KY 490	0.0 US 25	0.9 KY 30

Weight Limit - Bridge over L&N RR @ milepoint 0.10
TY I = 20 tons, TY II = 29 tons, TY III = 32 tons, TY IV = 45 tons

* KY 1803	2.1 Mine	4.3 KY 80 at Lida

Weight Limit - Bridge over Laurel River @ milepoint 3.52
TY I = 20 tons, TY II = 31 tons, TY III = 36 tons, TY IV = 60 tons

LAWRENCE COUNTY

ROAD	FROM	TO
* US 23	0.0 Johnson CO LN	28.9 Boyd CO LN
* KY 3	14.9 KY 3 Spur	17.1 US 23
* KY 3S	0.0 KY 3	0.1 West Virginia State LN
* KY 32	28.5 KY 2565	29.2 KY 3
* KY 645	0.0 US 23	5.2 Martin CO LN
* KY 2565	0.0 US 23	3.0 KY 32
* KY 3398	2.3 US 23	2.3 Tipple

LEE COUNTY

ROAD	FROM	TO
* KY 11	1.6 KY 587	9.4 KY 498

Weight Limit - Bridge over South Fork Kentucky River @ milepoint 3.91
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 44 tons
Weight Limit - Bridge B0005 over the North Fork of the KY River @ milepoint 4.17
TY I = 20 tons, TY II = 45 tons, TY III = 48 tons, TY IV = 53 tons

* KY 52	12.9 KY 11	16.7 Dunigan BR RD
* KY 399	1.8 KY 587 South	1.9 KY 587 north
* KY 587	5.2 KY 587 South	12.3 KY 11

Weight Limit - Bridge over Sturgeon Creek @ milepoint 5.32
TY I = 20 tons, TY II = 40 tons, TY III = 44 tons, TY IV = 59 tons

* Dunigan Branch RD		
CR 5115	0.0 KY 52	0.1 Tipple
* Ernestville Road		
CR 5223	0.0 KY 587	2.1 Owsley CO LN

LESLIE COUNTY

ROAD	FROM	TO
* Daniel Boone Parkway	35.9 Clay CO LN	51.0 Perry CO LN
* US 421	0.0 Harlan CO LN	7.2 Stone Coal Branch RD
	27.3 Puncheon Camp Branch Road	35.4 Clay CO LN
* KY 66	0.0 Clay CO LN	2.8 Clay CO LN

Weight Limit - Bridge over Red Bird River @ milepoint 2.705
TY I = 20 tons, TY II = 31 tons, TY III = 33 tons, TY IV = 45 tons

* KY 80	2.9 Hurricane Creek RD	9.7 Perry CO LN

Weight Limit - Bridge over Cutshin Creek @ milepoint 5.15
TY I = 20 tons, TY II = 25 tons, TY III = 29 tons, TY IV = 44 tons
Weight Limit - Bridge over Wooton Creek @ milepoint 6.12
TY I = 20 tons, TY II = 24 tons, TY III = 28 tons, TY IV = 47 tons
Weight Limit - Bridge over MacIntosh Creek @ milepoint 8.84
TY I = 18 tons, TY II = 19 tons, TY III = 23 tons, TY IV = 40 tons

* KY 699	0.0 KY 80	3.2 KY 2057 at Similax

Weight Limit - Bridge over Cutshin Creek @ milepoint 1.96
TY I = 20 tons, TY II = 33 tons, TY III = 36 tons, TY IV = 44 tons

* KY 1807	0.0 KY 80	3.6 Mine Access RD at end of State Maintenance
* KY 2009	0.0 Harlan CO LN	5.4 Bledsoe Tipple

Weight Limit - Bridge over Greasy Creek @ milepoint 3.58
TY I = 8 tons, TY II = 8 tons, TY III = 8 tons, TY IV = 8 tons

* KY 2057	0.0 KY 4699 at Similax	2.9 Mine
* Hurricane Creek Road		
CR 5002	0.0 KY 80	0.7 CR 5006
* Big Branch - Hurricane Creek Road		
CR 5006	0.0 CR 5002	1.2 Mine
* Bailey Branch Road		

CR 5027	0.0 KY 1807	0.3 Mine
* Stone Coal Branch RD		
CR 5214	0.0 US 421	0.3 Mine
* Laurel Creek RD		
CR 5331	0.0 US 421	0.4 Mine

LETCHER COUNTY

ROAD	FROM	TO
* US 23	0.0 Virginia State LN	7.1 Pike CO LN
Weight Limit - Bridge over Elkhorn Creek @ milepoint 5.83		
TY I = 20 tons, TY II = 28 tons, TY III = 25 tons, TY IV = 40 tons		
* US 119	17.3 KY 15	27.8 US 23 at Payne Gap
Weight Limit - North Fork KY River Bridge @ milepoint 17.39		
TY I = 20 tons, TY II = 45 tons, TY III = 48 tons, TY IV = 57 tons		
* KY 7	0.0 Perry CO LN	27.6 Knott CO LN
Weight Limit - Bridge over Line Fork @ milepoint 0.170		
TY I = 20 tons, TY II = 22 tons, TY III = 28 tons, TY I IV = 33 tons		
Weight Limit - Bridge over CSX RR and North Fork KY River @ milepoint 2.610		
TY I = 20 tons, TY II = 28 tons, TY III = 33 tons, TY IV = 49 tons		
Weight Limit - Bridge over Elk Creek @ milepoint 5.283		
TY I = 20 tons, TY II = 33 tons, TY III = 39 tons, TY IV = 60 tons		
Weight Limit - Bridge over Caudill Branch @ milepoint 8.04		
TY I = 20 tons, TY II = 41 tons, TY III = 48 tons, TY IV = 60 tons		
Weight Limit - Bridge over Rockhouse Creek @ milepoint 22.31		
TY I = 20 tons, TY II = 35 tons, TY III = 41 tons, TY IV = 60 tons		
Weight Limit - Bridge over Rockhouse Creek @ milepoint 24.78		
TY I = 20 tons, TY II = 33 tons, TY III = 37 tons, TY IV = 50 tons		
* KY 15	0.0 US 119	9.3 KY 7
Weight Limit - Bridge B00105 over North Fork KY River and RR Bridge @ milepoint 0.10		
TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 47 tons		
Weight Limit - Bridge B00104 over North Fork KY River @ milepoint 0.41		
TY I = 20 tons, TY II = 45 tons, TY III = 49 tons, TY IV = 56 tons		
	9.3 KY 7	10.7 Knott CO LN
* KY 113	0.0 KY 805	4.1 Mine
Weight Limit - Bridge over North Fork of KY River @ milepoint 1.49		
TY I = 16 tons, TY II = 17 tons, TY III = 19 tons, TY IV = 24 tons		
Weight Limit - Bridge over Millstone Creek @ milepoint 2.48		
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 58 tons		
Weight Limit - Bridge over Left Fork Millstone Creek @ milepoint 3.25		
TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 37 tons		
* KY 160	15.4 KY 588	21.8 KY 15
* KY 317	0.0 KY 805	3.8 Mine
	6.8 KY 1469	8.9 KY 7
* KY 343	0.0 KY 317	1.5 #2 Hollow Road
Weight Limit - Bridge over Wright Fork @ milepoint 0.46		
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons		
Weight Limit - Bridge over Wright Fork @ milepoint 0.65		
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons		
* KY 510	5.0 Koyle Branch RD	7.9 KY 463
* KY 588	3.9 Tipple	5.0 KY 160
* KY 803	0.0 113	1.2 0.15 mile south of Lick Fork RD
* KY 805	0.0 US 119	9.2 US 23
Weight Limit - Bridge over Potters Fork @ milepoint 6.98		
TY I = 20 tons, TY II = 29 tons, TY III = 32 tons, TY IV = 44 tons		
Weight Limit - Bridge over Potters Fork @ milepoint 8.18		
TY I = 20 tons, TY II = 33 tons, TY III = 38 tons, TY IV = 60 tons		
Weight Limit - Bridge over Potters Fork @ milepoint 8.92		
TY I = 20 tons, TY II = 36 tons, TY III = 37 tons, TY IV = 51 tons		
* KY 931	8.6 Brown BR RD	10.2 KY 15
	16.4 Clay Hollow RD	18.4 KY 7
* KY 1103	3.3 Defeated Creek RD	6.0 Private Haul RD
* KY 1410	0.0 Knott CO LN	1.6 KY 7
* KY 1469	0.0 KY 317	2.3 Mine
* KY 1862	6.0 Mine	10.0 KY 931
* KY 2034	4.0 Company Branch RD	4.9 Crafts Colly Creek RD
* Wright Fork Crafts Colly Creek RD		
CR 5008	0.0 KY 2034	1.9 Private Haul RD

* Clay Hollow Road		
CR 5010	0.0 KY 931	0.2 Golden Oak Mine
* Stinking Branch RD		
CR 5012	0.0 KY 1682	0.7 Mine
* Millstone - Democrat RD		
CR 5020	0.0 KY 7	2.7 Mine
* Millstone - Deane RD		
CR 5038	0.0 KY 803	0.9 Mine
* Wright Branch RD		
CR 5046	0.0 CR 5020	0.7 Mine
* Lower Appletree RD		
CR 5052	0.0 KY 7	0.8 Mine
* Razorblade Branch RD		
CR 5053	0.0 KY 7	0.4 Mine
* Bottom Fork Road (Fleming)		
CR 5068L	0.2 #2 Hollow RD	0.7 Mine
* #2 Hollow Road (Fleming)		
CR 5068M	0.0 KY 343	0.6 Mine
* John's Fork Joe's Branch RD		
CR 5097	0.0 US 23	3.0 Mine
* Brown Branch Road		
CR 5225	0.0 KY 931	0.2 Mine
* Big Branch-Tolson Branch Road		
CR 5258	0.0 KY 588	3.6 Mine
* Defeated Creek Road		
CR 5265	5.1 Southeast Mine	5.6 KY 1103
Weight Limit - Bridge over Line Fork Creek		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
* Koyle Branch RD		
CR 5268	0.0 KY 510	0.8 Mine
* Bee Tree Branch Road		
CR 5311	0.0 KY 160	1.0 Lake Coal Mine
* Caudill Creek Road		
CR 5354	0.0 KY 7	2.3 Golden Oak Mine
* Craces Branch Road		
CR 5357	0.0 KY 7	0.9 Mine

LINCOLN COUNTY

ROAD	FROM	TO
* US 27	0.0 Pulaski CO LN	18.0 US 150 Bypass
* US 150	0.0 Boyle CO LN	4.3 US 150 Bypass
* US 150B	0.0 US 150	1.1 US 27

LIVINGSTON COUNTY

ROAD	FROM	TO
* US 62	0.8 Barge Dock	2.9 Lyon CO LN
Weight Limit - Bridge over Reed's Haul Road @ milepoint 0.97		
TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 56 tons		
Weight Limit - Bridge over Cumberland River @ milepoint 2.78		
TY I = 20 tons, TY II = 26 tons, TY III = 29 tons, TY IV = 38 tons		
* KY 453	0.5 Barge Dock	4.2 I 24
Weight Limit - Bridge over IC RR @ milepoint 1.92		
TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons		
Weight Limit - Bridge over Reed's Haul RD and RR @ milepoint 3.08		
TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 55 tons		

LYON COUNTY

ROAD	FROM	TO
* Western Kentucky Parkway	0.0 I 24	5.6 Caldwell CO LN
* US 62	0.0 Livingston CO LN	12.2 Western Kentucky Parkway

McCREARY COUNTY

ROAD	FROM	TO
* US 27	4.6 KY 92	22.3 Pulaski CO LN
* KY 92	16.6 US 27	25.7 Whitley CO LN
Weight Limit - Bridge over March Creek @ milepoint 22.69		
TY I = 20 tons, TY II = 37 tons, TY III = 42 tons, TY IV = 60 tons		

~~McLEAN COUNTY~~

	ROAD	FROM	TO
*	US 431	9.3 Barrett Hill RD	11.6 Daviess CO LN
*	KY 81	12.8 KY 136	18.3 Daviess CO LN
	Weight Limit - Bridge over Myer Creek @ milepoint 13.68		
	TY I = 20 tons, TY II = 37 tons, TY III = 50 tons, TY IV = 60 tons		
*	KY 136	11.1 KY 1792	12.9 KY 81
	Weight Limit - Bridge over Long Falls Creek @ milepoint 11.26		
	TY I = 20 tons, TY II = 36 tons, TY III = 40 tons, TY IV = 57 tons		
*	KY 140	0.0 KY 256	0.1 KY 1792
*	KY 1792	0.0 KY 140	2.6 KY 136
	Weight Limit - Bridge over Porters Drainage Ditch @ milepoint 0.92		
	TY I = 20 tons, TY II = 27 tons, TY III = 32 tons, TY IV = 52 tons		
*	Barrett Hill RD		
	CR 5014	0.0 US 431	2.9 Ohio CO LN
*	Cane Run Road		
	CR 5203	0.0 KY 256	0.2 Mine

~~MADISON COUNTY~~

	ROAD	FROM	TO
*	KY 876	7.2 I 75	8.1 KY 52

~~MAGOFFIN COUNTY~~

	ROAD	FROM	TO
*	Mountain PKWY	63.1 Morgan CO LN	75.6 US 460
	Weight Limit - Bridge over Licking River @ milepoint 74.51		
	TY I = 20 tons, TY II = 39 tons, TY III = 42 tons, TY IV = 52 tons		
*	US 460	12.5 Mountain PKWY	20.4 Johnson CO LN
*	KY 7	6.8 Mine	8.2 KY 404
		9.3 KY 542	23.9 Mountain Parkway
*	KY 30	1.9 Spruce Pine Fork RD	8.9 Mountain Parkway
	Weight Limit - Bridge over Middle Fork @ milepoint 7.55		
	TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 49 tons		
*	KY 114	0.0 US 460	5.0 Floyd CO LN
*	KY 404	0.0 KY 7	2.7 Floyd CO LN
*	KY 542	0.0 Breathitt CO LN	5.8 KY 7
	Weight Limit - Bridge over Licking River @ milepoint 5.81		
	TY I = 20 tons, TY II = 35 tons, TY III = 39 tons, TY IV = 58 tons		
*	KY 867	4.7 KY 1635	5.7 KY 7
*	KY 1635	0.0 Tiptop Bettsmann RD	5.7 KY 867
*	Tiptop Betts Branch RD		
	CR 5225B	0.0 KY 1635	0.7 Breathitt CO LN
*	Spruce Pine Fork RD		
	CR 5231	0.0 KY 30	0.5 Mine

~~MARTIN COUNTY~~

	ROAD	FROM	TO
*	KY 3	0.0 Johnson CO LN	10.0 KY 645
		11.4 KY 40	12.6 Mine
*	KY 40	5.3 KY 1224	10.2 KY 3
	Weight Limit - Bridge over Rockhouse Fork @ milepoint 6.945		
	TY I = 20 tons, TY II = 35 tons, TY III = 39 tons, TY IV = 55 tons		
	Weight Limit - Bridge over Rockcastle Creek @ milepoint 10.14		
	TY I = 20 tons, TY II = 41 tons, TY III = 47 tons, TY IV = 60 tons		
		11.9 KY 645 (West)	20.3 West Virginia ST LN
*	KY 292	0.0 Pike CO LN	14.6 Mine
	Weight Limit - Bridge over Wolfe Creek @ milepoint 11.99		
	TY I = 20 tons, TY II = 33 tons, TY III = 36 tons, TY IV = 45 tons		
*	KY 645	0.0 Lawrence CO LN	6.6 KY 3 (North)
		6.6 KY 3 (South)	7.6 KY 40
*	KY 1224	4.7 CR 5343	5.2 KY 40
*	KY 1439	6.5 Tipple	6.6 Whitecabin BR RD
		7.0 Mine	10.7 KY 2032
*	KY 1714	8.2 Little Peter Cave Branch RD	10.8 KY 292
*	KY 2032	0.0 KY 1439	4.0 KY 40
*	Saw Mill Hollow RD		
	CR 5026	0.0 KY 3	0.3 Mine

*	White Cabin Branch RD		
	CR 5121	0.0 KY 1439	0.6 Haul Rd
		5.0 CR 5205	11.7 KY 1439
*	Middle Fork of Wolf Creek Road		
	CR 5205	0.0 KY 3	4.8 Mine
		5.2 Mine	11.7 KY 1439
*	Airport Road		
	CR 5223	0.0 KY 3	3.0 Mine
*	Lower Wolfe Branch Road		
	CR 5343	0.0 KY 1224	0.5 Mine

MASON COUNTY

	ROAD	FROM	TO
*	US 62	12.7 US 68	14.0 KY 546
		17.0 KY 11	18.0 Ohio State LN
	Weight Limit - Bridge over Ohio River @ milepoint 17.51		
	TY I = 20 tons, TY II = 23 tons, TY III = 25 tons, TY IV = 37 tons		
*	US 68	0.0 Fleming CO LN	11.9 US 62
*	KY 9	0.0 Bracken CO LN	9.3 US 62
*	KY 10	4.0 KY 546	10.2 Spring Creek RD
	Weight Limit - Bridge over Bull Fork @ milepoint 7.65		
	TY I = 20 tons, TY II = 39 tons, TY III = 42 tons, TY IV = 60 tons		
*	KY 11	0.0 Fleming CO LN	11.2 US 62
	Weight Limit - Bridge B00064 over Mill Creek @ milepoint 0.16		
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 59 tons		
*	Spring Creek Road		
	CR 5012	0.0 KY 10	1.8 Cabin Creek PK
	Weight Limit - Bridge over Spring Creek 1.2 miles east of Plumville		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Spring Creek @ Cabin Creek Pike		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	Cabin Creek Pike		
	CR 5013	0.0 Spring Creek RD	0.7 Dravo Lime CO

MERCER COUNTY

	ROAD	FROM	TO
*	Bluegrass PKWY	52.3 Anderson CO LN	56.3 Anderson CO LN
*	KY 342	3.2 Dix Dam RD	4.6 KY 33

MONTGOMERY COUNTY

	ROAD	FROM	TO
*	US 460	7.3 KY 11 (North)	8.3 KY 686
*	KY 11	0.0 Powell CO LN	9.2 KY 686
		10.0 US 460 West	15.4 Bath CO LN
*	KY 686	0.0 US 460 West	2.7 KY 11

MORGAN COUNTY

	ROAD	FROM	TO
*	Mountain PKWY	57.7 Wolfe CO LN	63.1 Magoffin CO LN
	Weight Limit - Bridge over KY 134 and Red River @ milepoint 60.40		
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 60 tons		
	Weight Limit - Bridge over KY 134 and Johnson Creek @ milepoint 62.12		
	TY I = 20 tons, TY II = 41 tons, TY III = 41 tons, TY IV = 60 tons		

MUHLENBERG COUNTY

	ROAD	FROM	TO
*	Western Kentucky Parkway	43.4 Hopkins CO LN	65.7 Ohio CO LN
	Weight Limit - Bridge over Pond River Relief @ milepoint 43.60		
	TY I = 20 tons, TY II = 38 tons, TY III = 45 tons, TY IV = 60 tons		
	Weight Limit - Bridge over KY 175 IC RR - Unnamed Creek @ milepoint 48.05		
	TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons		
	Weight Limit - Bridge over IC RR @ milepoint 55.51		
	TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Green River @ milepoint 65.38		
	TY I = 20 tons, TY II = 34 tons, TY III = 39 tons, TY IV = 60 tons		
*	US 62	0.0 Hopkins CO LN	10.5 KY 172
	Weight Limit - Bridge over Branch of Thompson Creek @ milepoint 3.68		

~~TY I = 20 tons, TY I = 28 tons, TY III = 31 tons, TY IV = 40 tons~~
~~Weight Limit - Bridge over I.C. & Gulf R.R. @ milepoint 5.40~~
~~TY I = 20 tons, TY II = 42 tons, TY III = 45 tons, TY IV = 59 tons~~

		~~14.7 KY 189~~	~~26.0 Ohio CO LN~~

~~Weight Limit - Bridge over L&N RR & Little Cypress Creek Bridge @ milepoint 17.76~~
~~TY I = 20 tons, TY II = 42 tons, TY III = 47 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over I.C. RR @ milepoint 24.76~~
~~TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 37 tons~~

*	~~US 431~~	~~11.5 KY 176~~	~~24.2 Green River Power Plant RD~~
*	~~KY 176~~	~~0.0 US 62~~	~~11.7 T V A Paradise Plant~~

~~Weight Limit - Bridge @ milepoint 1.01~~
~~TY I = 20 tons, TY II = 37 tons, TY III = 50 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over @ milepoint 2.38~~
~~TY I = 20 tons, TY II = 32 tons, TY III = 49 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over @ milepoint 4.29~~
~~TY I = 20 tons, TY II = 42 tons, TY III = 49 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over @ milepoint 6.38~~
~~TY I = 20 tons, TY II = 32 tons, TY III = 49 tons, TY IV = 60 tons~~

*	~~KY 181~~	~~15.2 Western KY Parkway~~	~~17.5 Tipple~~
*	~~KY 189~~	~~8.8 US 62~~	~~15.3 KY 70 (North Junction)~~
*	~~Riverside Church RD~~		
	~~CR 5112~~	~~0.0 Power Plant Haul RD~~	~~3.5 Mine~~
*	~~Cypress Valley RD~~		
	~~CR 5419~~	~~0.0 Haul RD~~	~~0.3 Locketown RD~~
*	~~Locketown RD~~		
	~~CR 5420~~	~~0.0 Graham Ballfield RD~~	~~0.3 Cypress Valley RD~~
*	~~Graham Ballfield RD~~		
	~~CR 5421~~	~~0.0 Locketown RD~~	~~0.4 Mine~~

~~NELSON COUNTY~~

	ROAD	FROM	TO
*	~~Bluegrass PKWY~~	~~33.3 KY 55~~	~~39.3 Washington CO LN~~
*	~~US 31E~~	~~15.4 KY 245~~	~~27.6 Spencer CO LN~~
*	~~US 150~~	~~1.7 KY 245~~	~~1.9 Bluegrass PKWY~~
*	~~KY 245~~	~~0.0 US 150~~	~~3.3 US 31E~~

~~NICHOLAS COUNTY~~

	ROAD	FROM	TO
*	~~US 68~~	~~0.0 Bourbon CO LN~~	~~12.2 Robertson CO LN~~

~~Weight Limit - Bridge over Stony Creek @ milepoint 9.72~~
~~TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 60 tons~~

~~OHIO COUNTY~~

	ROAD	FROM	TO
*	~~Western KY PKWY~~	~~74.6 US 231~~	~~76.8 Green River Parkway~~

~~Weight Limit - Bridge over US 231 @ milepoint 74.56~~
~~TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons~~

*	~~Green River PKWY~~	~~35.1 Butler CO LN~~	~~41.3 Western KY PKWY~~
		~~47.8 KY 69~~	~~59.5 Daviess CO LN~~

~~Weight Limit - Bridge over Rough River @ milepoint 49.34~~
~~TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 56 tons~~

*	~~US 62~~	~~0.0 Muhlenberg CO LN~~	~~13.2 Mine~~

~~Weight Limit - Bridge over Green River @ milepoint 0.01~~
~~TY I = 20 tons, TY II = 27 tons, TY III = 32 tons, TY IV = 38 tons~~
~~Weight Limit - Bridge over Branch of Three Lick Fork @ milepoint 11.91~~
~~TY I = 20 tons, TY II = 31 tons, TY III = 37 tons, TY IV = 50 tons~~
~~Weight Limit - Bridge over Three Lick Fork @ milepoint 12.03~~
~~TY I = 20 tons, TY II = 30 tons, TY III = 36 tons, TY IV = 54 tons~~
~~Weight Limit - Bridge over Muddy Creek @ milepoint 12.30~~
~~TY I = 20 tons, TY II = 30 tons, TY III = 37 tons, TY IV = 52 tons~~
~~Weight Limit - Bridge @ milepoint 12.46~~
~~TY I = 20 tons, TY II = 35 tons, TY III = 50 tons, TY IV = 60 tons~~

*	~~US 231~~	~~5.8 KY 269~~	~~13.2 KY 69~~

~~Weight Limit - Bridge over Three Lick Fork Branch @ milepoint 9.78~~
~~TY I = 20 tons, TY II = 35 tons, TY III = 50 tons, TY IV = 60 tons~~
~~Weight Limit - North Fork Muddy Creek Bridge @ milepoint 12.30~~
~~TY I = 20 tons, TY II = 32 tons, TY III = 37 tons, TY IV = 60 tons~~

~~Weight Limit - Bridge @ milepoint 12.46~~
~~TY I = 20 tons, TY II = 35 tons, TY III = 50 tons, TY IV = 60 tons~~

		~~23.6 KY 2115~~	~~24.3 Daviess CO LN~~
*	~~KY 69~~	~~7.6 KY 85 (South)~~	~~15.0 Green River PKWY~~
		~~35.7 Aetnaville-Hayneeville RD~~	~~37.3 Hancock CO LN~~
*	~~KY 85~~	~~1.0 Landfill Entrance~~	~~1.9 Landfill Entrance #2~~
		~~7.2 KY 69 (East)~~	~~11.3 US 62~~

~~Weight Limit - Bridge over Branch West Fork Lewis Creek @ milepoint 9.62~~
~~TY I = 20 tons, TY II = 30 tons, TY III = 37 tons, TY IV = 58 tons~~

*	~~KY 269~~	~~0.8 Schultztown-Cool Springs RD~~	~~5.6 US 231~~
*	~~KY 273~~	~~0.0 KY 69~~	~~1.6 Mine~~
*	~~KY 1903~~	~~0.0 US 62~~	~~0.7 Lewis Creek Dock~~
*	~~Aetnaville-Hayneeville RD~~		
	~~CR 5064~~	~~0.0 Mine~~	~~1.3 KY 69~~
*	~~Sandefur Crossing RD~~		
	~~CR 5172~~	~~0.0 US 62~~	~~1.0 W.D. Leech RD~~
*	~~Roscoe Stewart RD~~		
	~~CR 5179~~	~~0.0 Springs RD~~	~~1.0 Mine~~
*	~~W.D. Leech RD~~		
	~~CR 5205~~	~~0.0 Sandefur Crossing RD~~	~~1.0 Mine~~
*	~~Springs RD~~		
	~~CR 5267~~	~~0.0 KY 269~~	~~1.2 Roscoe Stewart RD~~

~~OWSLEY COUNTY~~

	ROAD	FROM	TO
*	~~KY 11~~	~~14.2 KY 30~~	~~17.3 Lee CO LN~~

~~PENDLETON COUNTY~~

	ROAD	FROM	TO
*	~~US 27~~	~~0.0 Harrison CO LN~~	~~19.4 Campbell CO LN~~

~~Weight Limit - Bridge over Blanket Creek near Four Oak @ milepoint 4.41~~
~~TY I = 20 tons, TY II = 39 tons, TY III = 46 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over L&N RR @ milepoint 7.57~~
~~TY I = 20 tons, TY II = 29 tons, TY III = 31 tons, TY IV = 53 tons~~
~~Weight Limit - Bridge over L&N RR CR 5011 Kennedy Br. @ milepoint 15.78~~
~~TY I = 20 tons, TY II = 39 tons, TY III = 43 tons, TY IV = 60 tons~~

*	~~KY 8~~	~~0.0 Campbell CO LN~~	~~2.2 KY 154~~

~~PERRY COUNTY~~

	ROAD	FROM	TO
*	~~Daniel Boone Parkway~~	~~51.0 Leslie CO LN~~	~~59.1 KY 15~~
*	~~KY 7~~	~~0.0 KY 15~~	~~13.6 Letcher CO LN~~

~~Weight Limit - Bridge over Maces @ milepoint 2.44~~
~~TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 54 tons~~

*	~~KY 15~~	~~0.0 Knott CO LN~~	~~25.2 Breathitt CO LN~~

~~Weight Limit - Bridge over Main Street, Carr Fork, & L&N RR @ milepoint 0.20~~
~~TY I = 20 tons, TY II = 40 tons, TY III = 44 tons, TY IV = 57 tons~~
~~Weight Limit - Bridge over KY 80 and North Fork KY River @ milepoint 13.57~~
~~TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 51 tons~~
~~Weight Limit - Bridge over First Creek & L&N RR @ milepoint 15.95~~
~~TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 58 tons~~

*	~~KY 28~~	~~11.9 KY 451~~	~~18.1 KY 15~~

~~Weight Limit - Bridge over Grapevine Creek @ milepoint 15.02~~
~~TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 55 tons~~

*	~~KY 80~~	~~0.0 Leslie CO LN~~	~~7.9 KY 15 Underpass~~

~~Weight Limit - Bridge over Right Fork of Big Creek @ milepoint 1.57~~
~~TY I = 20 tons, TY II = 24 tons, TY III = 28 tons, TY IV = 47 tons~~
~~Weight Limit - Bridge over Big Creek @ mile point 5.27~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 24 tons, TY IV = 40 tons~~
~~Weight Limit - Bridge over L & N R.R. & Kentucky River @ milepoint 7.09~~
~~TY I = 20 tons, TY II = 33 tons, TY III = 39 tons, TY IV = 44 tons~~

		~~7.9 D Boone Parkway & KY 15~~	~~15.9 Knott CO LN~~
*	~~KY 267~~	~~2.0 KY 15~~	~~3.2 Tipple~~
		~~9.3 KY 1146~~	~~10.7 Mine~~
*	~~KY 451~~	~~7.7 Daniel Boone PKWY~~	~~7.8 KY 80~~
		~~17.2 Lick Branch RD~~	~~20.0 KY 28~~
*	~~KY 463~~	~~1.4 Jackson Fork RD~~	~~6.5 KY 699~~

~~Weight Limit - Bridge over Leatherwood Creek @ milepoint 6.34~~
~~TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 60 tons~~
~~* KY 476 — 7.5 Dwarf Englo Fork RD — 22.3 Breathitt CO LN~~
~~Weight Limit - Bridge over Troublesome Creek @ milepoint 8.72~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 40 tons~~
~~Weight Limit - Bridge over Ball Fork @ milepoint 12.36~~
~~TY I = 20 tons, TY II = 30 tons, TY III = 37 tons, TY IV = 48 tons~~
~~Weight Limit - Bridge over Troublesome Creek @ milepoint 18.30~~
~~TY I = 20 tons, TY II = 25 tons, TY III = 28 tons, TY IV = 40 tons~~
~~* KY 550 — 2.5 KY 476 @ Darfork — 3.7 Knott CO LN~~
~~Weight Limit - Bridge over Lotts Creek @ milepoint 2.454~~
~~TY I = 20 tons, TY II = 34 tons, TY III = 37 tons, TY IV = 50 tons~~
~~Weight Limit - Bridge over Combs Branch @ milepoint 2.523~~
~~TY I = 18 tons, TY II = 19 tons, TY III = 22 tons, TY IV = 36 tons~~
~~Weight Limit - Bridge over Troublesome Creek @ milepoint 3.155~~
~~TY I = 20 tons, TY II = 24 tons, TY III = 26 tons, TY IV = 34 tons~~
~~* KY 699 — 1.6 Blue Diamond Coal Camp RD — 12.5 KY 7~~
~~Weight Limit - Bridge over Leatherwood Creek @ milepoint 4.75~~
~~TY I = 20 tons, TY II = 33 tons, TY III = 35 tons, TY IV = 59 tons~~
~~Weight Limit - Bridge over Leatherwood Creek @ milepoint 8.01~~
~~TY I = 20 tons, TY II = 37 tons, TY III = 40 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over Big Leather Creek @ milepoint 10.77~~
~~TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 60 tons~~
~~* KY 1067 — 0.0 KY 15 — 2.7 KY 2446~~
~~* KY 1087 — 0.0 KY 476 — 0.7 Lick Branch RD~~
~~* KY 1095 — 0.0 Fusonia Kodak RD — 2.9 KY 15~~
~~Weight Limit - Bridge over Carr Fork @ milepoint 2.55~~
~~TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons~~
~~* KY 1096 — 0.0 KY 80 — 5.1 Tipple~~
~~Weight Limit - Bridge B00053 over Big Creek @ milepoint 0.02~~
~~TY I = 20 tons, TY II = 39 tons, TY III = 38 tons, TY IV = 46 tons~~
~~Weight Limit - Bridge over Big Creek @ milepoint 3.55~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~
~~* KY 1146 — 4.0 KY 80 — 9.3 KY 267~~
~~* KY 2446 — 0.5 Fifteen Mile Creek RD — 3.2 Mine~~
~~* KY 2447 — 0.0 KY 7 near Fusonia — 0.2 End State Maintenance~~
~~Weight Limit - Bridge over North Fork @ Kentucky River milepoint 0.01~~
~~TY I = 20 tons, TY II = 45 tons, TY III = 49 tons, TY IV = 55 tons~~
~~* KY 3348 — 0.0 Begin State Maintenance — 3.9 KY 699~~
~~Weight Limit - Bridge B00108 over Little Leatherwood Creek @ milepoint 1.44~~
~~TY I = 20 tons, TY II = 36 tons, TY III = 41 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over Little Leatherwood Creek @ milepoint 2.32~~
~~TY I = 20 tons, TY II = 40 tons, TY III = 49 tons, TY IV = 60 tons~~
~~* Wayne Davidson Road~~
~~CR 5005 — 0.3 Cumberland Elk Tipple — 0.5 KY 15~~
~~* Dwarf Englo Fork Road~~
~~CR 5032 — 0.0 KY 476 — 0.5 Englo Fork RD~~
~~* Englo Fork Road~~
~~CR 5033 — 0.0 Dwarf Englo Fork Road — 0.3 Mine~~
~~* Lick Branch Road~~
~~CR 5045 — 0.0 KY 1087 — 0.6 Star Fire Mine~~
~~* George Branch RD~~
~~CR 5115 — 0.0 KY — 0.1 Tipple~~
~~* Bible Avenue (Vicco)~~
~~CR 5118H — 0.0 KY 1095 — 0.3 KY 15~~
~~* Montgomery Creek RD~~
~~CR 5120 — 0.3 Mine — 1.5 KY 1095~~
~~* Fusonia Fort Branch RD~~
~~CR 5123 — 4.4 Mine — 4.9 KY 2447~~
~~* Straight Creek RD~~
~~CR 5140 — 0.0 KY 3348 — 0.5 Mine~~
~~* Beech Fork Road~~
~~CR 5146 — 0.0 KY 3196 — 0.5 Tipple~~
~~* Old House Branch RD~~
~~CR 5148 — 0.0 KY 463 — 1.6 Mine~~
~~* Sam Campbell Branch Road (Old Pigeon Roost Hull School RD)~~
~~CR 5219 — 0.0 KY 1096 — 0.7 Mine~~

* Whitaker Fork Road		
CR 5319	2.9 Clear Fork RD	4.8 Tipple
* Clear Fork Road		
CR 5320	0.0 KY 28	2.3 CR 5319
* Trace Branch-Tenmile Creek Road		
CR 5326	0.0 KY 28	1.0 Mine
* Right Fork Spencer Creek Road		
CR 5332	0.0 Spencer Creek Napfer BR RD	1.0 Vires Coal Mine
* Spencer Creek Napfer Branch Road		
CR 5333	0.0 KY 28	2.7 Napfer Branch RD
* Napier Branch Road		
CR 5344	0.0 KY 451	0.8 Mine

PIKE COUNTY

ROAD	FROM	TO
* US 23	0.0 Letcher CO LN	35.1 Floyd CO LN
Weight Limit - Levisa Fork Bridge @ milepoint 20.93		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
* US 119	0.0 US 23 (North of Pikeville)	29.7 W. Va. State LN
Weight Limit - Bridge over Raccoon Creek @ milepoint 6.99		
TY I = 18 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
Weight Limit - Bridge over John's Creek @ milepoint 8.32		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
Weight Limit - Bridge over Bent Branch @ milepoint 9.99		
TY I = 20 tons, TY II = 34 tons, TY III = 37 tons, TY IV = 60 tons		
Weight Limit - Bridge over Bent Branch @ milepoint 10.23		
TY I = 13 tons, TY II = 13 tons, TY III = 13 tons, TY IV = 13 tons		
Weight Limit - Bridge over Bent Branch @ milepoint 10.88		
TY I = 12 tons, TY II = 12 tons, TY III = 12 tons, TY IV = 12 tons		
Weight Limit - Bridge over Bent Branch @ milepoint 11.25		
TY I = 20 tons, TY II = 34 tons, TY III = 37 tons, TY IV = 60 tons		
Weight Limit - Bridge over Bent Branch @ milepoint 11.40		
TY I = 20 tons, TY II = 20 tons, TY III = 23 tons, TY IV = 40 tons		
Weight Limit - Bridge over Bent Branch @ milepoint 11.63		
TY I = 14 tons, TY II = 14 tons, TY III = 14 tons, TY IV = 14 tons		
Weight Limit - Bridge over Fork of Big Creek @ milepoint 16.41		
TY I = 20 tons, TY II = 18 tons, TY III = 21 tons, TY IV = 40 tons		
Weight Limit - Bridge over Tug River @ West Virginia State Line @ milepoint 29.7		
TY I = 20 tons, TY II = 45 tons, TY III = 45 tons, TY IV = 52 tons		
* US 460	0.0 US 23	25.4 Virginia State LN
Weight Limit - Bridge over Levisa Fork @ milepoint 5.65		
TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 47 tons		
* KY 80	0.0 US 460	4.3 Upper Branch RD
Weight Limit - Bridge B00138 over Russell Fork of Big Sandy @ milepoint 3.07		
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 58 tons		
Weight Limit - Bridge over Russell Fork & CSX R.R. @ milepoint 3.60		
TY I = 20 tons, TY II = 33 tons, TY III = 38 tons, TY IV = 58 tons		
* KY 122	2.3 Indian Creek RD	10.4 KY 2167
Weight Limit - Bridge over Robinson Creek @ milepoint 6.75		
TY I = 20 tons, TY II = 34 tons, TY III = 38 tons, TY IV = 54 tons		
Weight Limit - Bridge over Bear Fork north of Jones Chapel @ milepoint 8.28		
TY I = 20 tons, TY II = 34 tons, TY III = 39 tons, TY IV = 60 tons		
* KY 194	10.2 Miller Creek-Cowpen RD	26.7 KY 632
Weight Limit - Bridge over John's Creek @ milepoint 25.15		
TY I = 20 tons, TY II = 27 tons, TY III = 32 tons, TY IV = 52 tons		
	39.6 KY 1499	43.9 Mine
Weight Limit - Third Fork Culvert @ milepoint 42.28		
TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons		
	48.0 Mine	60.4 Old KY 319
	66.0 Lynntrough Branch RD	72.8 Virginia State LN
* KY 195	0.0 KY 197	3.2 Marrowbone Creek RD
	4.7 Big Branch RD	11.6 US 460
Weight Limit - Bridge B00056 over Wolf Pit Branch @ milepoint 9.93		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
* KY 197	0.0 US 23	16.6 KY 80
Weight Limit - Bridge over Sycamore Creek @ milepoint 6.70		
TY I = 20 tons, TY II = 32 tons, TY III = 37 tons, TY IV = 46 tons		

~~Weight Limit - Bridge over Elkhorn Creek @ milepoint 13.91~~
~~TY I = 20 tons, TY II = 32 tons, TY III = 35 tons, TY IV = 51 tons~~

*	~~KY 292~~	~~0.0 Goody AFLX BURNWL RD~~	~~4.8 US 119 (South)~~
		~~4.8 US 119 (North)~~	~~12.7 Martin CO LN~~

~~Weight Limit - Bridge over Big Creek @ milepoint 12.70~~
~~TY I = 10 tons, TY II = 10 tons, TY III = 10 tons, TY IV = 10 tons~~

*	~~KY 319~~	~~0.0 KY 1056~~	~~7.0 US 119~~

~~Weight Limit - Bridge over Blackberry Fork @ milepoint 5.03~~
~~TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons~~

*	~~KY 366~~	~~0.0 KY 1499 at Feds Creek~~	~~4.4 Jones Fork Creek~~
*	~~KY 468~~	~~0.0 US 119~~	~~13.6 KY 292~~
*	~~KY 610~~	~~0.0 US 23~~	~~8.9 KY 122~~

~~Weight Limit - Bridge over Beefhide Creek @ milepoint 1.60~~
~~TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over Shelby Creek @ milepoint 2.87~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~
~~Weight Limit - Bridge over Shelby Creek @ milepoint 5.90~~
~~TY I = 20 tons, TY II = 34 tons, TY III = 37 tons, TY IV 60 tons~~
~~Weight Limit - Bridge over Shelby Creek @ milepoint 6.95~~
~~TY I = 20 tons, TY II = 31 tons, TY III = 37 tons, TY IV = 50 tons~~
~~Weight Limit - Bridge B00070 over Shelby Creek @ milepoint 7.79~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~
~~Weight Limit - Bridge over Long Fork @ milepoint 8.08~~
~~TY I = 20 tons, TY II = 34 tons, TY III = 38 tons, TY IV = 55 tons~~

*	~~KY 612~~	~~0.0 KY 468~~	~~3.9 Mine~~

~~Weight Limit - Bridge over Long Fork Big Creek @ milepoint 1.498~~
~~TY I = 13 tons, TY II = 13 tons, TY III = 13 tons, TY IV = 13 tons~~

		~~6.6 Mine~~	~~8.4 KY 292~~
*	~~KY 632~~	~~0.0 KY 194 @ Kimper~~	~~14.0 KY 194 @ Phelps~~

~~Weight Limit - Bridge B00111 over Johns Creek @ milepoint 1.19~~
~~TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over Peter Creek @ milepoint 14.00~~
~~TY I = 20 tons, TY II = 44 tons, TY III = 47 tons, TY IV = 60 tons~~

*	~~KY 881~~	~~0.0 US 119~~	~~4.5 Mine~~
*	~~KY 1056~~	~~4.5 Left Fork Blackberry Creek RD~~	~~11.6 W.Vir. ST LN~~

~~Weight Limit - Bridge over Blackberry Creek @ milepoint 8.316~~
~~TY I = 10 tons, TY II = 10 tons, TY III = 10 tons, TY IV = 10 tons~~
~~Weight Limit - Bridge @ milepoint 10.09~~
~~TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 54 tons~~

*	~~KY 1373~~	~~4.8 Card Creek Card Knob Road~~	~~6.7 US 460~~
*	~~KY 1384~~	~~0.0 US 23 @ Boldman~~	~~3.8 Dog Fork RD~~
*	~~KY 1426~~	~~1.4 Hoopwood Branch RD~~	~~4.9 US 23~~
*	~~KY 1441~~	~~7.5 Frozen CR RD~~	~~10.1 US 119~~

~~Weight Limit - Bridge over Burning Fork Creek @ milepoint 10.00~~
~~TY I = 11 tons, TY II = 11 tons, TY III = 11 tons, TY IV = 11 tons~~

*	~~KY 1460~~	~~0.0 US 460~~	~~1.5 Upper Chloe Creek Road~~
*	~~KY 1469~~	~~4.5 KY 3414~~	~~14.4 US 23~~

~~Weight Limit - Shelby Creek Bridge @ milepoint 13.09~~
~~TY I = 20 tons, TY II = 41 tons, TY III = 44 tons, TY IV = 57 tons~~
~~Weight Limit - Caney Creek Bridge @ milepoint 14.51~~
~~TY I = 20 tons, TY II = 31 tons, TY III = 37 tons, TY IV = 60 tons~~

*	~~KY 1499~~	~~0.0 US 460~~	~~6.1 KY 194~~

~~Weight Limit - Bridge over Levisa Fork @ milepoint 6.03~~
~~TY I = 20 tons, TY II = 25 tons, TY III = 28 tons, TY IV = 41 tons~~

*	~~KY 1758~~	~~6.7 Daugherty Tipple~~	~~7.8 KY 632~~
*	~~KY 1789~~	~~0.0 US 460~~	~~0.3 Tipple~~
*	~~KY 2059~~	~~0.0 KY 194~~	~~2.4 Mine~~
*	~~KY 2062~~	~~0.0 KY 194~~	~~3.1 KY 194 @ Stopover~~
*	~~KY 2167~~	~~0.0 US 23~~	~~0.3 KY 122~~
*	~~KY 3154~~	~~0.0 Moathouse Branch RD~~	~~2.7 US 119~~

~~Weight Limit - Bridge over Moathouse Fork @ milepoint 1.618~~
~~TY I = 10 tons, TY II = 10 tons, TY III = 10 tons, TY IV = 10 tons~~
~~Weight Limit - Bridge over Moathouse Fork @ milepoint 1.946~~
~~TY I = 10 tons, TY II = 10 tons, TY III = 10 tons, TY IV = 10 tons~~

*	~~KY 3226~~	~~0.0~~	~~3.3 US 460~~
		~~Rockhouse Creek Greasy RD~~	

~~Weight Limit - Bridge over Greasy Creek @ milepoint 1.127~~

~~TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons~~

* ~~KY 3227~~	~~0.0 US 23~~	~~2.3 Clevingers Branch Miller Creek RD~~
	~~7.6 Mine~~	~~8.0 KY 194~~

~~Weight Limit - Bridge over West End of John's Creek @ milepoint 7.91~~
~~TY I = 13 tons, TY II = 13 tons, TY III = 13 tons, TY IV = 13 tons~~

* ~~KY 3414~~	~~0.6 Nat's Fork Sycamore BR RD~~	~~3.4 KY 1469~~
* ~~KY 3415~~	~~0.0 KY 122~~	~~2.8 Newsome Branch RD~~

~~Weight Limit - Bridge over Robinson Creek @ milepoint 1.20~~
~~TY I = 10 tons, TY II = 10 tons, TY III = 10 tons, TY IV = 10 tons~~
~~Weight Limit - Bridge over Robinson Creek @ milepoint 1.71~~
~~TY I = 20 tons, TY II = 27 tons, TY III = 31 tons, TY IV = 53 tons~~

* ~~KY 3419~~	~~9.0 Song Camp Branch RD~~	~~12.0 KY 1056~~

~~Weight Limit - Bridge B00180 over Left Fork of Blackberry Creek @ milepoint 11.47~~
~~TY I = 20 tons, TY II = 29 tons, TY III = 31 tons, TY IV = 46 tons~~
~~Weight Limit - Bridge B00195 over Blackberry Creek @ milepoint 12.01~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~

* ~~Frozen Creek Road~~		
~~CR 5004~~	~~0.0 KY 1441~~	~~2.4 Mine~~
* ~~Smith Fork RD~~		
~~CR 5014~~	~~0.0 US 119~~	~~0.3 Mine~~
* ~~Scott Fork RD~~		
~~CR 5015~~	~~0.0 US 119~~	~~0.3 Mine~~
* ~~Varney Branch Road~~		
~~CR 5021~~	~~0.0 KY 194 South of Deskin~~	~~0.4 Utility Tipple~~
* ~~Road Fork Big Creek RD~~		
~~CR 5029~~	~~0.0 US 119~~	~~0.3 Mine~~
* ~~Scant Branch RD~~		
~~CR 5042~~	~~0.0 US 119~~	~~0.5 Mine~~
* ~~Goody Aflex Burnwell Road~~		
~~CR 5050~~	~~0.0 KY 292~~	~~1.0 Mine~~
* ~~Bent Branch Road~~		
~~CR 5074~~	~~0.0 KY 468~~	~~1.3 Gex Tipple~~

~~Weight Limit - Bridge over Big Creek~~
~~TY I = 18 tons, TY II = 18 tons, TY III = 20 tons, TY IV = 32 tons~~

* ~~Rockhouse Fork Road~~		
~~CR 5078~~	~~0.0 KY 468~~	~~1.2 Elkins Fork RD~~

~~Weight Limit - Bridge over Big Creek~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~

* ~~Rye Straw Branch RD~~		
~~CR 5088~~	~~0.0 KY 881~~	~~0.4 Mine~~
* ~~Elkins Fork RD~~		
~~CR 5090~~	~~0.0 Rockhouse Fork RD~~	~~1.0 Mine~~
* ~~Brushy Fork Road~~		
~~CR 5095~~	~~0.0 KY 881~~	~~0.5 Addington Mine~~

~~Weight Limit - Bridge over Left Fork of Brushy Fork~~
~~TY I = 20 tons, TY II = 26 tons, TY III = 26 tons, TY IV = 26 tons~~

* ~~Miller Creek Road~~		
~~CR 5123~~	~~2.7 Clivergers BR Miller Creek RD~~	~~3.0 Mine~~

~~Weight Limit - Bridge over Johns Creek~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~

	~~3.9 Tipple~~	~~5.1 KY 194~~
* ~~Clevingers Branch - Miller Creek RD~~		
~~CR 5124~~	~~0.0 KY 3227~~	~~1.7 Miller Creek Cowpen RD~~
* ~~Hurricane Creek Road~~		
~~CR 5162~~	~~0.0 KY 194~~	~~1.4 Mine~~
* ~~Narrows Branch Road~~		
~~CR 5196~~	~~0.0 KY 319~~	~~0.6 Mine~~
* ~~Hatfield Branch Road~~		
~~CR 5210~~	~~0.0 KY 319~~	~~0.8 Blackberry CR Mine~~
* ~~Song Camp Branch RD~~		
~~CR 5215~~	~~0.0 KY 3419~~	~~0.2 Mine~~
* ~~Lynntrough Branch RD~~		
~~CR 5233~~	~~0.0 KY 194~~	~~0.3 Tipple~~
* ~~Lower Elk Creek Road~~		
~~CR 5241~~	~~0.0 KY 2059~~	~~0.6 Race Fork Mine~~
* ~~Prater Branch Road~~		
~~CR 5253~~	~~0.0 KY 194~~	~~0.8 Majestic Mine~~

~~* Jones Fork Road~~
~~CR 5269 — 0.0 KY 366 — 1.8 Mine~~
~~* Old Mouth Card Feds Creek Road~~
~~CR 5282 — 0.0 US 460 — 0.3 Flannary Branch RD~~
~~* Flannary Branch Road~~
~~CR 5283 — 0.0 Old Mouth Card Feds CR RD — 0.2 Mouth Card Mines~~
~~* Island Creek Road~~
~~CR 5287 — 0.3 Tipple — 1.6 Mine~~
~~* Island Creek Grapevine Road~~
~~CR 5288 — 0.0 Island Creek Road — 1.8 Millers CR RD~~
~~* Millers Creek Road~~
~~CR 5290 — 0.0 Island Creek Grapevine RD — 2.1 Mine~~
~~* Old KY 319~~
~~CR 5294 — 2.4 Mine — 3.8 KY 194~~
~~* Hopkins Creek Road~~
~~CR 5322 — 0.0 US 460 — 1.0 Hopkins Creek Tipple~~
~~Weight Limit - Bridge over Levisa Fork~~
~~TY I = 3 tons, TY II = 3 tons, TY III = 3 tons, TY IV = 3 tons~~
~~* Powell Creek RD~~
~~CR 5328 — 0.0 US 460 — 2.2 Mine~~
~~* Miller Fork RD~~
~~CR 5348 — 0.0 US 460 — 0.8 Mine~~
~~* East Main ST (Elkhorn City)~~
~~CR 5361U — 0.0 Ohio Street — 0.1 KY 80~~
~~* Clinchfield ST (Elkhorn City)~~
~~CR 5361V — 0.0 East Main ST — 0.1 Tipple~~
~~* John Moore Branch Road~~
~~CR 5363 — 0.0 KY 197 — 0.9 Federal Tipple~~
~~* Marrowbone Creek Road~~
~~CR 5381 — 0.0 KY 195 — 1.2 Mine~~
~~Weight Limit - Bridge over Marrowbone Creek @ milepoint 0.25~~
~~TY I = 18 tons, TY II = 18 tons, TY III = 18 tons, TY IV = 18 tons~~
~~* Song Branch RD~~
~~CR 5383 — 0.0 KY 195 — 1.2 Mine~~
~~* Flatwoods Access RD~~
~~CR 5391A — 0.0 US 23 — 2.0 Mine~~
~~* Big Branch RD~~
~~CR 5419 — 0.0 KY 195 — 1.1 Mine~~
~~* Rockhouse Creek/Greasy Road~~
~~CR 5422 — 0.0 KY 195 — 2.6 Mine~~
~~4.7 Mine — 6.3 KY 3226~~
~~* Joe Brown Road~~
~~CR 5429 — 0.0 Rockhouse Creek Greasy RD — 0.3 Mine~~
~~* Old KY 610 Loop~~
~~CR 5447 — 1.2 Mine — 1.4 US 23~~
~~* Ivy Fork RD~~
~~CR 5468 — 0.0 CR 5617 — 0.6 Mine~~
~~* John Hollow RD~~
~~CR 5470 — 0.0 US 23 — 0.7 Mine~~
~~* Marion Branch Road~~
~~CR 5478 — 0.0 KY 1426 — 1.8 Chapperal Tipple~~
~~* Harmond Branch Road~~
~~CR 5505 — 0.0 US 23 — 0.5 Mine~~
~~* Broad Borrom Mossy Bottom RD~~
~~CR 5519 — 0.0 US 23 — 2.5 Mine~~
~~* Dog Fork/Hurricane Creek Road~~
~~CR 5522 — 0.0 KY 1384 — 1.3 Peter Fork Joline Mine~~
~~* Coal Run RD~~
~~CR 5524 — 0.0 US 23 — 0.4 Lackens Branch RD~~
~~* Lackens Branch RD~~
~~CR 5525 — 0.0 Coal Run RD — 1.5 Mine~~
~~* Hopwood Branch RD~~
~~CR 5529 — 0.0 KY 1426 — 0.6 Mine~~
~~* Raccoon Branch Road~~
~~CR 5531 — 0.0 KY 1426 — 1.3 Jet/Cimaron Mine~~
~~* Bear Fork - Tinker Fork Road~~
~~CR 5547 — 0.0 Bear Fork Branch RD — 0.5 Mine~~

* Little Robinson - Floyd County Road		
CR 5550	0.0 Robinson Creek RD	0.6 Floyd CO LN
* Newsom Branch RD		
CR 5552	0.0 KY 3415	0.5 Mine
* Little Fork/Robinson Creek Road		
CR 5553	0.0 KY 3415	1.4 Apache Mining Mine
* Robinson Creek Road		
CR 5554	0.0 KY 3415	1.0 Little Robinson Floyd RD
* Turkeypen Branch RD		
CR 5560	0.0 KY 122	0.6 Mine
* Indian Creek RD		
CR 5561	0.0 KY 122	2.0 Mine
* Left Fork Long Fork RD		
CR 5569	0.0 KY 3413	0.2 Bucklick Fork RD
* Bucklick Fork Rd		
CR 5570	0.0 Left Fork Long Fork RD	1.2 Mine
* Petty's Fork RD		
CR 5572	0.0 KY 3414	1.4 Mine
* Burk Branch RD		
CR 5578	0.0 KY 610	0.9 Tipple
* Newsome Branch RD		
CR 5592	0.0 US 23	0.9 Mine
* Rob Fork Road		
CR 5593	0.0 US 23	0.5 Damron Fork Tipple
* Upper Chloe Creek RD		
CR 5617	0.0 KY 1460	1.3 CR 5468

POWELL COUNTY

ROAD	FROM	TO
* Mountain Parkway	11.9 Clark CO LN	36.0 Wolfe CO LN
Weight Limit - Bridges B00018 and P over Lulbegrud Creek @ milepoint 11.90		
TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 47 tons		
Weight Limit - Bridge B00020 over Brush Branch @ milepoint 14.42		
TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 60 tons		
Weight Limit - Bridge B00021 over Brush Branch @ milepoint 15.02		
TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 60 tons		
Weight Limit - Bridge over Red River @ milepoint 18.22		
TY I = 20 tons, TY II = 35 tons, TY III = 38 tons, TY IV = 47 tons		
Weight Limit - Bridge over Red River @ milepoint 24.83		
TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 52 tons		
Weight Limit - Bridge over Cane Creek @ milepoint 26.12		
TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 60 tons		
Weight Limit - Bridge B0007 over KY 613 @ milepoint 27.38		
TY I = 20 tons, TY II = 25 tons, TY III = 29 tons, TY IV = 49 tons		
Weight Limit - Bridges B0008 and P over North Fork Red River @ milepoint 27.94		
TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 56 tons		
Weight Limit - Bridge over Middle Fork Red River @ milepoint 31.96		
TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 47 tons		
Weight Limit - Bridge over KY 11 & 15 @ milepoint 32.08		
TY I = 20 tons, TY II = 43 tons, TY III = 43 tons, TY IV = 56 tons		
* KY 11	21.0 KY 15 @ Clay City	25.0 Montgomery CO LN
* KY 15	0.0 Wolfe CO LN	3.5 KY 11
Weight Limit - Bridge over Mountain Parkway @ milepoint 2.894		
TY I = 20 tons, TY II = 42 tons, TY III = 45 tons, TY IV = 57 tons		
	4.1 Mountain PKWY	8.9 Clark CO LN
* KY 82	0.0 Estill CO LN	2.1 KY 15

PULASKI COUNTY

ROAD	FROM	TO
* Cumberland PKWY	72.1 Russell CO LN	88.5 US 27
Weight Limit - Bridge B00074 over Fishing Creek @ milepoint 84.31		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
* US 27	0.0 McCreary CO LN	30.7 Lincoln CO LN
Weight Limit - Bridge over Cumberland River @ milepoint 9.19		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
Weight Limit - Bridge over Pitman Creek @ milepoint 10.06		
TY I = 20 tons, TY II = 35 tons, TY III = 40 tons, TY IV = 55 tons		

*	KY 80	21.6 KY 80 Bypass	40.4 Laurel CO LN
	Weight Limit - Bridge over Buck Creek @ milepoint 31.553		
	TY I = 20 tons, TY II = 45 tons, TY III = 49 tons, TY IV = 57 tons		
*	KY 80B	0.0 US 27	2.3 KY 80
*	KY 1247	0.0 US 27	0.3 Cooper Power Plant RD
	Weight Limit - Bridge over Southern RR @ milepoint 0.08		
	TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 53 tons		
*	Cooper Power Plant Road		
	CR 5349	0.0 KY 1247	0.6 E KY Power Plant

ROBERTSON COUNTY

	ROAD	FROM	TO
*	US 68	0.0 Nicholas CO LN	1.4 Fleming CO LN

RUSSELL COUNTY

	ROAD	FROM	TO
*	Cumberland PKWY	57.8 Adair CO LN	72.1 Pulaski CO LN

SHELBY COUNTY

	ROAD	FROM	TO
*	US 60	0.0 Jefferson CO LN	23.0 Franklin CO LN
	Weight Limit - Bridge over Little Bullskin Creek @ milepoint 5.02		
	TY I = 20 tons, TY II = 21 tons, TY III = 25 tons, TY IV = 43 tons		
	Weight Limit - Bridge over Clear Creek @ milepoint 11.16		
	TY I = 20 tons, TY II = 42 tons, TY III = 47 tons, TY IV = 60 tons		

SIMPSON COUNTY

	ROAD	FROM	TO
*	US 31W	0.0 Tennessee State Line	14.0 Warren CO LN

SPENCER COUNTY

	ROAD	FROM	TO
*	US 31E	0.0 Nelson CO LN	2.4 Bullitt CO LN

TAYLOR COUNTY

	ROAD	FROM	TO
*	US 68	4.6 Warehouse LN (Consumer)	4.9 KY 55
*	KY 55	0.0 Adair CO LN	10.3 US 68
	Weight Limit - Bridge over Green River @ milepoint 2.17		
	TY I = 20 tons, TY II = 32 tons, TY III = 34 tons, TY IV = 40 tons		

UNION COUNTY

	ROAD	FROM	TO
*	US 60	1.4 KY 109	5.7 KY 109
	Weight Limit - Bridge over Branch of Cypress Creek @ milepoint 3.66		
	TY I = 20 tons, TY II = 36 tons, TY III = 39 tons, TY IV = 57 tons		
*	KY 56	0.0 Illinois State LN	2.7 KY 109
	Weight Limit - Bridge over Ohio River @ milepoint 0.02		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 49 tons		
*	KY 109	0.0 Webster CO LN	13.7 KY 56
	Weight Limit - Bridge over Cypress Creek @ milepoint 8.13		
	TY I = 20 tons, TY II = 34 tons, TY III = 38 tons, TY IV = 55 tons		
	Weight Limit - Bridge over Geiger Creek Branch @ milepoint 9.72		
	TY I = 20 tons, TY II = 37 tons, TY III = 41 tons, TY IV = 60 tons		
*	KY 141	0.0 US 60	4.0 KY 270 east
*	KY 270	11.0 KY 141	13.3 Webster CO LN
*	KY 492	1.9 Davis Mine RD	2.5 KY 109
*	KY 1508	0.0 KY 109	3.6 Dock
		5.3 Canipe Dock	6.0 Private Haul Road
	Weight Limit - Bridge over Unnamed Stream @ milepoint 5.61		
	TY I = 20 tons, TY II = 40 tons, TY III = 46 tons, TY IV = 60 tons		
*	Davis Mine Road		
	CR 5227	0.0 KY 109	0.3 Private Haul Road

WARREN COUNTY

	ROAD	FROM	TO
*	Green River Parkway	3.6 US 31W	18.2 Butler CO LN

~~Weight Limit - Bridge over US 31-W @ milepoint 3.57~~
~~TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 59 tons~~

*	~~US 31W~~	~~0.0 Simpson CO LN~~	~~9.0 Green River PKWY~~

~~Weight Limit - Bridge over Seaboard System Railroad @ milepoint 7.99~~
~~TY I = 20 tons, TY II = 40 tons, TY III = 47 tons, TY IV = 60 tons~~

~~WASHINGTON COUNTY~~

	~~ROAD~~	~~FROM~~	~~TO~~
*	~~Bluegrass Parkway~~	~~39.3 Nelson CO LN~~	~~44.8 Anderson CO LN~~

~~WEBSTER COUNTY~~

	~~ROAD~~	~~FROM~~	~~TO~~
*	~~Pennyrile PKWY~~	~~55.0 Hopkins CO LN~~	~~65.3 Henderson CO LN~~
*	~~US 41~~	~~7.0 KY 494~~	~~12.1 Henderson CO LN~~

~~Weight Limit - Bridge B00096 over Mock Roy Creek @ milepoint 9.85~~
~~TY I = 20 tons, TY II = 36 tons, TY III = 50 tons, TY IV = 60 tons~~

*	~~US 41A~~	~~0.0 Hopkins CO LN~~	~~19.5 KY 56 East~~
*	~~KY 56~~	~~5.3 US 41A~~	~~12.5 US 41 (South)~~

~~Weight Limit - Bridge B00010 over Culvert @ milepoint 7.00~~
~~TY I = 20 tons, TY II = 37 tons, TY III = 50 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge B00011 over Mock Roy Creek @ milepoint 11.62~~
~~TY I = 20 tons, TY II = 37 tons, TY III = 50 tons, TY IV = 60 tons~~

		~~12.5 US 41 (North)~~	~~14.4 Old Eastwood Ferry RD~~
*	~~KY 109~~	~~2.9 KY 670~~	~~14.7 Union CO LN~~

~~Weight Limit - Bridge over Crab Orchard Creek @ milepoint 7.33~~
~~TY I = 20 tons, TY II = 39 tons, TY III = 43 tons, TY IV = 59 tons~~
~~Weight Limit - Bridge over Caney Fork @ milepoint 10.72~~
~~TY I = 20 tons, TY II = 36 tons, TY III = 40 tons, TY IV = 54 tons~~

*	~~KY 270~~	~~0.0 Union CO LN~~	~~2.4 Caney Fork~~
		~~8.4 Mine~~	~~13.2 US 41A~~
*	~~KY 494~~	~~1.2 Mine~~	~~2.2 US 41~~
*	~~KY 670~~	~~0.0 KY 109~~	~~2.7 US 41A~~
*	~~KY 814~~	~~0.0 Hopkins CO LN~~	~~0.6 US 41A~~
*	~~Old Eastwood Ferry Road~~		
	~~CR 5034~~	~~0.0 KY 56~~	~~0.3 Dock~~
*	~~Bruce RD~~		
	~~CR 5254~~	~~0.0 Luttontown-Lisman~~	~~0.9 Slover Creek RD~~
*	~~Bill Dorris RD~~		
	~~CR 5256~~	~~0.4 Tipple~~	~~1.4 Luttontown-Lisman RD~~
*	~~Slover Creek RD~~		
	~~CR 5257~~	~~0.0 Bruce RD~~	~~0.9 KY 270~~

~~WHITLEY COUNTY~~

	~~ROAD~~	~~FROM~~	~~TO~~
*	~~US 25W~~	~~0.0 Tennessee ST LN~~	~~14.1 KY 26~~

~~Weight Limit - Bridge over Elk Fork Creek @ milepoint 0.53~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~
~~Weight Limit - Bridge over Clear Creek @ milepoint 5.04~~
~~TY I = 20 tons, TY II = 30 tons, TY III = 32 tons, TY IV = 40 tons~~
~~Weight Limit - Bridge over Clear Fork Creek @ milepoint 6.23~~
~~TY I = 20 tons, TY II = 30 tons, TY III = 32 tons, TY IV = 41 tons~~
~~Weight Limit - Bridge over L&N RR @ milepoint 11.02~~
~~TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons~~

*	~~KY 11~~	~~0.0 KY 92~~	~~2.6 Knox CO LN~~
*	~~KY 26~~	~~0.0 US 25W (South)~~	~~10.5 Batontown School RD~~
*	~~KY 92~~	~~0.0 McCreary CO LN~~	~~21.3 KY 1064 at Louden~~

~~Weight Limit - Bridge over Pleasant Run @ milepoint 0.23~~
~~TY I = 20 tons, TY II = 32 tons, TY III = 37 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over Pleasant Run @ milepoint 1.51~~
~~TY I = 20 tons, TY II = 29 tons, TY III = 32 tons, TY IV = 46 tons~~
~~Weight Limit - Bridge over Jellico Creek @ milepoint 2.99~~
~~TY I = 20 tons, TY II = 23 tons, TY III = 26 tons, TY IV = 38 tons~~
~~Weight Limit - Bridge over Briar Creek @ milepoint 8.39~~
~~TY I = 14 tons, TY II = 14 tons, TY III = 14 tons, TY IV = 14 tons~~
~~Weight Limit - Bridge over I-75 @ milepoint 11.00~~
~~TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 53 tons~~

		~~24.7 KY 11~~	~~28.0 KY 904~~

~~Weight Limit - Bridge over Golden Fork @ milepoint 26.66~~
~~TY I = 20 tons, TY II = 33 tons, TY III = 36 tons, TY IV = 52 tons~~
~~Weight Limit - Bridge over Harpes Creek @ milepoint 27.89~~
~~TY I = 20 tons, TY II = 30 tons, TY III = 34 tons, TY IV = 53 tons~~

*	~~KY 628~~	~~1.5 Mine~~	~~5.2 US 25W~~

~~Weight Limit - Bridge over Possum Creek @ milepoint 3.91~~
~~TY I = 10 tons, TY II = 10 tons, TY III = 10 tons, TY IV = 10 tons~~
~~Weight Limit - Bridge over I-75 @ milepoint 4.91~~
~~TY I = 20 tons, TY II = 39 tons, TY III = 42 tons, TY IV = 50 tons~~

*	~~KY 904~~	~~0.0 KY 92 @ Suttons Mill~~	~~13.5 KY 92 @ Siler~~

~~Weight Limit - Bridge over Cumberland River @ milepoint 0.09~~
~~TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons~~
~~Weight Limit - Bridge over Poplar Creek @ milepoint 13.44~~
~~TY I = 20 tons, TY II = 38 tons, TY III = 43 tons, TY IV = 55 tons~~

*	~~KY 1804~~	~~0.0 US 25W~~	~~2.7 Sandy Flats RD~~
*	~~KY 1809~~	~~0.0 KY 92~~	~~1.4 Knox CO LN~~

~~Weight Limit - Bridge over Golden Creek @ milepoint 0.21~~
~~TY I = 20 tons, TY II = 36 tons, TY III = 40 tons, TY IV = 56 tons~~

*	~~Goldens Creek RD~~		
	~~CR 5171~~	~~0.0 KY 1809~~	~~0.7 Knox CO LN~~
*	~~Old Williamsburg - Jellico RD~~		
	~~CR 5260~~	~~2.1 Jasper - Redmond ST~~	~~2.5 Clear Ck - Mt Ash RD~~
*	~~Jasper - Redmond ST (Mountain Ash)~~		
	~~CR 5261C~~	~~0.0 US 25 W~~	~~0.3 Old Williamsburg - Jellico RD~~
*	~~Savoy - Clear Creek - Mountain Ash RD~~		
	~~CR 5262~~	~~7.0 Mine~~	~~8.2 Old Williamsburg - Jellico RD~~
*	~~Little Patterson Creek RD~~		
	~~CR 5265~~	~~0.0 KY 904~~	~~1.8 Mine~~
*	~~Jellico Creek RD~~		
	~~CR 5333~~	~~0.0 KY 92~~	~~2.0 Mine~~

~~WOLFE COUNTY~~

	ROAD	FROM	TO
*	~~Mountain PKWY~~	~~36.0 Powell CO LN~~	~~57.7 Morgan CO LN~~

~~Weight Limit - Bridge B00046 over Swiftcamp Creek and Harvest RD @ milepoint 43.77~~
~~TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 47 tons~~
~~Weight Limit - Bridge B0047 over KY 191 @ milepoint 46.22~~
~~TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge B00051 over KY 1812 @ milepoint 49.67~~
~~TY I = 20 tons, TY II = 40 tons, TY III = 41 tons, TY IV = 53 tons~~
~~Weight Limit - Bridge B00041 over Gilmore Creek @ milepoint 55.17~~
~~TY I = 20 tons, TY II = 41 tons, TY III = 41 tons, TY IV = 54 tons~~
~~Weight Limit - Bridge over KY 205 @ milepoint 57.19~~
~~TY I = 20 tons, TY II = 43 tons, TY III = 43 tons, TY IV = 60 tons~~

*	~~KY 11~~	~~0.0 Lee CO LN~~	~~5.3 Powell CO LN~~
*	~~KY 15~~	~~0.0 Breathitt CO LN~~	~~9.5 KY 191~~

~~Weight Limit - Bridge B0035 over Holly Creek @ milepoint 1.79~~
~~TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 60 tons~~

*	~~KY 15S~~	~~0.0 KY 15~~	~~1.1 Mountain PKWY~~

~~Weight Limit - Bridge over Mountain Parkway @ milepoint 1.05~~
~~TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons~~

*	~~KY 191~~	~~0.0 KY 15~~	~~3.0 Mountain PKWY~~

~~Weight Limit - Bridge over Swift Camp Creek @ milepoint 0.240~~
~~TY I = 20 tons, TY II = 22 tons, TY III = 24 tons, TY IV = 31 tons~~

~~WOODFORD COUNTY~~

	ROAD	FROM	TO
*	~~Bluegrass Parkway~~	~~61.9 Anderson CO LN~~	~~71.1 US 60~~
*	~~US 60~~	~~0.0 Franklin CO LN~~	~~13.0 Fayette CO LN~~]

Section 6. Restricted Bridge Use. A person shall not operate, or knowingly cause to be operated, on any bridge listed in Official Order 96616 [~~Section 4 of this administrative regulation~~] any vehicle whose gross vehicle weight exceeds the weight limits specified for that bridge.

Section 7. Bridge Posted Weight Limits. In accordance with KRS 189.230(3), the Department of Highways shall post the gross vehicle weight limits for each bridge listed in Official Order 96616 [~~Section 5 of this administrative regulation~~].

Section 8. Additional Bridge Restrictions. A person shall not operate, or knowingly cause to be operated, on any bridge on the extended weight coal haul road system any vehicle whose gross

vehicle weight exceeds the limits specified by a notice posted pursuant to KRS 189.230(3).

Section 9. Local Resolutions. Resolutions of local governing bodies issued pursuant to KRS 177.9771(9) making recommendations to the Secretary of Transportation shall be submitted to: Secretary of Transportation, Transportation Cabinet, 501 High Street, State Office Building, Frankfort, Kentucky 40622. The resolution shall set forth a specific description of the road or road segments under consideration. The resolution shall further set forth with specificity those conditions which give rise to inherent and definite hazards or create special conditions which the Secretary of the Transportation Cabinet needs to consider.

Section 10. Incorporation by Reference. (1) A copy of the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions is hereby incorporated by reference as part of this administrative regulation. A copy of the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions may be viewed at the Transportation Cabinet, Department of Highways, Division of Operations [~~Maintenance~~], 7th Floor, State Office Building, 501 High Street, Frankfort, Kentucky. Office hours are 8 a.m. until 4:30 p.m., eastern time on weekdays. Copies of the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions may be obtained from the American Association of State Highway and Transportation Officials, 444 North Capitol Street, N.W., Suite 225, Washington, D.C. 20001.

(2) Official Order 96616 incorporated by reference in Section 5 of this administrative regulation may be viewed, copied, or obtained from the Office of the Secretary, 501 High Street, Frankfort, Kentucky 40622. The telephone number is (502) 564-4890. The business hours are 8 a.m. until 4:30 p.m. eastern time on weekdays.

J.M. YOWELL, P.E., State Highway Engineer
DON C. KELLY, P.E., Secretary
APPROVED BY AGENCY: November 7, 1995
FILED WITH LRC: November 13, 1995 at 9 a.m.

PUBLIC HEARING: A public comment hearing on this administrative regulation will be held on December 21, 1995 at 1:30 p.m. local prevailing time in the Fourth Floor Hearing Room of the State Office Building, 501 High Street, Frankfort, Kentucky. Any person who intends to attend this meeting must in writing by December 16, 1995 so notify this agency. If no notification of intent to attend the hearing is received by this date, the hearing may be canceled. 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 only at the requestor's expense. If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirements by December 16, 1995. This request does not have to be in writing. If you do not wish to attend the public hearing, you may submit written comments on the administrative regulation. Written comments will be accepted until the close of business on December 21, 1995. Send written notification of intent to attend the public comment hearing or written comments on the administrative regulation to: Sandra G. Pullen, Staff Assistant, Transportation Cabinet, 1003 State Office Building, 501 High Street, Frankfort, Kentucky 40622, Phone: (502) 564-4890, Fax: (502) 564-4890.

REGULATORY IMPACT ANALYSIS

Contact person: Sandra G. Pullen

(1) Type and number of entities affected: The 6,000 coal transporters operating in Kentucky as well as all other persons using the highways included in the Extended Weight Coal Haul Road System.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: The administrative regulation is to be implemented statewide but the largest concentration of roads are located in the coal fields of eastern and western Kentucky. The general perception of the public is that if there are more highways in the Extended Weight Coal Haul Road System, there will be more mining jobs created and therefore an improvement in the economy. This hypothesis has neither been proven nor disproven. However, it is quite true that the more roads there are in the system, the fewer trucks that will be needed to transport the coal which is mined. This means fewer jobs for the coal transporters and a down-turn in their economy.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: It will cost less for the coal owners to have the coal transported in those areas with road segments in the system. However, there is insufficient Road Fund money to maintain the extended weight roads at what is generally considered to be an acceptable level of service. Therefore, more maintenance is required on all of the vehicles routinely using the roads in the Extended Weight Coal Haul Road System, thus increasing the price of doing business.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: Savings incurred as a result of being allowed to transport coal at extended weights over additional roads. At the same time a number of roads are being deleted from the system causing an additional cost for the coal transporters who have been operating on those routes. The savings and cost to the industry as a whole should balance. However, individual companies can see a large swing in their cost/savings.

2. Second and subsequent years: Same as 1.

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: The road segments added to the extended weight system will require more maintenance.

1. First year: The cost of additional maintenance for roads added to the system will be thousands of dollars. Almost all the highways which are being deleted from the system will still have to have additional maintenance or reconstruction because of the earlier transportation of coal at extended weights. Therefore, there will be no off-setting savings for the Transportation Cabinet.

2. Continuing costs or savings: Same as 1.

3. Additional factors increasing or decreasing costs: The lifespan of bridges which are used at these extended weights is considerably shortened. Therefore, the cost to the Transportation Cabinet over the life of the extended weight coal haul road system will be additional millions of dollars.

(b) Reporting and paperwork requirements: None

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

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: Road Fund - Department of Vehicle Regulation, Division of Motor Vehicle Enforcement and Department of Highways.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: It is generally perceived that including roads in the Extended Weight Coal Haul Road System has a positive effect on the economy of a coal producing region, and a neutral to negative effect elsewhere. Conversely, removing roads from the Extended Weight Coal haul Road System (unless all mines in the area are permanently

closed) is generally perceived as having a negative impact on the economy in a coal producing region.

(b) Kentucky: See (a).

(7) Assessment of alternative methods; reasons why alternatives were rejected: KRS 177.9771 mandates the annual update of the extended weight coal haul road system listing. Therefore, legally there was no alternative to the annual update. However, KY 205 was removed from the Extended Weight Coal Haul Road System because of the extremely unsafe condition of the highway. The Transportation Cabinet chose to remove the road from the Extended Weight Coal Haul Road System rather than having to close the road to all traffic.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: The roads on the Extended Weight Coal Haul Road System will suffer much more damage than the other state-maintained highways. A road which is not in good condition is much unsafer than one in good condition.

(b) State whether a detrimental effect on environment and public health would result if not implemented: No

(c) If detrimental effect would result, explain detrimental effect: N/A

(9) 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:

(10) Any additional information or comments: Most of the impacts of the administrative regulation, both positive and negative are mandated by KRS 177.9771. Unless there is a change in state law, there are very few effects generated by the implementation of the administrative regulation.

(11) TIERING: Is tiering applied? Yes. The entire administrative regulation is a tiering of weight and axles allowed on certain roads.

LABOR CABINET
Department of Workplace Standards
Kentucky Occupational Safety and Health
(Amendment)

803 KAR 2:320. Air contaminants ~~[Adoption of 29 CFR Part 1910.1000-.1500]~~.

RELATES TO: KRS ~~[Chapter]~~ 338.051, 338.061, 29 CFR 1910.1000-.1500

STATUTORY AUTHORITY: KRS 338.051(3), 338.061, 29 CFR 1910.1000-.1500

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 administrative regulations, and standards. Express authority to incorporate by reference established federal standards and national consensus standards is also given to the board. The following administrative 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. Definitions. (1) Definitions for Section 2 of this administrative regulation.

(a) "Absolute filter" means a filter capable of retaining 99.97 percent of a mono disperse aerosol of 0.3 mu particles.

(b) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(c) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of 4,4'-Methylene bis (2-chloroaniline). The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(d) "Closed system" means an operation involving 4,4'-Methylene bis (2-chloroaniline) where containment prevents the release of 4,4'-Methylene bis (2-chloroaniline) into required areas, nonregulated areas, or the external environment.

(e) "Decontamination" means the inactivation of 4,4'-Methylene bis (2-chloroaniline) or its safe disposal.

(f) "Director" means the Director, National Institute for Occupational Safety and Health, or any person directed by him or the Secretary or Health, Education and Welfare to act for the director.

(g) "Disposal" means the safe removal of 4,4'-Methylene bis (2-chloroaniline) from the work environment.

(h) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of 4,4'-Methylene bis (2-chloroaniline) which may result in exposure to or contact with 4,4'-Methylene bis (2-chloroaniline).

(i) "External environment" means any environment external to regulated and nonregulated areas.

(j) "Isolated system" means a fully enclosed structure other than the vessel=l of containment, of 4,4'-Methylene bis (2-chloroaniline), which is impervious to the passage of entry of 4,4'-Methylene bis (2-chloroaniline), and which would prevent the entry of 4,4'-Methylene bis (2-chloroaniline) into regulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(k) "Laboratory type hood" means a device enclosed on three sides and the top and bottom designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained is such a way that an operation involving 4,4'-Methylene bis (2-chloroaniline) within the hood does not require the insertion of any portion of any employee's body other than his hands and arms.

(l) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted no controlled.

(m) "Open-vessel system" means an operation involving 4,4'-Methylene bis (2-chloroaniline) in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of 4,4'-Methylene bis (2-chloroaniline) into regulated areas, nonregulated areas or the external environment.

(n) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to 4,4'-Methylene bis (2-chloroaniline).

(o) "Regulated area" means an area where entry and exit is restricted and controlled.

(2) Definitions for Section 4 of this administrative regulation.

(a) "Area director" means Director, Division of Occupational Safety and Health, Kentucky Labor Cabinet.

(b) "Assistant Secretary" means Secretary of Labor, Kentucky Labor Cabinet.

(c) "U.S. Department of Labor" means Kentucky Labor Cabinet.

~~[The Occupational Safety and Health Standards Board hereby adopts 29 CFR Part 1910 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-chloroaniline)", 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) 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) 29 CFR 1910.1000, Table Z-2, "Formaldehyde", as published in the Federal Register, Volume Number 52, December 4, 1987, is amended.~~

~~(g) Amendments to 29 CFR 1910.1000, "Air Contaminants", as published in the Federal Register, Volume 57, Number 112, June 10, 1992, are incorporated by reference.~~

~~(h) Amendments to 29 CFR 1910.1000, "Air Contaminants", as published in the Federal Register, Volume 57, Number 127, July 1, 1992, are incorporated by reference.~~

~~(i) Amendments to 29 CFR 1910.1000, "Air Contaminants", as published in the Federal Register, Volume 57, Number 178, September 14, 1992, are incorporated by reference.~~

~~(j) Amendments to 29 CFR 1910.1000, "Air Contaminants", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, are incorporated by reference.~~

~~(k) Amendments to 29 CFR 1910.1000, "Air Contaminants", as published in the Federal Register, Volume 58, Number 142, July 27, 1993, are incorporated by reference.~~

~~(2) The revisions to 29 CFR 1910.1001, "Occupational Exposure to Asbestos", as published in Federal Register, Volume 59, Number 153, August 10, 1994, are incorporated by reference.~~

~~(3) The amendment to 29 CFR 1910.1003, "(Amended)", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.~~

~~(4) The amendment to 29 CFR 1910.1004, "(Amended)", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.~~

~~(5)(a) 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) 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."~~

~~(6) The amendment to 29 CFR 1910.1006, "(Amended)", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.~~

~~(7) The amendment to 29 CFR 1910.1007, "(Amended)", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.~~

~~(8) The amendment to 29 CFR 1910.1008, "(Amended)", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.~~

~~(9) The amendment to 29 CFR 1910.1009, "(Amended)", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.~~

~~(10) The amendment to 29 CFR 1910.1010, "(Amended)", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.~~

~~(11) The amendment to 29 CFR 1910.1011, "(Amended)", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.~~

~~(12) The amendment to 29 CFR 1910.1012, "(Amended)", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.~~

~~(13) The amendment to 29 CFR 1910.1013, "(Amended)", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.~~

~~(14) The amendment to 29 CFR 1910.1014, "(Amended)", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.~~

~~(15) The amendment to 29 CFR 1910.1015, "(Amended)", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.~~

~~(16) The amendment to 29 CFR 1910.1016, "(Amended)", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.~~

~~(17) The amendment to 29 CFR 1910.1017, "(Amended)", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.~~

~~(18) The amendment to 29 CFR 1910.1018, "(Amended)", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.~~

~~(19) 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]~~	~~COMPLIANCE DATES 200 ug/m³~~	~~100 ug/m³~~	~~50~~
~~Primary Lead Production~~	~~(2)~~	~~June 29, 1984~~	~~June 29, 1991~~
~~Secondary Lead Production~~	~~(2)~~	~~June 29, 1984~~	~~June 29, 1986~~
~~Lead Acid Battery Manufacture~~	~~(2)~~	~~June 29, 1983~~	~~June 29, 1986~~
~~Automobile/Manufacture/Solder Grinding~~	~~(2)~~	~~N/A~~	~~June 29, 1988~~
~~Electronics, Gray Iron Foundries, Ink Manufacture, Paints and Coatings Manufacture, Wall Paper Manufacture, Can Manufactures, and Printing~~	~~(2)~~	~~N/A~~	~~June 29, 1982~~
~~Lead Pigment Manufacture, Nonferrous Foundries, Leaded Steel Manufacture, Lead Chemical Manufacture, Ship Building and Ship Repair, Battery Breaking in the Collection and Processing of Scrap (excluding collection and processing of scrap which is part of a secondary smelting operation), Secondary Smelting of Copper, and Lead Casting~~	~~(2)~~	~~N/A~~	~~N/A~~
~~All Other Industries~~	~~(2)~~	~~N/A~~	~~June 11,1984~~

~~[1]Includes ancillary activities located on the same worksite.~~
~~[2]On effective date. This continues an obligation from Table Z-2 of 29 CFR 1910.1000 which had been in effect since 1971 but which was deleted upon effectiveness of this section.~~

~~(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.~~

~~(d) Amendments, revisions, and additions to 29 CFR 1910.1025, "Occupational Exposure to Lead", as published in Federal Register, Volume 56, Number 105, May 31, 1991, are incorporated by reference.~~

~~(20) Amendments to 29 CFR 1910.1027, "Cadmium", as published in the Federal Register, Volume 57, Number 178, September 14, 1992, are incorporated by reference.~~

~~(21) Amendments to 29 CFR 1910.1027, "Cadmium", as published in the Federal Register, Volume 55, Number 77, April 23, 1993, are incorporated by reference.~~

~~(22) 29 CFR 1910.1028, "Benzene", as published in the Federal Register, Volume 52, Number 176, September 11, 1987 is incorporated by reference.~~

~~(23) 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.~~

~~(24) 29 CFR 1910.1030, "Bloodborne Pathogens", as published in the Federal Register, Volume 56, No. 235, is incorporated by reference with the following revisions, additions, or deletions:~~

~~(a) 29 CFR 1910.1030(d)(3)(ix) is amended to read: Gloves. Gloves shall be worn when it can be reasonably anticipated that the employees may have hand contact with blood, other potentially infectious materials, mucous membranes, and nonintact skin when performing vascular access procedures and when handling or touching contaminated items or surfaces.~~

~~(b) 29 CFR 1910.1030(d)(3)(ix)(D) is removed.~~

~~(25) Amendments to 29 CFR 1910.1030, "Bloodborne Pathogens", as published in the Federal Register, Volume 57, Number 127, are incorporated by reference.~~

~~(26) 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.~~

~~(27) The amendment to 29 CFR 1910.1044, "(Amended)", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.~~

~~(28) The amendment to 29 CFR 1910.1045, "(Amended)", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.~~

~~(29) 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.~~

~~(30) 29 CFR 1910.1048, "Formaldehyde", as published in the Federal Register, Volume Number 52, December 4, 1987, is incorporated by reference.~~

~~(a) 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.~~

~~(b) Amendments to 29 CFR 1910.1048, "Occupational Exposure to Formaldehyde", as published in the Federal Register, Volume 54, Number 133, July 13, 1989, is incorporated by reference.~~

~~(c) Amendments to 29 CFR 1910.1048, "Occupational Exposure to Formaldehyde", as published in the Federal Register, Volume 57, Number 102, May 27, 1992, are incorporated by reference.~~

~~(d) Amendments to 29 CFR 1910.1048, "Occupational Exposure to Formaldehyde", as published in the Federal Register, Volume 57, Number 112, June 10, 1992, are incorporated by reference.~~

~~(e) Amendments to 29 CFR 1910.1048, "Occupational Exposure to Formaldehyde", as published in the Federal Register, Volume 57, Number 118, June 18, 1992, are incorporated by reference.~~

~~(31) Amendments, revisions, and additions to 29 CFR 1910.1101, "Asbestos", as published in Federal Register, Volume 56, Number 171, September 4, 1991, are incorporated by reference.~~

~~(32) Amendments to 29 CFR 1910.1050, "Methylenedianiline", as published in the Federal Register, Volume 57, Number 154, August 10, 1992, are incorporated by reference.~~

~~(33) Amendments to 29 CFR 1910.1101, "Asbestos", as published in the Federal Register, Volume 57, Number 110, June 8, 1992, are incorporated by reference.~~

~~(34) 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) 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.~~

~~(c) The revisions to 29 CFR 1910.1200, "Hazard Communication", as published in the Federal Register, Volume 59, Number 27, February 9, 1994, are incorporated by reference.~~

~~(35) The addition of 29 CFR 1910.1201, "Retention of DOT Markings, Placards, and Labels", as published in the Federal Register, Volume 59, Number 137, July 19, 1994, is incorporated by reference.~~

~~(36) 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.~~

~~(37) Amendments to 29 CFR 1910.1450, "Occupational Exposure to Hazardous Chemicals in Laboratories", as published in the Federal Register, Volume 57, Number 127, July 1, 1992, are incorporated by reference.~~

~~(38) Amendments to 29 CFR 1910.1500, "Standards Organizations", as published in the Federal Register, Volume 57, Number 127, July 1, 1992, are incorporated by reference.]~~

Section 2. 4,4'-Methylene bis (2-Chloroaniline). (1) Scope and application.

(a) This section applies to any area in which, 4,4'-Methylene bis (2-chloroaniline), Chemical Abstracts Service Registry Number 101144 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to trans-shipment in sealed containers, except for the labeling requirements under subsection (5)(b), (c), and (d) of this section.

(b) This section shall not apply to solid or liquid mixtures containing less than 1.0 (one) percent by weight of 4,4'-Methylene bis (2-chloroaniline).

(2) Requirements for areas containing 4,4'-Methylene bis (2-chloroaniline). A regulated area shall be established by an employer where 4,4'-Methylene bis (2-chloroaniline) is manufactured, processed, used, repackaged, released, handled, and stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operations involved:

(a) Isolated systems. Employees working with 4,4'-Methylene bis (2-chloroaniline) within an isolated system such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(b) Closed system operation. Within regulated areas where 4,4'-Methylene bis (2-chloroaniline) is stored in sealed container, or contained in a closed system including piping systems, with any sample ports or openings closed while 4,4'-Methylene bis (2-chloroaniline) is contained within:

1. Access shall be restricted to authorized employees only;

2. Employees shall be required to wash hands, forearms, face

and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.

(c) Open vessel system operations. Open vessel system operations as defined in paragraph (b)13 of this subsection are prohibited.

(d) Transfer from a closed system, charging or discharging point operations, or otherwise opening a closed system. In operations involving "laboratory type hood," or in locations where 4,4'-Methylene bis (2-chloroaniline) is contained in an otherwise "closed system," but is transferred, charge, or discharged into other normally closed containers, the provisions of this subparagraph shall apply.

1. Access shall be restricted to authorized employees only;

2. Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean make-up air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

3. Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers and gloves prior to entering the regulated areal

4. Employees engaged in 4,4'-Methylene bis (2-chloroaniline) handling operations shall be provided with and required to wear and use a half-face, filter-type respirator for dusts, mists, and fumes, in accordance with 1910.134. A respirator affording higher level or protection may be substituted.

5. Prior to each exit from a regulated area, employees shall be require to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in imperious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under subsection (5)(b), (c), and (d) of this section.

6. Employees shall be required to wash hands, forearms, face and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities.

7. Employees shall be required to shower after the last exit of the day.

8. Drinking fountains are prohibited in the regulated area.

(e) Maintenance and decontamination activities. In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, or any operations involving work in an area where direct contact with 4,4'-Methylene bis (2-chloroaniline) could result, each authorized employee entering that area shall:

1. Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with 1910.134;

2. Be decontaminated before removing the protective garments and hood;

3. Be required to shower upon removing the protective garments and hood.

(f) Laboratory activities. The requirements of this subparagraph shall apply to research and quality control activities involving the use of 4,4'-Methylene bis (2-chloroaniline).

1. Mechanical pipetting aids shall be used for all pipetting procedures.

2. Experiments, procedures and equipment which could produce aerosols shall be confined to laboratory-type hoods or glove boxes.

3. Surfaces on which 4,4'-Methylene bis (2-chloroaniline) is handled shall be protected from contamination.

4. Contaminated wastes and animal carcasses shall be collected in impervious containers which are closed and decontaminated prior to removal from the work area. Such wastes and carcasses shall be incinerated in such a manner that no carcinogenic products are release.

5. All other forms of 4,4'-Methylene bis (2-chloroaniline)shall be inactivated prior to disposal.

6. Employees engaged in animal support activities shall be:

a. Provided with, and required to wear, a complete protective clothing change, clean each day, including coveralls or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices; and

b. Prior to each exit from a regulated area employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under subsection (5)(b), (c), and (d) of this section.

c. Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit and before engaging in other activities; and

d. Required to shower after the last exit of the day.

8. Employees, other than those engaged in animal support activities, each day shall be:

a. Provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suit, or fully buttoned laboratory coat.

b. Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under paragraphs (e)2, 3, and 4 of this subsection.

c. Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit and before engaging in other activities.

9. Air pressure in laboratory areas and animal rooms where 4,4'-Methylene bis (2-chloroaniline) is handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding area. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated.

10. There shall be no connection between regulated areas and any other areas through the ventilation system.

11. A current inventory of 4,4'-Methylene bis (2-chloroaniline) shall be maintained.

12. Ventilated apparatus such as laboratory type hoods, shall be tested at least semi-annually or immediately after ventilation modification of maintenance operations, by personnel fully qualified to certify correct containment and operation.

(g) 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 are is not required; however,

1. Only authorized employees shall be permitted to handle such materials;

2. Each day employees shall be provided with and required to wear a clean change of protective clothing (smocks, coveralls, or long-sleeved shirts and pants), gloves, and other protective garments and equipment necessary to prevent contact with the solution in the process used;

3. Employees shall be required to remove and leave protective clothing and equipment when leaving the work area at the end of the work day or at any time solution is spilled on such clothing or equipment. Used clothing and equipment shall be placed in impervious containers for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under paragraphs (e)2, 3, and 4 of this section.

4. Employees shall be required to wash hand and face after removing such clothing and equipment and before engaging in other activities.

5. Employees assigned to work covered by the subparagraph shall be deemed to be working in regulated areas for the purposes of subsection (4)(a), (b), (c)1 and 2, and (d)3 and 4, 5, 6, and 7 of this section;

6. Work areas where solution may be spilled shall be:

a. Covered daily or after any spill with a clean covering;

b. Cleaned thoroughly daily and after any spill.

(3) General regulated area requirements.

(a) Employee identification. A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters shall be retained for a period of twenty (20) years. The rosters and/or summaries shall be provided upon request to authorized representatives of the assistant secretary and the director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the director.

(b) Emergencies. In an emergency, immediate measures including, but not limited to the requirements of subparagraphs 1, 2, 3, 4, and 5 of this paragraph shall be implemented.

1. The potentially affected area shall be evacuated as soon as the emergency has been determined.

2. Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.

3. Special medical surveillance by a physician shall be instituted within twenty-four (24) hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with subsection (6)(b) of this section.

4. Where an employee has a known contact with 4,4'-Methylene bis (2-chloroaniline) such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

5. An incident report on the emergency shall be reported as provided in subsection (6)(b) of this section.

(c) Hygiene facilities and practices.

1. Storage or consumption of food, storage or use of containers of beverages, storage or application of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated ares.

2. Where employees are required by this section to wash, washing facilities shall be provided in accordance with 1910.141.

3. Where employees are required by this section to shower, facilities shall be provided in accordance with 1910.141(d)(3).

4. Where employees wear protective clothing and equipment, clean change rooms shall be provided, in accordance with 1910.141(e), for the number of such employees required to change clothes.

5. Where toilets are in regulated areas, such toilets shall be in a separate room.

(d) Contamination control.

1. Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean make-up air in equal volume shall replace air removed.

2. Any equipment, material, or other item taken or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

3. Decontamination procedures shall be established and implemented to remove 4,4'-Methylene bis (2-chloroaniline) from the surface of materials, equipment and the decontamination facility.

4. Dry sweeping and dry mopping are prohibited.

(4) Signs, information and training.

(a) Signs.

1. Entrance to regulated areas shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT
Authorized Personnel Only

2. Entrances to regulated areas containing operations covered in subsection (3)(e) of this section shall be posted with signs bearing the legend:

Cancer-Suspect Agent Exposed
In this Area
Impervious Suit Including Gloves,
Boots, and Air-Supplied Hood
Required At All Times
Authorized Personnel Only

3. Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated ares, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(b) Container contents identification.

1. Containers of 4,4'-Methylene bis (2-chloroaniline) and containers required under subsection (2)(d)5 and (f)7b, and (f)7b, and (g)3 of this section which are accessible only to, and handled only by authorized employees, or by other employees trained in accordance with paragraph (e) of this subsection, may have contents identification limited to a generic or proprietary name, or other proprietary identification, or the carcinogen and percent.

2. Containers of 4,4'-Methylene bis (2-chloroaniline) and containers required under subsection (2)(d)5, (f)7b, and (f)7b, and (g)3 of this section which are accessible to, or handled by employees other than authorized employees or employees trained in accordance with subparagraph of this paragraph shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in subsection (1)(a) of this section.

3. Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

4. Containers which have 4,4'-Methylene bis (2-chloroaniline) contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive of affected portions of the body.

(c) Lettering. Lettering on signs and instructions required by paragraph (a) of this subsection shall be a minimum letter height of two (2) inches. Labels on containers required under this section shall not be less than one-half (1/2) the size of the largest lettering on the package, and not less than eight (8) point type in any instance; provided that no such required lettering need be more than one (1) inch in height.

(d) Prohibited statements. No statement shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(e) Training and indoctrination.

1. Each employee prior to being authorized to enter regulated area, shall receive a training and indoctrination program including, but not necessarily limited to:

a. The nature of the carcinogenic hazards of 4,4'-Methylene bis (2-chloroaniline), including local and systemic toxicity;

b. The specific nature of the operation involving 4,4'-Methylene bis (2-chloroaniline) which could result in exposure;

c. The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

d. The purpose for and application for decontamination practices and purposes;

e. The purpose for and significance of emergency practices and procedures;

f. The employees specific role in emergency procedures;

g. Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release

of 4,4'-Methylene bis (2-chloroaniline);

h. The purpose for and application of specific first-aid procedures and practices.

(i) A review of this section at the employees first raining and indoctrination program and annually thereafter.

(ii) Specific emergency procedures shall be prescribed, and posted, and employees shall be familiarized with their terms, and rehearsed in their application.

(iii) All materials relating to the program shall be provided upon request to authorized representatives of assistant secretary and the director.

(5) Reports.

(a) Operations. Not later than March 1, 1974, the information required in subparagraphs 1, 2, 3, and 4 of this paragraph shall be reported in writing to the nearest OSHA Area director. Any changes in such information shall be similarly reported in writing within fifteen (15) calendar days of such change.

1. A brief description and inplant location of the area(s) regulated and the address of each regulated area:

2. The name(s) and other identifying information as to the presence of 4,4'-Methylene bis (2-chloroaniline) in each regulated area.

3. The number of employees in each regulated area, during normal operations including maintenance activities; and

4. The manner in which 4,4'-Methylene bis (2-chloroaniline) is present in each regulated area; e.g., whether it is manufactured, processed, used, repackaged, release, stored, or otherwise handled.

(b) Incidents. Incidents which result in the release of 4,4'-Methylene bis (2-chloroaniline) into any area where employees may be potentially exposed shall be reported in accordance with this subparagraph.

1. A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within twenty-four (24) hours to the nearest OSHA Area Director.

2. A written report shall be filed with the nearest OSHA Area Director within fifteen (15) calendar days thereafter and shall include:

a. A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure:

b. A description of the area involved, and the extent of known and possible employee and area contamination; and

c. A report of any medical treatment of affected employees and any medical surveillance program implemented; and

d. An analysis of the circumstances to be taken, with specific completions dates, to avoid further similar release.

(6) Medical surveillance. At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees.

(a) Examinations.

1. Before an employee is assigned to enter a regulated are, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

2. Authorized employees shall be provided periodic physical examination, not less often than annually, following the preassignment examination.

3. In all physical examinations, the examining physician shall consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids of cytotoxic agents, pregnancy and cigarette smoking.

(b) Records.

1. Employers or employees examined pursuant to this paragraph shall cause to be maintained complete and accurate record of all such medical examinations. Records shall be maintained for the duration of the employee' employment. Upon termination of the employee' employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the director.

2. Records required by this paragraph shall be provided upon request to authorized representatives of the assistant secretary or the director: and upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

3. Any physician who conducts a medical examination required by this paragraph shall furnish to the employer a statement of the employees suitability for employment in the specific exposure.

Section 3. Laboratory Activities. (1) The requirements of this subsection shall apply to research and quality control activities involving the use of chemicals covered by 1910.1003-.1016.

(a) Mechanical pipetting aids shall be used for all pipetting procedures.

(b) Experiments, procedures and equipment which could produce aerosols shall be confined to laboratory-type hoods or glove boxes.

(c) Surfaces on which chemicals covered by .1103-.1016 are handled shall be protected from contamination.

(d) Contaminated wastes and animal carcasses shall be collected in impervious containers which are closed and decontaminated prior to removal from the work area. Such wastes and carcasses shall be incinerated in such a manner that no carcinogenic products are released.

(e) All other forms of chemicals covered by .1003-.1016 shall be inactivated prior to disposal.

(f) Laboratory vacuum systems shall be protected with high-efficiency scrubbers or with disposal absolute filters.

(g) Employees engaged in animal support activities shall be:

1. Provided with and required to wear, a complete protective clothing change, clean each day, including coveralls, or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices; and

2. Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under subsection (5)(b), (c), and (d) of this section.

3. Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities; and

4. Required to shower after the last exit of the day.

(h) Employees, other than those engaged only in animal support activities, each day shall be:

1. Provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suite, or fully buttoned laboratory coat;

2. Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified under subsection (5)(b), (c), and (d) of this section.

3. Required to wash hands, forearms, face and neck upon each exit from the regulated area close t the point of exit, and before engaging in other activities.

(i) Air pressure in laboratory areas and animal rooms where chemicals covered by .1003-.1016 are handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless

decontaminated.

(j) There shall be no connection between regulated areas and any other areas through the ventilation system.

(k) A current inventory of chemicals covered by .1003-.1016 shall be maintained.

(l) Ventilated apparatus such as laboratory-type hoods, shall be tested at least semi-annually or immediately after ventilation modification or maintenance operations, by personnel fully qualified to certify correct containment and operation.

Section 4. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) 29 CFR 1910.1000-.1500 revised as of July 1, 1994, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration.

(b) The revisions to 29 CFR 1910.1200, "Hazard Communication", as published in the Federal Register, Volume 59, Number 245, December 22, 1994, are incorporated by reference.

(2) 29 CFR 1910.1025, "Occupational Exposure to Lead" shall be amended as follows:

"Table 1 - Implementation Schedule" is amended to read:

TABLE 1 - Implementation Schedule

INDUSTRY[1]	COMPLIANCE DATES 200 ug/m³	100 ug/m³	50
Primary Lead Production	(2)	June 29, 1984	June 29, 1991
Secondary Lead Production	(2)	June 29, 1984	June 29, 1986
Lead Acid Battery Manufacture	(2)	June 29, 1983	June 29, 1986
Automobile/Manufacture/Solder Grinding	(2)	N/A	June 29, 1988
Electronics, Gray Iron Foundries, Ink Manufacture, Paints and Coatings Manufacture, Wall Paper Manufacture, Can Manufactures, and Printing	(2)	N/A	June 29, 1982
Lead Pigment Manufacture, Nonferrous Foundries, Leaded Steel Manufacture, Lead Chemical Manufacture, Ship Building and Ship Repair, Battery Breaking in the Collection and Processing of Scrap (excluding collection and processing of scrap which is part of a secondary smelting operation), Secondary Smelting of Copper, and Lead Casting	(2)	N/A	N/A
All Other Industries	(2)	N/A	June 11,1984

[1]Includes ancillary activities located on the same worksite.

[2] On effective date. This continues an obligation from Table Z-2 of 29 CFR 1910.1000 which had been in effect since 1971 but which was deleted upon effectiveness of this section.

(3) 29 CFR 1910.1030(d)(3)(ix) is amended to: Gloves. Gloves shall be worn when it can be reasonably anticipated that the employees may have hand contact with blood, other potentially infectious materials, mucous membranes, and nonintact skin when performing vascular access procedures and when handling or touching contaminated items or surfaces.

(4) 29 CFR 1910.1030(d)(3)(ix)(D) is removed.

(5) This material may be inspected, copied or obtained at Kentucky Labor Cabinet, Division of Education and Training, 1047 U.S. 127 South, Frankfort, Kentucky 40601. Office hours are 8 a.m. - 4:30 p.m. (ET), Monday through Friday. ~~[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.]~~

BILL RIGGS, Chairman

APPROVED BY AGENCY: November 14, 1995

FILED WITH LRC: November 15, 1995 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on December 28, 1995, at 10 a.m. (ET) at the Kentucky Labor Cabinet, 1047 U.S. 127 South, Bay 3 Conference Room, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by December 23, 1995, 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 canceled. 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: William L. Ralston, Kentucky Labor Cabinet, 1047 U.S. 127 South, Suite 4, Frankfort, Kentucky 40601, (502) 564-2778.

REGULATORY IMPACT ANALYSIS

Agency Contact: Kembra Taylor, W. L. Ralston

(1) Type and number of entities affected: The amendments to this regulation affect all employers in general industry and their employees.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographic area in which the administrative regulation will be implemented: There are no costs or savings to those affected by these proposed amendments. The proposed amendments make minor changes and technical corrections to the existing regulation on hazard communication, and reformats the regulation to meet KRS Chapter 13A considerations.

(b) Cost of doing business in the geographic area in which the administrative regulation will be implemented: There will be little cost effect from these proposed amendments.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation:

2. Second and subsequent years: There are no additional factors regarding these amendments which will increase or decrease costs. There will be no affect on competition. Reporting and paperwork requirements: These amendments will not entail any reporting or additional paperwork requirements.

(3) Effects on the promulgating administrative body: The promulgating body will not be affected by the adoption of these amendments.

(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 as a result of these proposed changes.

(4) Assessment of anticipated effect on state and local revenues: These amendments will have no anticipated effect on state and local revenues.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: Current state and federal funding.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographic area in which administrative regulation will be implemented: Undetermined; no public comments were received.

(b) Kentucky: Undetermined; no public comments were received.

(7) Assessment of alternative methods; reasons why alternative were rejected: Alternative methods were not considered as these proposed regulations are adopted by reference from federal regulations published in the Federal Register.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographic area in which implemented and on Kentucky: These proposed amendments will enhance worker safety throughout Kentucky.

(b) State whether detrimental effect on environment and public health would result if not implemented:

(c) If detrimental effect would result, explain detrimental effect:

(9) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no conflicting, overlapping, or duplication as a result of adoption of these proposed amendments.

(a) Necessity of proposed regulation if in conflict:

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

(10) Any additional information or comments:

(11) TIERING: Was tiering applied? No. Kentucky's Occupational Safety and Health Program regulations affect all employers with one or more employees. Inspections are conducted at the facilities of those industries or firms that pose higher risks to worker safety and health, those employers from which the KYOSH Program has received worker complaints or referrals, or where a workplace fatality (or accident resulting in the hospitalization of three or more employees) has occurred.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. PL 91-596 (Occupational Safety and Health Act of 1970, Section 18(c)(2)).

2. State compliance standards. These amendments adopt federal regulations and reformat the regulation to meet KRS Chapter 13A considerations.

3. Minimum or uniform standards contained in the federal mandate. The amendments adopt revisions to the previously adopted regulation, 29 CFR 1910.1200, as published in the Federal Register, Volume 59, Number 245, December 22, 1994.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? These proposed amendments are identical to the federal regulations.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. These revisions impose no stricter, additional or different responsibilities than federal 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

2. State whether this administrative regulation will affect the local government or only a part or division of the local government. These amendments affect local government entities that have employees working with hazardous substances.

3. State the aspect or service of local government to which this administrative regulation relates. The proposed regulations affect the safety and health of employees of local government who are exposed to hazardous substances.

4. How does this administrative regulation affect the local government or any service it provides? The purpose of these amendments is to comply with federal regulations relating to occupational safety and health. There will be no increase or decrease in local government revenues or significant expenditures. These proposed amendments will not affect the number of local government employees.

LABOR CABINET
Department of Workplace Standards
Kentucky Occupational Safety and Health
(Amendment)

803 KAR 2:403. Occupational health and environmental controls. [~~Adoption of 29 CFR Part 1926.50-.66~~].

RELATES TO: KRS [~~Chapter~~] 338.051, 338.061, 29 CFR 1926.50-.66

STATUTORY AUTHORITY: KRS 338.051(3), 338.061, 29 CFR 1926.50-.66

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, administrative regulations, and standards. Express authority to incorporate by reference established federal standards and national consensus standards is also given to the board. The following administrative regulation contains those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of construction. The standards are arranged in numerical order in order to facilitate reference to 29 CFR 1926.

Section 1. Definitions. (1) "Area director" means Director, Division of Occupational Safety and Health, Kentucky Labor Cabinet;

(2) "Assistant secretary" means Secretary of Labor, Kentucky Labor Cabinet;

(3) "U.S. Department of Labor" means Kentucky Labor Cabinet.

[~~The Occupational Safety and Health Standards Board hereby adopts 29 CFR Part 1926.50-.66, revised as of June 30, 1993, 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 April 13, 1990, with the following additions, exceptions, and deletions:~~

~~(1) The addition to 29 CFR 1926.50, "Medical Services and First Aid", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.~~

~~(2) The additions to 29 CFR 1926.51, "Sanitation", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, are incorporated by reference.~~

~~(3) The additions and corrections to 29 CFR 1926.53, "Ionizing Radiation", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, are incorporated by reference.~~

~~(4) The additions to 29 CFR 1926.55, "Gases, Vapors, Fumes Dusts, and Mists", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, are incorporated by reference.~~

~~(5) The additions to 29 CFR 1926.57, "Ventilation", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, are incorporated by reference.~~

~~(6) 29 CFR 1926.59, "Hazard Communication," as published in Federal Register, August 24, 1987, Volume 52, Number 163, is incorporated by reference.~~

~~(7) Revisions to 29 CFR 1926.59, "Hazard Communication", as published in Federal Register, February 9, 1994, Volume 59, Number 27, are incorporated by reference.~~

~~(8) Amendments to 29 CFR 1926.60, "Methylenedianiline," as published in the Federal Register, Volume 57, Number 154, August 10, 1992, are incorporated by reference.~~

~~(9) Amendments to 29 CFR 1926.62, "Lead in Construction; Interim Final Rule", as published in the Federal Register, Volume 58, Number 84, May 4, 1993, are incorporated by reference.~~

~~(10) The addition of 29 CFR 1926.61, "Retention of DOT Markings, Placards, and Labels", as published in the Federal Register, Volume 59, Number 137, July 19, 1994, is incorporated by reference.~~

~~(11) Amendments to 29 CFR 1926.63, "Cadmium," as published in the Federal Register, Volume 57, Number 178, September 14, 1992, are incorporated by reference.~~

~~(12) Redesignation of 29 CFR 1926.63, "Cadmium", as published in the Federal Register, Volume 59, Number 1, January 3, 1994, is incorporated by reference.~~

~~(13) Amendments to 29 CFR 1926.63, "Cadmium," as published in the Federal Register, Volume 58, Number 77, April 23, 1993, are incorporated by reference.~~

~~(14) 29 CFR 1926.64, "Process Safety Management for Highly Hazardous Chemicals", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.~~

~~(15) 29 CFR 1926.65, "Hazardous Waste Operations and Emergency Response", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.~~

~~(16) The revisions to 29 CFR 1926.65, "Hazardous Waste Operations and Emergency Response", as published in the Federal Register, Volume 59, Number 161, August 22, 1994, are incorporated by reference.~~

~~(17) 29 CFR 1926.66, "Criteria for Design and Construction of Spray Booths", as published in the Federal Register, Volume 58, Number 124, June 30, 1993, is incorporated by reference.]~~

Section 2. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) 29 CFR Part 1926.50-.66, revised as of July 1, 1994, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration.

(b) Revisions to 29 CFR 1926.59, "Hazard Communication", as published in Federal Register, Volume 59, Number 245, December 22, 1994, are incorporated by reference.

(2) This material may be inspected, copied, or obtained at Kentucky Labor Cabinet, Division of Education and Training, 1047 U.S. 127 South, Suite 4, Frankfort, Kentucky 40601. Office hours are 8 a.m. - 4:30 p.m. (ET), Monday through Friday. ~~[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.]~~

BILL RIGGS, Chairman

APPROVED BY AGENCY: November 14, 1995

FILED WITH LRC: November 15, 1995 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on December 28, 1995, at 10 a.m. (ET) at the Kentucky Labor Cabinet, 1047 U.S. 127 South, Bay 3 Conference Room, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by December 23, 1995, 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 canceled. 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: William L. Ralston, Kentucky Labor Cabinet, 1047 U.S. 127 South, Suite 4, Frankfort, Kentucky 40601, (502) 564-2778.

REGULATORY IMPACT ANALYSIS

Agency Contact: Kembra Taylor, W. L. Ralston

(1) Type and number of entities affected: The amendments to this regulation affect all employers and employees in the construction industry.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographic area in which the administrative regulation will be implemented: There are no costs or savings to those affected by this proposed amendment. The proposed amendments make minor changes and technical corrections to the existing regulation on hazard communication and reformats the regulation to meet KRS Chapter 13A considerations.

(b) Cost of doing business in the geographic area in which the administrative regulation will be implemented: There will be little effect from these proposed amendments.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation:

2. Second and subsequent years: There are no additional factors regarding this proposed amendment which will increase or decrease costs. There will be no affect on competition. Reporting and paperwork requirements: This proposed amendment will not entail any reporting or additional paperwork requirements.

(3) Effects on the promulgating administrative body: The promulgating body will not be affected by the adoption of this amendment.

(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 as a result of these proposed changes.

(4) Assessment of anticipated effect on state and local revenues: These proposed amendments will have no anticipated effect on state and local revenues.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: Current state and federal funding.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographic area in which administrative regulation will be implemented: Undetermined; no public comments were received.

(b) Kentucky: Undetermined; no public comments were received.

(7) Assessment of alternative methods; reasons why alternative were rejected: Alternative methods were not considered as these proposed regulations are adopted by reference from federal regulations published in the Federal Register.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographic area in which implemented and on Kentucky: These proposed amendments will enhance worker safety throughout Kentucky.

(b) State whether detrimental effect on environment and public health would result if not implemented:

(c) If detrimental effect would result, explain detrimental effect:

(9) Identify any statute, administrative regulation or government

policy which may be in conflict, overlapping, or duplication: There is no conflicting, overlapping, or duplication as a result of adoption of this proposed amendment.

(a) Necessity of proposed regulation if in conflict:

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

(10) Any additional information or comments:

(11) TIERING: Was tiering applied? No. Kentucky's Occupational Safety and Health Program regulations affect all employers with one or more employees. Inspections are conducted at the facilities of those industries or firms that pose higher risks to worker safety and health, those employers from which the KYOSH Program has received worker complaints or referrals, or where a workplace fatality (or accident resulting in the hospitalization of three or more employees) has occurred.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. PL 91-596 (Occupational Safety and Health Act of 1970, Section 18(c)(2)).

2. State compliance standards. These proposed amendments adopt federal regulations.

3. Minimum or uniform standards contained in the federal mandate. These proposed amendments adopt 29 CFR 1926.59, as published in the Federal Register, Volume 59, Number 245, December 22, 1994, and reformat the regulation to meet KRS Chapter 13A considerations.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? The proposed amendments are identical to the federal regulations.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This revision imposes no stricter, additional or different responsibilities than federal 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

2. State whether this administrative regulation will affect the local government or only a part or division of the local government. The proposed amendments affect local government entities that have employees working in construction exposed to hazardous substances.

3. State the aspect or service of local government to which this administrative regulation relates. The proposed regulation affects the safety and health of employees of local government who are involved in construction work and are exposed to hazardous substances.

4. How does this administrative regulation affect the local government or any service it provides? The purpose of this amendment is to comply with federal regulations relating to occupational safety and health. There will be no increase or decrease in local government revenues or significant expenditures. This proposed amendment will not affect the number of local government employees.

LABOR CABINET
Department of Workplace Standards
Kentucky Occupational Safety and Health
(Amendment)

803 KAR 2:500. ~~[Adoption of 29 CFR Part 1915, 1917, 1918 and 1919,]~~ Maritime employment.

RELATES TO: KRS ~~[Chapter]~~ 338.051, 338.061, 29 CFR 1915, 1917, 1918, 1919

STATUTORY AUTHORITY: KRS 338.051(3), 338.061, 29 CFR 1915, 1917, 1918, 1919

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, administrative regulations, and standards. Express authority to incorporate by reference established federal standards and national consensus standards is also given to the board. The following administrative regulation contains those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of Maritime employment.

Section 1. Definitions. (1) "Administration" means the Kentucky Occupational Safety and Health Program, Frankfort, Kentucky;

(2) "Area director" means Director, Division of Occupational Safety and Health, Kentucky Labor Cabinet;

(3) "Assistant secretary" means Secretary of Labor, Kentucky Labor Cabinet;

(4) "U.S. Department of Labor" means Kentucky Labor Cabinet.

~~[The Occupational Safety and Health Standards Board hereby incorporates Chapter 29, Part 1915 as published in the April 20, 1983, Federal Register, Part 1917 as published in July 5, 1983, Federal Register, and Parts 1918 and 1919 of the Code of Federal Regulations, revised as of July 1, 1981, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration. These standards are hereby incorporated by reference with the following additions, exceptions, and deletions:~~

~~(1) 29 CFR 1915.1, 1918.1, and 1919.1 shall read as follows: "The provisions of this regulation adopt and extend the applicability of established Federal Maritime Standards contained in 29 CFR 1915, 1916, 1917, 1918, and 1919 to all Maritime employers, Maritime employees, and places of Maritime employment throughout the Commonwealth except those excluded in KRS 338.021."~~

~~(2) The amendments to 29 CFR 1915, "Occupational Safety and Health Standards for Shipyard Employment", as published in the Federal Register, Volume 58, Number 125, July 1, 1993, are incorporated by reference.~~

~~(3) 29 CFR 1915.4(b) and 1918.3(b), "Secretary," means Secretary of Labor, Kentucky Labor Cabinet, Commonwealth of Kentucky, or his authorized representatives.~~

~~(4) The revisions to 29 CFR 1915.7, "Competent Person", addressing "Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment", as published in the Federal Register, Volume 59, Number 141, July 25, 1994, are incorporated by reference.~~

~~(5) The revisions to 29 CFR 1915, Subpart B, "Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment", as published in the Federal Register, Volume 59, Number 141, July 25, 1994, are incorporated by reference.~~

~~(6) 29 CFR 1919.2(D), "Assistant Secretary" is changed to read: "Secretary" means the Secretary of Labor, Kentucky Labor Cabinet, Commonwealth of Kentucky, or his authorized representative.~~

~~(7) 29 CFR 1915.97, "Health and Sanitation," is revised to read as follows: Revisions as published in the Federal Register, Volume 52, Number 163, August 24, 1987.~~

~~(8) 29 CFR 1915.99, "Hazard Communication," as published in the Federal Register, Volume 52, Number 163, August 24, 1987 is~~

~~incorporated by reference.~~

~~(9) The revisions to 29 CFR 1915.99, "Hazard Communication", as published in the Federal Register, Volume 59, Number 27, February 9, 1994, are incorporated by reference.~~

~~(10) The addition of 29 CFR 1915.100, "Retention of DOT Markings, Placards, and Labels", as published in the Federal Register, Volume 59, Number 137, July 19, 1994, is incorporated by reference.~~

~~(11) Revision to 29 CFR 1915.113(b)(1), "Shackles and Hooks," as published in the Federal Register, Volume 51, Number 188, September 29, 1986 is incorporated by reference.~~

~~(12) Revision to 29 CFR 1915.172(d), "Portable Air Receivers and Other Unfired Pressure Vessels," as published in the Federal Register, Volume 51, Number 188, September 29, 1986, is incorporated by reference.~~

~~(13) The addition of 29 CFR 1915.1001, "Asbestos", as published in the Federal Register, Volume 59, Number 153, August 10, 1994, is incorporated by reference.~~

~~(14) Amendments to 29 CFR 1915.1027, "Cadmium", as published in the Federal Register, Volume 57, Number 178, September 14, 1992, are incorporated by reference.~~

~~(15) Amendments to 29 CFR 1915.1027, "Cadmium", as published in the Federal Register, Volume 58, Number 77, April 23, 1993, are incorporated by reference.~~

~~(16) Amendments to 29 CFR 1915.1927, "Cadmium", as published in the Federal Register, Volume 59, Number 1, January 3, 1994, are incorporated by reference.~~

~~(17) 29 CFR 1917.1(a)(2)(x), "Marine Terminals," as published in the Federal Register, Volume Number 52, December 31, 1987, is incorporated by reference.~~

~~(18) 29 CFR 1917.1(a)(2)(ix), "Scope and Applicability," as published in the Federal Register, Volume 52, Number 186, September 25, 1987 is incorporated by reference.~~

~~(19) 29 CFR 1917.28, "Hazard Communication," as published in the Federal Register, Volume 52, Number 163, August 24, 1987 is incorporated by reference.~~

~~(20) Revisions to 29 CFR 1917.28, "Hazard Communication", as published in the Federal Register, Volume 59, Number 27, February 9, 1994, are incorporated by reference.~~

~~(21) The addition of 29 CFR 1917.29, "Retention of DOT Markings, Placards, and Labels", as published in the Federal Register, Volume 59, Number 137, July 19, 1994, are incorporated by reference.~~

~~(22) 29 CFR 1917.44(c), "General Rules Applicable to Vehicles," shall be amended as follows: Amendments as published in the Federal Register, Volume 52, Number 186, September 25, 1987 are incorporated by reference.~~

~~(23) 29 CFR 1917.72, "Grain Elevators," (reserved) as published in the Federal Register, Volume Number 52, December 31, 1987, is removed.~~

~~(24) 29 CFR 1918.90, "Hazard Communication," as published in the Federal Register, Volume 52, Number 163, August 24, 1987 is incorporated by reference.~~

~~(25) Revisions to 29 CFR 1918.90, "Hazard Communication", as published in the Federal Register, Volume 59, Number 27, February 9, 1994, are incorporated by reference.~~

~~(26) The addition of 29 CFR 1918.100, "Retention of DOT Markings, Placards, and Labels", as published in the Federal Register, Volume 59, Number 137, July 19, 1994, are incorporated by reference.~~

~~(27) 29 CFR 1919.2(c) "Administration" is changed to read: "Program" means the Kentucky Occupational Safety and Health Program, Frankfort, Kentucky.~~

~~(28) An employer, required under 29 CFR 1915, 1918 or 1919 to report information to the U.S. Department of Labor, or any subsidiary thereof, shall instead report such information to the Kentucky Labor Cabinet, U.S. 127 South, Frankfort, Kentucky 40601.]~~

Section 2. Incorporation by Reference. (1) The following is incorporated by reference:

(a) Chapter 29, Part 1915, Part 1917, Part 1918 and Part 1919 of the Code of Federal Regulations, revised as of July 1, 1994, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration.

(b) The revisions 29 CFR 1915.1200, "Hazard Communication," as published in the Federal Register, Volume 59, Number 245, December 22, 1994, are incorporated by reference.

(c) The revisions 29 CFR 1917.28, "Hazard Communication," as published in the Federal Register, Volume 59, Number 245, December 22, 1994, are incorporated by reference.

(d) The revisions 29 CFR 1918.90, "Hazard Communication," as published in the Federal Register, Volume 59, Number 245, December 22, 1994, are incorporated by reference.

(2) This material may be inspected, copied, or obtained at Kentucky Labor Cabinet, Division of Education and Training, 1047 U.S. 127 South, Frankfort, Kentucky 40601. Office hours are 8 a.m. - 4:30 p.m. (ET), Monday through Friday. [~~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.~~]

BILL RIGGS, Chairman

APPROVED BY AGENCY: November 14, 1995

FILED WITH LRC: November 15, 1995 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on December 28, 1995, at 10 a.m. (ET) at the Kentucky Labor Cabinet, 1047 U.S. 127 South, Bay 3 Conference Room, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by December 23, 1995, 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 canceled. 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: William L. Ralston, Kentucky Labor Cabinet, 1047 U.S. 127 South, Suite 4, Frankfort, Kentucky 40601, (502) 564-2778.

REGULATORY IMPACT ANALYSIS

Agency Contact: Kembra Taylor, W. L. Ralston

(1) Type and number of entities affected: The amendments to this regulation affect all public sector employers having maritime operations and their employees.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographic area in which the administrative regulation will be implemented: There are no costs or savings to those affected by these proposed amendments. The amendments make minor changes and technical corrections to the existing regulations on hazard communication, and reformats the regulation to meet KRS Chapter 13A considerations.

(b) Cost of doing business in the geographic area in which the administrative regulation will be implemented: There will be little effect from these amendments.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation:
2. Second and subsequent years: There are no additional factors

regarding these amendments which will increase or decrease costs. There will be no affect on competition. Reporting and paperwork requirements: These amendments will not entail any reporting or additional paperwork requirements.

(3) Effects on the promulgating administrative body: The promulgating body will not be affected by the adoption of these amendments.

(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 as a result of these proposed changes.

(4) Assessment of anticipated effect on state and local revenues: These amendments will have no anticipated effect on state and local revenues.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: Current state and federal funding.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographic area in which administrative regulation will be implemented: Undetermined; no public comments were received.

(b) Kentucky: Undetermined; no public comments were received.

(7) Assessment of alternative methods; reasons why alternative were rejected: Alternative methods were not considered as these proposed regulations are adopted by reference from federal regulations published in the Federal Register.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographic area in which implemented and on Kentucky: These amendments will enhance worker safety throughout Kentucky.

(b) State whether detrimental effect on environment and public health would result if not implemented:

(c) If detrimental effect would result, explain detrimental effect:

(9) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no conflicting, overlapping, or duplication as a result of adoption of these amendments.

(a) Necessity of proposed regulation if in conflict:

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

(10) Any additional information or comments:

(11) TIERING: Was tiering applied? No. Kentucky's Occupational Safety and Health Program regulations affect all employers with one or more employees. Inspections are conducted at the facilities of those industries or firms that pose higher risks to worker safety and health, those employers from which the KYOSH Program has received worker complaints or referrals, or where a workplace fatality (or accident resulting in the hospitalization of three or more employees) has occurred.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. PL 91-596 (Occupational Safety and Health Act of 1970, Section 18(c)(2)).

2. State compliance standards. These amendments adopt federal regulations.

3. Minimum or uniform standards contained in the federal mandate. The amendments adopt revisions in the hazard communication regulation, as published in the Federal Register, Volume 59, Number 245, December 22, 1994, and reformats the regulation to meet KRS Chapter 13A considerations.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? These proposed amendments on the asbestos and hazard communication regulations are identical to the federal regulations.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. These revisions impose no stricter, additional or different responsibilities than federal 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

2. State whether this administrative regulation will affect the local government or only a part or division of the local government. These amendments affect local government entities that have employees in maritime operations working with hazardous substances.

3. State the aspect or service of local government to which this administrative regulation relates. The proposed regulations affect the safety and health of employees of local government in maritime operations who are exposed to hazardous substances.

4. How does this administrative regulation affect the local government or any service it provides? The purpose of these amendments is to comply with federal regulations relating to occupational safety and health and to revise the numbering of existing regulations to simplify research. There will be no increase or decrease in local government revenues or significant expenditures. These proposed amendments will not affect the number of local government employees.

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

815 KAR 7:100. The Kentucky Building Code.

RELATES TO: KRS Chapter 198B

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

NECESSITY AND FUNCTION: Pursuant to KRS 198B.040(7), the Kentucky Board of Housing, Buildings and Construction promulgated and adopted a uniform state building code establishing standards for construction of buildings in the state and set forth in administrative regulation 815 KAR 7:090, which will be repealed by this administrative regulation. This administrative regulation incorporates by reference the 1994 Kentucky Building Code and sets forth printing errors not previously noted, as well as includes certain recent amendments approved by the board. This amendment is necessary to correct editorial errors and some minor inconsistencies noted since publication of the 1994 edition. Also the Board of Housing approved the adoption of the most recent edition of the National Electrical Code in October, 1995. [~~between provisions and technical clarifications to make the code easier to understand and to clarify the interpretation of remoteness of exits.~~]

Section 1. Adoption of Code. (1) The Kentucky Building Code/1994, Sixth Edition, as adopted by the Kentucky Board of Housing, Buildings and Construction, is hereby incorporated by reference except as amended in Sections 2 through 14 [~~13~~] of this administrative regulation.

(2) The code is published by Building Officials and Code Administrators International, Inc., 4051 W. Flossmoor Road, Country Club Hills, Illinois 60477.

(3) The code is updated by and available from the Kentucky Department of Housing, Buildings and Construction, 1047 U.S. 127

South, Frankfort, Kentucky 40601.

(4) A copy of the code book is available to be inspected at the Department of Housing, Buildings and Construction at the above address Monday through Friday between 8 a.m. to 4:30 p.m.

Section 2. Amendments to Chapter 1 of the 1994 Kentucky Building Code. (1) Section 104.1 shall be amended to read: "104.1 Building code official: Each local government shall employ or otherwise provide for a certified Level I code official, certified electrical inspector and other code enforcement personnel necessary to enforce this code within its jurisdiction. The department shall be responsible for the enforcement of this code as it pertains to the buildings assigned to it by law."

(2) Section 105.1.3 shall be amended to read: "105.1.3 In churches: The local code official shall be responsible for the examination and approval of plans and specifications and the inspections necessary to determine compliance for all church buildings having a capacity of 400 or less persons and all church buildings having 6,000 square feet (558 m^2) or less of total floor area."

(3) Section 105.2.1 shall be amended to read: "105.2.1 Buildings classified as assembly occupancies having a capacity in excess of 100 persons, except church buildings having a capacity of 400 or less persons and church buildings having 6,000 square feet (558 m^2) or less of total floor area."

(4) Section 107.7 shall be amended to read: "107.7 Engineering details: The code official may require adequate details of structural, mechanical and electrical work, including computations, stress diagrams and other essential technical data to be filed, including how the required structural and fire-resistance rating integrity shall be maintained, and where penetrations will be made for electrical, mechanical, plumbing and communication conduits, pipes, and systems. All engineering plans and computations shall bear the signature of the responsible design professional."

(5) Section 108.3 shall be amended to read: "108.3 Previous approvals: This code shall not require changes in the construction documents, construction or designated use group of a building for which a lawful permit has been issued or otherwise lawfully authorized by approved construction documents, if substantial construction on the project has commenced within six (6) months from the date the permit was issued."

Section 3. Amendments to Chapter 3 of the 1994 Kentucky Building Code. (1) Section 310.5 shall be amended by deleting the reference "(see Section 709.0)" from the end of the paragraph.

(2) Amend paragraph number three (3) of Section 307.8 to read as follows: "3. Buildings and structures occupied for the storage of less than 10,000 vehicle tires weighing approximately twenty-five (25) pounds (11 kg) each, if the buildings are equipped throughout with an automatic sprinkler system in accordance with Section 906.2.1."

Section 4. Amendments to Chapter 4 of the 1994 Kentucky Building Code. Section 422.11 shall be amended to read: "422.11 Barrier-free design: All new work shall comply with the applicable provisions of Chapter 11. Exception: Church day care centers."

Section 5. Amendments to Chapter 5 of the 1994 Kentucky Building Code. Delete Section 504.4, Day care centers, in its entirety from the 1994 Kentucky Building Code.

Section 6. Amendment to Chapter 9 of the 1994 Kentucky Building Code. (1) Amend Section 916.1 to read as follows: "916.1 Private hydrants: Fire hydrants installed on private property as part of a private fire protection system shall be located so as to meet the requirements of National Fire Protection Association (NFiPA) Pamphlet #24 listed in Chapter 35, except that hydrants shall be spaced so that the hose line does not exceed 500 feet. Yard hydrant installation shall be coordinated with the local fire code officials who shall not make recommendations which exceed the requirements of National Fire Protection Association (NFiPA) Pamphlet #24. Yard hydrants shall not be installed on a water main less than 6 inches in diameter."

(2) Amend Section 917.10 by deleting "and 72E" from the reference to NFPA pamphlets and leaving the reference to "NFPA 72."

(3) Amend Sections 918.1, 918.4.3 and the Exception under Section 918.8 by deleting the reference to 'NFPA 72E' and replacing it with reference to "NFPA 72."

(4) Amend Section 918.5 to read as follows: "918.5 Sprinklered buildings exception: Buildings equipped throughout with an automatic sprinkler system in accordance with Section 906.2.1 or Section 906.2.2 are not required to be equipped with an automatic fire detection system, but are required to be equipped with a fire protective signaling system that conforms to Section 917.0. This exception does not apply to Use Group I-3 Resident Housing Areas, high-hazard use groups in accordance with Section 417.5.3, to special amusement buildings in accordance with Section 413.0, or to single-station smoke detectors as required in Section 919.3."

(5) [~~(4)~~] Amend Sections 919.1 and 919.6 by deleting the reference to 'NFPA 74' and replacing it with reference to "NFPA 72."

(6) [~~(5)~~] Method 1 in section 923.1 shall be amended to read: "1. Approved central-station system in accordance with NFiPA 72 listed in Chapter 35;."

(7)(a) Amend Section 923.2 to read as follows: "923.2 Fire protective signaling system: All required fire protective signaling systems in the following occupancies shall transmit alarm and trouble signals to an approved central-station system, proprietary system or remote-station system.

1. Day care centers with more than 100 clients.

2. Health care facilities licensed by the Cabinet for Human Resources."

(b) Amend Section 923.2 by deleting the existing exceptions in their entirety.

Section 7. Amendments to Chapter 10 of the 1994 Kentucky Building Code. (1) Amend Section 1005.3 to read as follows: "1005.3 Protruding objects: A minimum headroom of 80 inches (2032 mm) shall be provided for any walking surface, including walks, halls, corridors, aisles and passageways. Structural elements, fixtures or furnishings shall not project from either side more than 4 inches (102 mm) over any walking surface between the heights of 27 (686 mm) and 80 inches (2032 mm) above the walking surface. A free-standing object mounted on a post(s) or pylon(s) shall not overhang that post(s) or pylon(s) more than 12 inches (305 mm) where the lowest point of the leading edge is more than 27 inches (686 mm) and less than 80 inches (2032 mm) above the walking surface. Door closers and stops shall not reduce headroom to less than 78 inches (1981 mm). See Chapter 11 for buildings and facilities required to be accessible to persons with physical disabilities."

(2) Amend Section 1006.4 to read as follows: "1006.4 Remote location: Wherever more than one (1) exit is required from any room, space or floor of a building, such exits shall be placed as remote from each other as practicable, and shall be arranged and constructed to provide direct access in separate directions from any point in the area served so as to minimize the possibility that multiple exits will be blocked by any one (1) fire or other emergency condition."

(3) Amend Section 1006.4.1.1 to read as follows: "1006.4.1.1. Three (3) or more: Where three (3) or more exits or exit access doors are required, at least two (2) exits or exit access doors shall be separated as provided for in Section 1006.4.1. The additional exits shall be arranged a reasonable distance apart so that if one (1) becomes blocked, the others will be available."

(4) Delete the Exception from Section 1006.6 in its entirety because the section it references was previously deleted.

(5) Amend Section 1016.3 to read as follows: "1016.3 Maximum

slope: The maximum slope of means of egress ramps shall be one unit vertical in eight units horizontal (1:8); except ramps required for persons with physical disabilities, see Chapter 11."

(6) Amend Section 1018.5 to read as follows: "1018.5 Adjacent areas: Each revolving door shall have a conforming side-hinged swinging door in the same wall as, and within 10 feet (3048 mm) of, the revolving door. See Chapter 11 for buildings and facilities required to be accessible to persons with physical disabilities. Exception: The adjacent swinging door is not required for street floor elevator lobbies if a stairway, escalator or door from other parts of the building does not discharge through the lobby and the lobby does not have any occupancy other than as a means of travel between the elevators and street."

(7) Section 1022.2.5 shall be amended to read: "1022.2.5 Handrail grip size: All stairway handrails shall have a circular cross section with an outside diameter of at least one and one-quarter (1 1/14) inches (32 mm) and not greater than two (2) inches (51 mm). (See Exception 2 for accessible handrails). Exceptions:

1. Any other shape with a perimeter dimension of at least four (4) inches (100 mm), but not greater than six and one-quarter (6 1/4) inches (158 mm) with the largest cross-sectional dimension not exceeding two and one-quarter (2 1/4) inches (57 mm).

2. New handrails in facilities required to be accessible shall comply with Figure 39 of ADAAG."

Section 8. Amendments to Chapter 11 of the 1994 Kentucky Building Code. (1) Amend Section 1101.3 by deleting the word "shall" and replacing it with the word "may".

(2) Exception #3 under Section 1103.1 shall be amended to read: "3. Church buildings, single family dwellings and apartment complexes consisting of less than twenty-five (25) units."

(3) Exception #2 under Section 1104.2 shall be amended to read: "2. The exceptions listed in Section 4.1.3(5) of ADAAG."

(4) Section 1105.2 shall be amended to read: "1105.2 Multiple-family dwellings: Assigned parking spaces shall be provided in accordance with Section 13.3.2(4)(a) of ADAAG for apartments occupied by a resident with a disability."

(5) Section 1107.4.3 shall be amended to read: "1107.4.3 Minimum requirements for multiple-family dwellings: A required accessible dwelling unit shall be on an accessible route and shall have accessible elements and spaces complying with Sections 13.3.2 and 13.4 of ADAAG."

(6) Section 1107.4.5.1 shall be amended to read: "1107.4.5.1 Minimum number: When dwelling units are altered in an existing facility, one (1) in twenty-five (25), but not less than one (1), of the dwelling units altered shall comply with the requirements of Section 13.3 and 13.4 of ADAAG for each alteration until the number of accessible dwelling units in each facility equals the number of required to be accessible by Section 1107.4.2."

(7) Section 1109.2 shall be amended to read: "1109.2 Signs: Signs which designate permanent rooms and spaces shall comply with Sections 4.30.1; 4.30.4; 4.30.5 and 4.30.6 of ADAAG. Required accessible elements shall be identified by the International Symbol of Accessibility at the following locations:

1. Accessible parking spaces required by Section 1105.1.
2. Accessible passenger loading zones.
3. Accessible areas of refuge required by Section 1111.2.
4. Accessible toilet and bathing units.
5. Accessible entrances."

(8) Section 1109.2.1 shall be amended to read: "1109.2.1 Directional signage: Directional signage indicating the route to the nearest like accessible element shall be provided at the following locations: (See ADAAG Sections 4.30.1; 4.30.2; 4.30.3 and 4.30.5)."

(9) Section 1109.3 shall be amended to read: "1109.3 Visible alarms: Visible alarm-indicating appliances shall be provided in public and common areas of all buildings and areas of buildings housing the hearing impaired in accordance with Section 917.0 of this code and Section 4.28.3 of ADAAG."

(10) Section 1111.2 shall be amended to read: "1111.2 Area of rescue assistance: Areas of rescue assistance shall be provided as required by Section 4.1.3(9) of ADAAG."

Section 9. Amendments to Chapter 16 of the 1994 Kentucky Building Code. (1) Amend Section 1612.1.8 to read as follows: "1612.1.8 Site limitation for Seismic Performance Category E: A building assigned to Category E shall not be sited over a known fault that has previously caused a rupture of the ground surface immediately under the proposed building."

(2) Amend Exception #5 of Section 1612.6 to read as follows: "5. Architectural, mechanical and electrical components and systems in buildings located in Risk Zone 1 as shown in Table 1612.1.3."

Section 10. Amendments to Chapter 18 of the 1994 Kentucky Building Code. Amend Section 1806.1 by deleting the word "below" from the fifth line of this section and replacing it with the word "to."

Section 11. Amendments to Chapter 28 of the 1994 Kentucky Building Code. (1) Section 2801.2 shall be amended to read: "2801.2 Mechanical code: All mechanical equipment and systems shall be constructed, installed and maintained in accordance with the mechanical code listed in Chapter 35."

(2) Section 2801.4 shall be amended to read: "2801.4 Unfired pressure vessels: All unfired pressure vessels shall meet the standards set forth in Section VIII of the 1989 edition of the ASME Boiler and Pressure Vessel Code, American National Standards Institute, Inc./American Society of Mechanical Engineers (ASNI/ASME) BPV-VIII-1, as required by Kentucky boiler administrative regulations set forth in Title 815, Chapter 15, Kentucky Administrative Regulations."

(3) Delete Section 2813.0, Superseding provisions for mechanical ventilation, from the 1994 Kentucky Building Code in its entirety.

Section 12. Amendments to Chapter 30 of the 1994 Kentucky Building Code. Amend Section 3014.1 to read as follows: "3014.1 General: Inclined stairway chairlifts and inclined and vertical wheelchair lifts shall conform to the requirements of ASME A17.1 listed in Chapter 35."

Section 13. Amendments to Chapter 35 of the 1994 Kentucky Building Code. (1) Amend Chapter 35 by inserting an additional reference to "Addendum 62A-1990" under "ASHRAE."

(2) Amend Chapter 35 under "ASME" by updating the edition of A17.1 to "1993" and deleting the language "with the exception to Rule 102.2(c)(4)."

(3) Amend Chapter 35 under "NFiPA" by updating the editions of sprinkler standards (13, 13R and 13D) to "1994".

(4) Amend Chapter 35 under "NFiPA" by updating the edition of the National Electrical Code to "1996".

Section 14. Amendments to "Appendix A" of the 1994 Kentucky Building Code. Amend the "Design Professional Requirements" chart in Appendix A under "Calculated occupant load" "church buildings" by deleting the reference to "(sanctuary area)".

CHARLES A. COTTON, Commissioner
EDWARD J. HOLMES, Secretary

APPROVED BY AGENCY: October 19, 1995

FILED WITH LRC: November 13, 1995 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on December 21, 1995 at 10 a.m., local time, in the office of the Department of Housing, Buildings and Construction, 1047 U.S. 127 South, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by December 16, 1995 , (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 canceled. This hearing is open to the public. Any person who wishes to be heard 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 in which case the person requesting the transcript shall have the responsibility of paying for same. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation by the above date to: Judith G. Walden, Office of General Counsel, Department of Housing, Buildings and Construction, The 127 Building, 1047 U.S. 127 South, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Contact person: Judith G. Walden, General Counsel

(1) Type and number of entities affected: Contractors, architects, engineers, design professionals.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented: No costs or savings involved because administrative regulation only establishes acceptability and sets standards.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented: No costs or savings involved as stated above.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: None to users of KBC.

2. Second and subsequent years: None

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Cost of printing KBC but this is recouped by the sale of the Code books.

2. Continuing costs or savings: Cost of printing revised or updated pages.

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Paperwork requirements to agency involve updating code by reprinting and distributing to purchasers.

(4) Assessment of anticipated effect on state and local revenues: No anticipated effect on state or local revenues.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: Plan review fees, pursuant to 815 KAR 7:013.

(6) Economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: Kentucky Building Code is used and enforced statewide, however, there is no known economic impact on these particular code changes.

(b) Kentucky: Statewide

(7) Assessment of alternative methods; reasons why alternatives were rejected: No alternative option available; Board of Housing adopts or amends material within limits defined.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: Public safety concerns.

(b) State whether a detrimental effect on environment and public health would result if not implemented: Yes

(c) If detrimental effect would result, explain detrimental effect: Without amendments, the Code would not conform to the latest safety standards listed and confusion over some provisions make design more difficult.

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

(a) Necessity of proposed regulation if in conflict: No known conflict of statute or policy.

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

(10) Any additional information or comments:

(11) TIERING: Is tiering applied? Yes. Tiering was applied in that the mandatory requirements for buildings are different depending upon the occupancy type and number of persons occupying a building; building size and construction type.

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? If yes, complete questions 2-4. Yes

2. State what unit, part or division of local government this administrative regulation will affect. This administrative regulation will affect a part of local government.

3. State the aspect or service of local government to which this administrative regulation relates. This administrative regulation will affect local government where there is a local building inspection program. KRS 198B.060 requires local government to provide for building officials to enforce the Kentucky Building Code.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a local government for the first full year the regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: There is no increased fiscal impact created by this regulation, nor does it increase the number of persons needed by local government. State revenues are neither increased not decreased by this administrative regulation.

CABINET FOR HUMAN RESOURCES
Department for Health Services
Division of State and Local Health Administration
(Amendment)

902 KAR 8:060. Classification and compensation plans for local health departments of Kentucky.

RELATES TO: KRS 211.170(1),(2), 212.170[~~(4)~~], 212.870

STATUTORY AUTHORITY: KRS 194.050, 211.1751, [~~211.090,~~] 211.1755[~~, 212.170~~]

NECESSITY AND FUNCTION: KRS [~~211.090,~~] 212.170 and 212.870 requires the cabinet to supervise the personnel functions of local health departments. KRS 211.1755 provides that the cabinet shall administer a personnel program [~~establish policies and procedures~~] for the local health departments [~~personnel program~~]. This administrative regulation provides for the classification and compensation plans for local health departments. The classification plan [~~provides position classification descriptions which~~] describes the duties and responsibilities, and the minimum requirements of training, experience, and other qualifications that are necessary [~~or desirable~~] for the satisfactory performance of the duties of the various jobs performed by local health department employees [~~classes~~]. The compensation plan provides salary schedules for the various classes with the salary of each class consistent with the functions outlined in the classification [~~job~~] specifications and provides requirements which must be met for salary adjustments for employees.

Section 1. Classification Plan. (1) A comprehensive position classification plan shall be established by the department with the advice of the Local Health Department Employment Personnel Council and the local health departments.

(2) The classification plan shall set forth for each class of positions:

(a) A title;

(b) A description of the duties and responsibilities;

(c) The minimum requirements of training and experience; and

(d) Other qualifications that are necessary or desirable for the satisfactory performance of the duties of the class.

(3) The class specifications shall be descriptive and explanatory and used to allocate positions to classes as determined by their duties or responsibilities. The language of class specifications shall not be construed as limiting or modifying the authority which an appointing authority has to change the duties and responsibilities or assign duties to employees which are of similar kind or quality.

(4) Each position in an agency shall be allocated to one (1) of the classes established by the classification plan.

(5) A reallocation or allocation shall be made to new or existing classes as additional classes are established, abolished, or changed.

(6) The department shall allocate newly established positions to classes upon receipt of a statement of duties, responsibilities, and requirements of the positions from the appointing authority.

(7) The department shall:

(a) Maintain the [~~position~~] classification plan by reviewing job descriptions prepared by the appointing authority for appropriate allocation of positions to approved classes; and

(b) Conduct a general review of the classification plan at least annually based on the review of job descriptions and other information.

(8) An agency [~~The department~~] shall change the classification of an existing position[~~s~~] through a reclassification if a material and permanent change in the duties and [~~or~~] responsibilities of a position occurs.

(a) The employee within a position at the time it is reclassified shall serve with the same status obtained before the position was reclassified.

(b) A reclassification shall not be permitted during the initial employment probationary period.

(9) [~~An employee who is advanced to a higher pay grade through a reclassification of his position shall have his salary increased to the higher of:~~

~~(a) Five (5) percent; or~~

~~(b) The minimum salary assigned to the reclassified position if the employee's salary is below the minimum of the new grade.~~

~~(10)~~] The department shall change the allocation of existing positions if it is determined that the position is incorrectly allocated and there has been no substantial change in duties from those in effect when the position was originally classified. If a position is reallocated, the employee within the class of position shall be entitled to serve with the same status obtained before the position was reallocated.

(10) [~~(11)~~] The department shall maintain a master set of all approved class specifications. The department shall provide each appointing authority with a set of the class specifications.

Section 2. Compensation Plan. (1) The department shall establish a compensation plan with the advice of the Local Health Department Employment Personnel Council and the local health departments. The plan shall take into consideration the following:

(a) Evaluation of the complexity of the duties and responsibilities of the various classes as described by the classification plan provided for in Section 1 of this administrative regulation;

(b) Financial conditions of the agencies;

(c) [~~(b)~~] Experience in recruiting for positions;

(d) [~~(c)~~] Prevailing rates of pay for services of similar kind and quality;

(e) [~~(d)~~] Benefits received by employees; and

(f) [~~(e)~~] Consistency in application among local health departments.

(2) The compensation plan shall include minimum, intermediate, and maximum rates of pay for the various classes within the classification plan. The compensation plan shall also be used to determine salary adjustments provided for under this administrative regulation and under what circumstances salary adjustments may exceed the maximum.

(3) The department shall annually review and amend as necessary the compensation plan with the advice of the Local Health Department Employment Personnel Council and local health departments. Amendments shall include changes in minimum, midpoint, and maximum salary levels for respective classifications of the classification plan.

(4) The entrance salary of any employee entering employment shall be at the minimum of the range established for the class to which the employee is appointed unless otherwise approved by the department.

(5) A new minimum entrance salary may be established by an agency with the approval of the department if it is determined that it is not possible to recruit qualified employees for a class of positions at the established entrance salary. Appointments to the position may be made within the new salary range applicable to the class. If appointments are made at the new established minimum entrance salary, employees of the agency in the same class paid at a lower salary shall have their salaries adjusted to the newly established minimum entrance salary.

(6) The department may approve a higher entrance salary for new employees entering professional, technical, or clerical positions if the individual possesses qualifications in training and experience above the minimum required for the class as follows:

(a) Two (2) percent salary adjustment, not to exceed the midpoint, for each year of experience and appropriate education or training in excess of the minimum requirements for the respective classification; or

(b) Other qualifications established by the department with the advice of the council and local health departments.

(7) [~~(a)~~] Employees possessing the same qualifications in the same class of positions, in the same agency, and who are paid below the salary level as adjusted, of the newly appointed employee, shall have their salary adjusted to the approved entrance salary level.

[~~(b) The salary of an individual meeting these requirements shall not exceed the midpoint salary established for the classification.~~]

(8) [~~(7)~~] If a former employee is reinstated or reemployed in a class for which he was previously employed, the appointing authority may make an appointment at the same pay rate the employee had been paid at the termination of service. An appointing authority may reemploy a former employee at a higher salary rate than previously if justified on the basis of:

(a) Additional qualifications acquired by the employee;

(b) Established minimum entrance salary above the former salary; or

(c) Compensation plan changes.

Section 3. Salary Adjustments. (1) The appointing authority shall grant an employee a five (5) percent increase in salary upon successful completion of the required initial employment probationary period. The salary adjustment shall take effect the first pay period following completion of the probationary period. An employee shall not be given an original probationary increment more than once for successful completion of the probationary period in the same classification.

(2) The agency may, at the beginning of each fiscal year, [~~with the approval of the department,~~] annually establish a standard salary adjustment rate, not to exceed five (5) percent, for which all employ-

ees shall be eligible and given consideration based on documented satisfactory job performance.

(a) The salary adjustment shall be given to each employee at the beginning of the first full pay period following twenty-six (26) full pay periods of continuous service since the established anniversary date.

(b) If an agency does not grant an annual increment no outstanding meritorious lump sum payment shall be approved. (3) A n appointing authority may deny an annual increment to an employee for the following reasons;

(a) Documented unsatisfactory work performance;

(b) Excessive absenteeism;

(c) Excessive tardiness;

(d) Record of disciplinary action; or

(e) Failure to cooperate.

(4) An employee whose annual increment is denied shall be notified by the appointing authority at least two (2) weeks prior to the anniversary date. The employee action for which the annual increment was denied may lead to disciplinary action if not corrected.

(5) An employee's established anniversary date shall be the first day of the first full pay period upon completion of twenty-six (26) pay periods of continuous service after initial employment.

(6) An employee who is advanced to a higher pay grade through a reclassification of his position shall have his salary increased to the higher of:

(a) Five (5) percent; or

(b) The minimum salary assigned to the reclassified position if the employee's salary is below the minimum of the new grade. [~~If an employee receives an increase in salary due to a promotion, the anniversary date shall be changed to be effective the first day of the first full pay period following twenty-six (26) pay periods after the effective date of the promotion.~~]

(7) An employee returning to duty from leave without pay shall receive an annual increment when the employee has completed twenty-six (26) pay periods of service since the date the employee last received an annual increment.

(8) Annual increment dates will not change when an employee:

(a) Is in a position which is assigned a new or different salary grade;

(b) Receives a salary adjustment as a result of his position being reallocated;

(c) Is transferred;

(d) Receives a demotion;

(e) Is approved for detail to special duty;

(f) Returns from military leave; or

(g) Is reclassified; or

(h) Is promoted.

(9) The appointing authority, with the approval of the department may award any permanent, full-time or part-time employee an outstanding meritorious lump sum payment if:

(a) The employee's acts or ideas resulted in significant financial savings to the local health department, or a significant improvement in service to the citizens; or

(b) The employee's job performance is outstanding.

(10) A lump sum payment shall not exceed eight (8) percent of the employee's current annual salary within a one (1) year consisting of twenty-six (26) full pay periods based on the annual increment date.

(a) The appointing authority may grant two (2) four (4) percent lump sum payments within the same time period but there shall be at least a thirteen (13) pay period interval between requests.

(b) The appointing authority shall submit written justification to the department for the outstanding merit payment to be effective.

(11) If a new or different salary range is made applicable to a class of position, persons employed in positions of that class at the effective date of the adjustment shall have their salary placed at least at the minimum salary of the new range.

(a) An adjustment may be made to an employee's salary level within the new range not to exceed the rate of increase provided in the established new salary range.

(b) An appointing authority shall afford equitable treatment to all employees affected by the adjustment.

(12) An employee may be detailed to special duty on a temporary basis, not to exceed twenty-six (26) pay periods, to occupy a position and assume the job duties of an employee on an approved leave of absence or assume additional job duties for a temporary time period.

(a) An employee who is approved for detail to special duty shall receive a salary increase of five (5) percent over the salary received prior to detail to special duty.

(b) After completion of the special assignment, the employee shall be transferred back to the former classification with the employee's salary reduced to the salary rate received prior to the detail assignment following completion of the special assignment. An employee shall be entitled to all salary increases he would have received had he not been on special assignment.

(13) If an above minimum entrance rate is established by an agency for a specified class based on documented recruitment needs, the department may approve a salary adjustment for employees in the same class. The adjustment shall not exceed the rate of increase to the newly established minimum. In fixing salaries on an adjustment, an appointing authority shall afford equitable treatment to all employees affected by the adjustment.

(14) The department may approve other salary adjustments with the advice of the Local Health Department Employment Personnel Council and local health departments. Salary adjustments may address special working conditions, after hours adjustment where working hours cannot be adjusted or other specific circumstances.

(15) An appointing authority may request a salary adjustment not to exceed five (5) [~~four (4)~~] percent [~~in-range salary adjustment~~] if an employee is assigned permanent job duties and responsibilities which are more complex and difficult than current job duties, but are less than those indicated through a reclassification.

(16) An agency may grant a one (1) time salary adjustment for each employee during the fiscal year. The salary adjustment shall not exceed five (5) percent. [~~An in-range adjustment shall be calculated by multiplying the percentage amount of the in-range adjustment times the difference between the minimum and maximum of the respective grade of the employee's classification and adding to the employee's salary.~~]

RICE C. LEACH, M.D., Commissioner
MASTEN CHILDERS II, Secretary

APPROVED BY AGENCY: October 12, 1995

FILED WITH LRC: October 31, 1995 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation has been scheduled for December 21, 1995 at 9 a.m. in the Vital Statistics Conference Room located on the first floor of the Cabinet for Human Resources Building, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be canceled unless interested persons notify the following office in writing by December 16, 1995 of their desire to appear and testify at the hearing: William K. Moore, Deputy Counsel for Administrative Law, Department of Law, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Contact person: Robert Nelson

(1) Type and number of entities affected: Forty-nine (49) local health departments established under KRS Chapter 212 excluding the Louisville-Jefferson County, Lexington-Fayette County and the Northern Kentucky District health department.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented to the extent

available from the public comments received. No public hearing was requested.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received. No public hearing requested.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: Local health departments currently use the automated personnel system to initiate personnel actions supplemented by position descriptions, approval letters, and other appropriate correspondence, etc. This administrative regulation would not require any additional paperwork or reporting.

2. Second and subsequent years: Local health departments would continue to use the automated personnel system to initiate personnel actions supplemented by position descriptions, approval letters, etc. This administrative regulation would not require any additional paperwork or reporting.

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: The costs are already incurred by the promulgating agency and are related to the costs to maintain the automated personnel system, staff time to review and approve actions and filing a hard copy of the personnel action in the employee file.

2. Continuing costs or savings: Same as (3)(a)1.

3. Additional factors increasing or decreasing costs: Factors that would influence are primarily related to the volume of personnel actions (salary adjustments) requested by local health departments.

(b) Reporting and paperwork requirements: No change would occur in paperwork.

(4) Assessment of anticipated effect on state and local revenues: No effect on state and local revenues.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: General funds approved in budget.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation on:

(a) Geographical area in which administrative regulation will be implemented: No public hearing requested.

(b) Kentucky: No public hearing requested.

(7) Assessment of alternative methods; reasons why alternatives were rejected: No alternative were considered as this regulation continues an existing administrative activity.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: This administrative regulation would not have an effect on public health and environmental welfare.

(b) State whether a detrimental effect on environmental and public health would result if not implemented: This administrative regulation would not have an effect on public health and environmental welfare.

(c) If detrimental result would result, explain detrimental effect:

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

(a) Necessity or proposed regulation if in conflict:

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

(10) Any additional information or comments:

(11) TIERING: Is tiering applied? Tiering is not applied as this administrative regulation would apply to all local health departments and are applied uniformly.

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? No. This regulation relates to local health departments established under the provisions of KRS Chapter 212. Each health department is governed by a board of health appointed by the Secretary of the Cabinet of Human resources. A health department would not be considered a part of local government. Funding of the public health services and programs is derived from state, federal and local public health tax and other local sources. The classification plan describes the duties and responsibilities, and the minimum requirements of training, experience, and other qualifications that are necessary for the satisfactory performance of the duties of the various jobs performed by local health department employees. The compensation plan provides salary schedules for the various classes with the salary of each class consistent with the functions outlined in the classification specifications and provides requirements which must be met for salary adjustments for employees.

(2) State whether this administrative regulation will affect the local government or only a part or division of the local government. The affect of this administrative regulation on a health department would depend on whether a health department would request an optional salary adjustment, such as an across the board increase for each employee. The revenues to support such an increase would come from the resources of the health department. Other salary adjustments are budgeted.

(3) State the aspect or service of local government to which this administrative regulation relates. See (1) above.

(4) How does this administrative regulation affect the local government or any service it provides? The salary adjustments provided by this administrative regulation are normally a part of the annual budget submitted and approved by the Department for Health Services. If a health department requests a salary adjustment during the fiscal year that is not a part of the budget funding for the adjustment must come from local reserves.

CABINET FOR HUMAN RESOURCES
Department for Health Services
Division of State and Local Health Administration
(Amendment)

902 KAR 8:070. Recruitment, examination, and certification of eligibles for local health departments of Kentucky.

RELATES TO: KRS 211.170(1),(2), 212.170[~~(4)~~], 212.870

STATUTORY AUTHORITY: KRS 194.050, 211.1751, 211.1755 [~~211.090, 212.170, 1994 Ky. Acts ch. 336~~]

NECESSITY AND FUNCTION: KRS [~~211.090,~~] 212.170 and 212.870 requires the cabinet to supervise the personnel functions of local health departments. KRS 211.1755 [~~House Bill 631~~] provides that the cabinet shall administer a personnel program [~~establish policies and procedures~~] for [~~the~~] local health departments [~~personnel program~~]. This administrative regulation establishes procedures and standards for the recruitment, examination, and certification of individuals for potential employment by local health departments.

Section 1. Recruitment of Eligible Individuals. (1) For those job classifications in which there is expected to be a considerable and recurring need of eligibles, the department, with the advice of the council and the local health departments, shall establish a recruitment program which shall be both positive and continuous. Under the recruitment plan, applications may be accepted at any time and examinations held whenever and wherever the department deems necessary. [~~An agency that desires to fill a position, shall announce the position as provided by the provisions of this section, and may announce the position as specified in subsection (2) of this section.~~]

(2) For those job classifications for which continuous recruitment is not needed, special announcements shall be used.

(3) Notice of examinations shall be announced publicly and may be distributed to public officials, employment service offices, newspapers, educational institutions, professional and vocational societies, other media and other individuals and organizations as necessary. [An announcement shall be placed in the local newspaper of general circulation. Additional announcements may be posted in important centers throughout the local area and copies sent to newspapers of local, regional or statewide circulation, radio stations, educational institutions, professional and vocational societies, public officials, and other organizations and individuals as deemed necessary.]

(4) [(3)] A public announcement of an examination [position] shall specify:

(a) The title and minimum salary [range] of the class of position;

(b) Information as to the rates of pay at which appointments are expected to be made;

(c) The types of duties to be performed;

(d) The minimum qualifications required;

(e) The [final] date, if required, on which applications are to be received in the department;

(f) Veteran's preference;

(g) The date, time and place of an examination for the position if required;

(h) All other conditions of competition, including the fact that failure in one (1) part of the examination shall disqualify an applicant; and

(i) Other special requirements of federal and state legislation such as the American with Disabilities Act 42 USC 12101 et seq. or Civil Rights Act 42 USC 2000(d).

(5) [(4)] An application for employment, form CH-36, "Application for Employment", [revised April 1, 1993,] shall be required of each individual seeking potential employment with an agency. Form CH-36, "Application for Employment", is incorporated by reference and may be obtained, reviewed, and copied at the Department for Health Services, Division of State and Local Health Administration, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday during the office hours of 8 a.m. and 4:30 p.m.

(6) [(5)] Except in continuous recruitment programs, an application for employment shall be mailed to the department on or before the closing date specified in the announcement as published by the agency or postmarked before midnight on that date.

(7) [(6)] The department shall be the custodian of all applications.

(8) [(7)] The department shall refuse to examine an applicant, not qualify [disqualify] an applicant, remove the applicant's name from a register, refuse to certify any eligible on a register, or may consult with the appointing authority in taking steps to remove such person already appointed, if:

(a) The applicant is found to lack specific requirements established for the examination for the class or position;

(b) The applicant is unable to perform duties of the class;

(c) The applicant has been convicted of a felony, a job related misdemeanor, or a misdemeanor for which a jail sentence may be imposed;

(d) The applicant has previously been dismissed from any public service for delinquency, misconduct, or other similar cause;

(e) The applicant made a false statement of material fact in the application;

(f) The applicant has used or attempted to use political pressure or bribery to secure an advantage in the examination or appointment;

(g) The applicant has directly or indirectly obtained information regarding examinations to which [that] the applicant was not entitled;

(h) The applicant has failed to submit a complete application;

(i) An applicant has failed to submit the application within the prescribed time limits as prescribed by the agency in the published announcement;

(j) The applicant has taken part in the compilation, administration, or correction of the examination; or

(k) The applicant has otherwise failed to meet the provisions of this administrative regulation.

(9) [(8)] A disqualified applicant shall be promptly notified of the action by letter to the applicant's last known address.

Section 2. Examinations. (1) Examinations shall be practical in nature, constructed to reveal the capability of the applicant for the particular position as well as general background and related knowledge. The various parts of the examination may be written, oral, personal interview, physical, or an evaluation of experience and training, a demonstration of skill, or any combination of types so long as applicants for a position are given the same examination.

(2) [Examinations shall be conducted on an open competitive basis and scheduled simultaneously in as many places as are necessary for the convenience of the applicants and as are practicable for proper administration.

(3)] The department, in conjunction with an agency, may designate monitors as necessary to conduct examinations, and may arrange for the use of public buildings in which to conduct the examinations. The department shall provide for the compensation of monitors.

(3) [(4)] If an oral examination is a part of a total examination for a position, the department may appoint one (1) or more impartial oral examination boards as needed.

(4) [(5)] The department shall notify each applicant by mail of the final rating as soon as the rating of the examination has been completed and the register established. An eligible, upon written request and presentation of proper identification, shall be entitled to information concerning his relative position on a register.

[(6) The selection method for the following classes is 100 percent qualifying. If the applicant meets the minimum requirements, his name shall be placed on the appropriate register.

1001 Public Health Director III
1002 Public Health Director II
1003 Public Health Director I
1103 Director of Administrative Services
1106 Personnel Specialist
1110 Senior Administrative Assistant
1301 Finance Administrator
1305 Purchasing Specialist
1405 Telephone Operator/Receptionist
1410 Data System Coordinator
1411 Data Operator
1501 Program Director
1502 Program Coordinator
1430 Cooperative Vocational Education Student
2001 Director of Community Health Nursing
2002 Community Health Nursing Supervisor
2010 Community Health Nursing Administrator
2101 Community Health Nurse
2103 Senior Community Health Nurse
2104 Nurse Specialist
2111 Advanced Registered Nurse Practitioner
2110 Registered Nurse Applicant
2120 Community Health Nurse Intern
2151 Licensed Practical Nurse Applicant
2152 Licensed Practical Nurse
2153 Senior Licensed Practical Nurse
2201 Aging Services Coordinator
2301 Home Health Aide Trainee
2302 Home Health Aide
2303 Senior Home Health Aide
2401 Social Work Coordinator
2403 Senior Social Worker
2404 Director of Social Services
2501 Director of Nutrition Services
2502 Nutrition Coordinator

~~2504 Clinical Nutritionist~~
~~2602 Speech and Hearing Pathologist~~
~~2606 Audiologist~~
~~2608 X-ray Technician~~
~~2610 Occupational Therapist~~
~~2612 Physical Therapist~~
~~2701 Laboratory Supervisor~~
~~2702 Medical Technologist~~
~~2703 Laboratory Technician~~
~~2705 Laboratory Assistant~~
~~2801 Health Education Coordinator~~
~~2803 Senior Health Educator~~
~~2806 Director of Health Education~~
~~2901 Support Services Coordinator~~
~~3001 Director of Environmental Health~~
~~3003 Environmental Health Supervisor~~
~~3005 Senior Health Environmentalist~~
~~4001 Public Health Clinician~~
~~4002 Health Officer~~
~~4003 Medical Director~~
~~4004 Physician VI~~
~~4005 Physician V~~
~~5001 Maintenance Supervisor~~
~~5002 Maintenance Technician~~
~~5004 Maintenance Person~~
~~5003 Janitor~~
~~6001 Food Service Supervisor~~
~~6002 Cook~~
~~6003 Driver~~
~~6004 Meal Deliverer~~]

(5) [~~(7)~~] A vacancy in an agency may be filled by promotion of a qualified permanent employee.

(6) [~~(8)~~] Promotions shall be based upon individual performance, with due consideration for length of service and capability of the individual to perform the duties and responsibilities of the new position. A candidate for promotion shall be certified by the department as meeting the qualifications for the position.

[~~(9) A promotional competitive examination shall be given under the direction of the department if an agency determines to fill a vacancy by promotional competitive examination. An employee shall meet the minimum qualifications of the position to be eligible to compete for promotion. A promotional competitive examination shall consist of any combination of the following: written tests, rating of training and experience, evaluation of recorded service ratings and seniority, performance tests, and oral examinations. The same examination shall be administered to all candidates for promotion.~~]

Section 3. Establishment of Registers and Certification of Eligibles. (1) For continuous recruitment positions that require an examination the department shall maintain [~~prepare~~] a register of eligible persons who made a passing score of seventy (70). The register shall remain active unless a new examination is administered or the department determines that the register is exhausted. An individual shall remain on the register for a period of one (1) year from the date on which a passing score of seventy (70) or above is achieved. [~~The names of eligible persons shall be placed on the register in order of their final ratings. If two (2) or more eligibles have final ratings which are identical, their names shall be arranged in the order of their ratings on the written part of the examination, if any or in order of the date of receipt of application. If applications of eligibles have ratings which are identical are received on the same day, the names shall be placed on the certification in alphabetical order.~~]

(2) The names of eligible persons shall be placed on the register in order of their final ratings. If two (2) or more eligibles have final ratings which are identical, their names shall be arranged in the order of their ratings on the written part of the examination, if any, or in order of the date of receipt of application. If applications of eligibles have ratings which are identical are received on the same day, the names shall be placed on the certification in alphabetical order.

(3) If a vacancy exists in a class of positions for which there is no appropriate register, the department may prepare an appropriate register for the class from one (1) or more existing related registers.

(4) [~~(3)~~] The life of each register established as a result of a special announcement shall be one (1) year from the date of examination, if required, or the date upon which the department has completed the evaluation of applicants. [~~its establishment. A register may be deemed to be exhausted by the department if fewer than three (3) eligibles remain on the register. If a register is exhausted, each eligible on the register shall be notified by mail at his last known address.~~]

(5) A register may be deemed to be exhausted by the department if fewer than three (3) eligibles remain on the register. If a register is exhausted, each eligible on the register shall be notified by mail at his last known address.

(6) [~~(4)~~] The department may remove the name of an eligible from a register:

(a) For any of the causes stipulated for disqualifying an applicant provided for under Section 1 [~~3~~] of this administrative regulation;

(b) If the eligible cannot be located by the postal authorities as evidenced by the return of one (1) notice or a returned notice marked no forwarding address;

(c) On receipt of a statement from the eligible stating that he no longer desires consideration for a position;

(d) If an offer of a probationary appointment to the class for which the register was established has been declined by the eligible;

(e) An eligible receives a probationary appointment;

(f) Declines an offer of appointment for which the eligible previously indicated acceptance;

(g) The eligible fails to report for a scheduled interview without valid reason;

(h) An eligible fails to maintain a current address as evidenced by the return from postal authorities of unclaimed but properly addressed letters; or

(i) An eligible has been certified three (3) times to an appointing authority and has not been offered employment.

(7) [~~(5)~~] An eligible who is appointed on a probationary basis may request in writing to the department to have his name reinstated to any register at any time before its expiration.

(8) [~~(6)~~] The department shall notify the eligible by mail to his last known address of this action and the reasons therefore.

(9) [~~(7)~~] For positions requiring an examination and upon receipt of a request, the department shall certify and submit in writing to the appointing authority the names of available persons.

(a) If one (1) position is involved, the names of the persons whose scores fall within the highest ten (10) scores earned on the examination for that class of position shall be certified.

(b) If there are fewer than the above specified number of eligibles, the available number shall be certified and appointment will be made if there are as many as three (3) available eligibles for each vacancy.

(c) If more than one (1) position is involved, the department shall certify an additional eligible for each position in excess of one (1).

(d) The department shall certify and submit the five (5) highest available scores on the appropriate promotional register, if one exists.

(10) [~~(8)~~] For positions which do not require an examination the department shall certify all names of eligibles to the appointing authority.

(11) [~~(9)~~] The appointing authority may request, in writing to the department, special experience, education, or skills different from the minimum requirements of the class. If, after investigation of the duties and responsibilities of the position, the department approves the request, a certification may be issued to the agency containing the names of those individuals who possess the qualifications specified.

(12) The life of a certification of eligibles during which action may

be taken shall be sixty (60) days from the date of issue unless specified on the certification of eligibles.

(13) [~~(10)~~] An employee with status, placed in a layoff category, shall have first priority for consideration in filling a vacancy in a classified position for which the employee is qualified in the agency from which laid off.

(a) A status employee in the layoff category shall indicate in writing to the department that he desires reemployment.

(b) No examination shall be required for reemployment in the same job classification from which the employee was laid off.

(c) If a laid-off employee with status desires reemployment in a different job classification, the employee shall meet the requirements and pass the required examinations for the job classifications in which he seeks reemployment.

(d) The life of the reemployment register is one (1) year or until the employee is reemployed.

RICE C. LEACH, M.D., Commissioner
MASTEN CHILDERS II, Secretary

APPROVED BY AGENCY: November 14, 1995

FILED WITH LRC: November 15, 1995 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation has been scheduled for December 21, 1995 at 9 a.m. in the Vital Statistics Conference Room located on the first floor of the Cabinet for Human Resources Building, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be canceled unless interested persons notify the following office in writing by December 16, 1995 of their desire to appear and testify at the hearing: William K. Moore, Deputy Counsel for Administrative Law, Department of Law, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Contact person: Robert Nelson

(1) Type and number of entities affected: Forty-nine (49) local health departments established under KRS 212 excluding the Louisville-Jefferson County, Lexington-Fayette County and the Northern Kentucky District health department.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented to the extent available from the public comments received. No public hearing was requested.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received. No public hearing requested.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: This administrative regulation would not require any additional paperwork or reporting. The administrative regulation primarily governs the recruitment process, preemployment testing methods and the process of establishing a register of qualified applicants.

2. Second and subsequent years: This administrative regulation would not require any additional paperwork or reporting.

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: The costs are already incurred by the promulgating agency and are related to the costs to maintain the automated personnel system, staff time to review and approve applicants for employment and filing a hard copy of the application, correspondence, and telephone conversation with individuals.

2. Continuing costs or savings: Same as (3)(a)1.

3. Additional factors increasing or decreasing costs: Factors that would influence are primarily related to the volume of applications submitted and reviewed.

(b) Reporting and paperwork requirements: No change would occur in paperwork.

(4) Assessment of anticipated effect on state and local revenues: No effect on state and local revenues.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: General funds approved in budget.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation on:

(a) Geographical area in which administrative regulation will be implemented: No public hearing requested.

(b) Kentucky: No public hearing requested.

(7) Assessment of alternative methods; reasons why alternatives were rejected: No alternative were considered as this regulation continues an existing administrative activity.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: This administrative regulation would not have an effect on public health and environmental welfare.

(b) State whether a detrimental effect on environmental and public health would result if not implemented: This administrative regulation would not have an effect on public health and environmental welfare.

(c) If detrimental result would result, explain detrimental effect:

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

(a) Necessity or proposed regulation if in conflict:

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

(10) Any additional information or comments:

(11) TIERING: Is tiering applied? Tiering is not applied as this administrative regulation would apply to all local health departments and are applied uniformly.

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? No. This regulation relates to local health departments established under the provisions of KRS Chapter 212. Each health department is governed by a board of health appointed by the Secretary of the Cabinet of Human resources. A health department would not be considered a part of local government. Funding of the public health services and programs is derived from state, federal and local public health tax and other local sources. The specific regulation establishes procedures and standards for the recruitment, examination, and certification of individuals for potential employment by local health departments.

2. State what unit, part or division of local government this administrative regulation will affect. The regulation applies to local health departments which are not part of a local government. The local health departments are established under the authority of KRS Chapter 212.

3. State the aspect or service of local government to which this administrative regulation relates. See (1) above.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a local government for the first full year the regulation is to be in effect. If specific dollar amounts cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation. The administrative regulation establishes standards and procedures for the recruitment and certification of applicants for the various positions in local health departments. As vacancies occur these procedures would be followed. The impact of this administrative regulation on expenditures and revenues would be

in the requirements for advertising the availability of the position(s) in newspapers and other publications. Specific dollar estimates cannot be determined as the cost is influenced by the frequency of vacancies and whether registers are already established.

CABINET FOR HUMAN RESOURCES
Department for Health Services
Division of Health Services
(Amendment)

902 KAR 8:110. Disciplinary appeal process applicable for local health department employees.

RELATES TO: KRS 211.170(1), (2), 212.170(4), 212.870
STATUTORY AUTHORITY: KRS 194.050, 211.1752, 211.1755 [211.090, 212.170, 1994 Ky. Acts ch. 336]
NECESSITY AND FUNCTION: KRS 211.1755 and 211.1752 [211.090, 212.170 and 212.870] requires the cabinet to supervise the personnel functions of local health departments and [. House Bill 631 provides that the cabinet shall] establish policies and procedures for the local health department personnel program. KRS 211.1752 provides for an appeal process for employees who are disciplined, applicants or employees who allege discrimination in personnel actions, and eligibles who question their rating in the examination process. This administrative regulation provides for the specific appeal process. [a process whereby employees may appeal specific disciplinary actions.]

Section 1. Appeals. (1) An employee with status who is demoted, suspended, or dismissed shall have the right to appeal the action. The appeal shall be in writing and mailed to the department no later than fifteen (15) days after the effective date of the demotion, suspension, or dismissal.

(2) An applicant who has taken an examination may appeal his rating in any part of an examination to assure rating procedures have been applied fairly and equitably. The appeal shall be in writing and mailed to the department no later than thirty (30) days after the date on which notification of the results of the examination was mailed to the applicant.

(3) An eligible whose name has been removed from a register for any of the reasons specified in administrative regulation 902 KAR 8:070, Section 1(7) may appeal the action. The appeal shall be mailed to the department within thirty (30) days after the date on which the notification of removal was mailed to the eligible.

(4) An applicant or employee who has reason to believe that he has been discriminated against because of sex, religious, or political opinions or affiliations, race, national origin, disability, or age in any personnel action may appeal within thirty (30) days of the date of the alleged discrimination.

(5) A request for an appeal, provided for under this section, shall be submitted in writing using Form CH-41, "Request for Appeal" (July 1, 1994), incorporated by reference in administrative regulation 902 KAR 8:100, Section 2(6).

(6) All appeals shall be conducted in accordance with procedures as set forth in Section 2 of this administrative regulation.

Section 2. Hearing Process. (1) The department shall schedule an administrative hearing upon an appeal to be held [formal hearing before the Local Health Department Employment Personnel Council or a hearing officer designated by the department] within sixty (60) days of [following] receipt of the appeal. Notice of the hearing and conduct of the proceedings shall be in accordance with the requirements of KRS Chapter 13B. [request.]

(2) The hearing shall be conducted by the Local Health Department Employment Personnel Council or a designated hearing officer. [may be continued at the request of the employee or the appointing authority.]

[(3) At the hearing the employee and the appointing authority shall have the right to present witnesses, to be represented by counsel, and to give evidence.

(4) If a hearing officer is designated to hear the appeal, the hearing officer shall make findings of fact, conclusions of law, and recommend a final order to the Local Health Department Employment Personnel Council at its next meeting. The Local Health Department Employment Personnel Council may adopt the report as submitted, amend the findings and recommendations based on evidence contained, or remand the appeal to the hearing officer for further action as appropriate or rehear the appeal.

(5) The Local Health Department Employment Personnel Council shall allow the employee or employee's attorney and the appointing authority to file exceptions to the hearing officers report or grant oral arguments before the Local Health Department Employment Personnel Council.]

(3) [(6)] The Local Health Department Employment Personnel Council shall, within the time allowed by KRS Chapter 13B [a reasonable period of time after the hearing], make findings of fact, conclusions of law, and based on the record issue [and recommendations, recommend] a final order. If a hearing officer is designated to hear the appeal, the hearing officer shall make findings of fact, conclusions of law, and recommend a final order to the Local Health Department Employment Personnel Council at its next meeting. The Local Health Department Employment Personnel Council may adopt the report as submitted, amend the findings and recommendations based on evidence contained, or remand the appeal to the hearing officer for further action as appropriate or rehear the appeal. [to the Commissioner of the Department for Health Services. The Commissioner of the Department for Health Services shall make a final decision based on the recommendations of the Local Health Department Employment Personnel Council. The department shall promptly notify the employee and the appointing authority of the decision.] The decision of the Local Health Department Employment Personnel Council [commissioner] shall be considered a final order and binding upon the employee and appointing authority.

RICE C. LEACH, M.D., Commissioner
MASTEN CHILDERS II, Secretary
APPROVED BY AGENCY: November 14, 1995
FILED WITH LRC: November 15, 1995 at 11 a.m.
PUBLIC HEARING: A public hearing on this administrative regulation has been scheduled for December 21, 1995 at 9 a.m. in the Vital Statistics Conference Room located on the first floor of the Cabinet for Human Resources Building, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be canceled unless interested persons notify the following office in writing by December 16, 1995 of their desire to appear and testify at the hearing: William K. Moore, Deputy Counsel for Administrative Law, Department of Law, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Contact person: Robert Nelson
(1) Type and number of entities affected: Forty-nine (49) local health departments established under KRS Chapter 212 excluding the Louisville-Jefferson County, Lexington-Fayette County and the Northern Kentucky District health department.
(2) Direct and indirect costs or savings on the:
(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented to the extent available from the public comments received. No public hearing was requested.
(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available

from the public comments received. No public hearing requested.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: This administrative regulation would not require any additional paperwork or reporting. The administrative regulation primarily governs the disciplinary appeal process that an employee follows.

2. Second and subsequent years: This administrative regulation would not require any additional paperwork or reporting.

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: The costs are already incurred by the promulgating agency and are related to the costs to conduct a hearing that includes hearing officers expense, transcription services, and attorney fees as appropriate.

2. Continuing costs or savings: Same as (3)(a)1.

3. Additional factors increasing or decreasing costs: Factors that would influence are primarily related to the number of appeals requested.

(b) Reporting and paperwork requirements: No change would occur in paperwork.

(4) Assessment of anticipated effect on state and local revenues: No effect on state and local revenues.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: General funds approved in budget.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation on:

(a) Geographical area in which administrative regulation will be implemented: No public hearing requested.

(b) Kentucky: No public hearing requested.

(7) Assessment of alternative methods; reasons why alternatives were rejected: No alternative were considered as this regulation continues an existing administrative activity.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: This administrative regulation would not have an effect on public health and environmental welfare.

(b) State whether a detrimental effect on environmental and public health would result if not implemented: This administrative regulation would not have an effect on public health and environmental welfare.

(c) If detrimental result would result, explain detrimental effect:

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

(a) Necessity or proposed regulation if in conflict:

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

(10) Any additional information or comments:

(11) TIERING: Is tiering applied? Tiering is not applied as this administrative regulation would apply to all local health departments and are applied uniformly.

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? No. This regulation relates to local health departments established under the provisions of KRS Chapter 212. Each health department is governed by a board of health appointed by the Secretary of the Cabinet of Human resources. A health department would not be considered a part of local government. Funding of the public health services and programs is derived from state, federal and local public health tax and other local sources. The specific regulation provides for an appeal process for employees who are disciplined, applicants or employees who allege discrimination in personnel actions, and eligibles who question their rating in the examination process. This administrative regulation provides for the specific appeal process.

2. State what unit, part or division of local government this administrative regulation will affect. The regulation applies to local health departments which are not part of a local government. The local health departments are established under the authority of KRS Chapter 212.

3. State the aspect or service of local government to which this administrative regulation relates. See (1) above.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a local government for the first full year the regulation is to be in effect. If specific dollar amounts cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation. The administrative regulation establishes procedures for the various appeals provided to employees and applicants for position. A specific dollar amount cannot be determined as the impact of this regulation would depend on the frequency of appeals requested by employees, the cost of attorneys to represent the health department at the administrative hearing and any subsequent court proceedings.

CABINET FOR HUMAN RESOURCES
Department for Health Services
Division of State and Local Health Administration
(Amendment)

902 KAR 8:120. Leave provisions applicable to employees of local health departments.

RELATES TO: KRS 211.170(1), (2), 212.170(4), 212.870

STATUTORY AUTHORITY: KRS 194.050, 211.1755 [~~211.090, 212.170, 1994 Ky. Acts ch. 336~~]

NECESSITY AND FUNCTION: KRS [~~211.090,~~] 212.170 and 212.870 requires the cabinet to supervise the personnel functions of local health departments. House Bill 631 provides that the cabinet shall establish policies and procedures for the local health department personnel program. This administrative regulation governs the leave provisions applicable for employees of local health departments. These provisions address hours of work, earning of annual and sick time, holiday schedules, other leave provisions and the earning of compensatory time.

Section 1. Hours of Work. (1) The normal work week shall consist of thirty-seven and one-half (37.5) hours per week.

(a) [~~The normal work day shall be 8 a.m. to 4:30 p.m. Monday through Friday.~~

~~(b)~~] The appointing authority shall establish the hours of work and days of work, [~~other than normal,~~] of the agency or specific employees and may be changed by the appointing authority to provide for flexibility in meeting particular work requirements of the agency or specific employees whose schedules may require them to work different hours.

(2) All [~~The~~] hours worked in excess of the thirty-seven and one-half (37.5) hours during the established [~~standard~~] work week shall be approved by the appointing authority and [~~are~~] subject to compensatory time and overtime provisions of this administrative regulation.

(3) The standard pay period shall consist of seventy-five (75) hours.

Section 2. Earning of Annual Leave. (1) Each full-time employee except seasonal, temporary, and emergency employees shall be allowed to earn annual leave credit at the following rate:

Years of Service	Annual Leave Hours Earned Per Pay Period/Per Year
0 to 5 years	3.5 hours per pay period/91.0 hours per year
5 to 10 years	4.4 hours per pay period/114.4 hours per year
10 to 15 years	5.2 hours per pay period/135.2 hours per year
15 years & over	6.1 hours per pay period/158.6 hours per year
20 years & over	7.0 hours per pay period/182 hours per year

(2) Annual leave for full-time employees shall accrue only when an employee has been in pay status at least thirty-seven and one-half (37.5) hours of the standard pay period. The employee shall be credited with additional leave credit upon the first day of the pay period following the pay period in which the leave was earned.

(3) Each part-time employee except a seasonal, temporary, or emergency employee, designated as serving on a part-time 100 hour basis, who works an average of 100 hours a month shall earn annual leave credit at the following rate:

Years of Service	Annual Leave Hours Earned Per Pay Period/Per Year
0 to 5 years	2.1 hours per pay period/54.6 hours per year
5 to 10 years	2.6 hours per pay period/67.6 hours per year
10 to 15 years	3.1 hours per pay period/80.6 hours per year
15 years & over	3.6 hours per pay period/93.6 hours per year
20 years & over	4.2 hours per pay period/109.2 hours per year

(4) In computing years of total service for determining the rate of earning [~~the purpose of allowing~~] annual leave for designated part-time 100 hour employees, only those months during [~~in~~] which the employee was designated as a full-time, part-time 100 hour [~~worked at least 100 hours~~] or was on educational leave with pay shall be used. [~~Employees designated as part-time 100 hour employees who work less than 100 hours a month shall not earn annual leave for that month.~~]

(5) Annual leave shall accrue only if an employee is working or on authorized leave with pay. Annual leave shall not accrue when an employee is on authorized educational leave with pay.

(6) The maximum amount of annual leave earned by full-time employees that may be accumulated and carried forward to the next calendar year shall not exceed the following amounts:

Years of Service	Maximum Amount
0 to 5 years	225.0 hours
5 to 10 years	277.5 hours
10 to 15 years	337.5 hours
15 to 20 years	390.0 hours
Over 20 years	450.0 hours

(7) The maximum amount of annual leave for a designated part-time 100 hour employee who works an average of 100 hours per month that may be accumulated and carried forward to the next calendar year shall not exceed the following amounts:

Years of Service	Maximum Amount
0 - 5 years	120 hours
5 - 10 years	148 hours
10 - 15 years	180 hours
15 - 20 years	208 hours
Over 20 years	240 hours

(8) If an employee has not requested payment annual leave earned in excess of that which is allowed to be accumulated shall be converted to sick leave and credited during the first pay period following [~~at~~] the end of the calendar year. Annual leave shall not be granted in excess of that earned.

Section 3. Use of Annual Leave Credit. (1) An employee who has accumulated annual leave credit, upon request and approval of the appointing authority, shall be granted leave subject to the operating requirements of the agency.

(2) Employees shall be charged with annual leave for absence only on days upon which they would otherwise work and receive pay.

(3) Absence for a fraction or part of a day that is chargeable to annual leave shall be charged in fifteen (15) minute periods.

(4) Employees shall be paid a lump sum for accumulated annual leave, not to exceed the maximum amounts as set forth in Section 2 of this administrative regulation, if separated by proper resignation, layoff, retirement, or changes from full-time or part-time 100 hour to part time. [~~granted leave without pay in excess of three (3) pay periods.~~]

(5) Upon the death of an employee, the employee's estate shall be entitled to be paid for the unused portion of the employee's accumulated annual leave, not to exceed the maximum amount allowable.

(6) Annual leave shall not be advanced or taken until it is earned.

(7) Absences due to sickness, injury, or disability in excess of accumulated sick leave, may be charged against annual leave if approved by the appointing authority.

Section 4. Earning of Sick Leave. (1) A full-time employee, except an emergency employee, shall earn sick leave at the rate of three and one-half (3.5) hours per pay period.

(a) An employee shall have worked or been in pay status for at least thirty-seven and one-half (37.5) hours of the seventy-five (75) standard hours in each pay period in order to accumulate sick leave.

(b) The employee shall be credited with sick leave upon the first day of the pay period following the pay period in which the leave was earned.

(2) An employee designated as a part-time 100 hour employee, except an emergency employee, who works an average 100 hours or more per month shall earn sick leave at the rate of two and one-tenth (2.1) hours per pay period. A part-time 100 hour employee shall be credited with additional sick leave upon the first day of the pay period [~~month~~] following the pay period [~~month~~] in which the leave was earned.

(3) A full-time employee completing ten (10) years of total service with an agency shall be credited with seventy-five (75) additional hours of sick leave.

(4) An employee designated as a part-time 100 hour employee completing ten (10) years of total service with an agency shall be credited with forty-five (45) additional hours of sick leave.

Section 5. Uses of Sick Leave Credit. (1) The appointing authority, upon proper request, may grant sick leave with pay to a full-time or designated part-time 100 hour [~~an~~] employee with sufficient leave credit, if the employee:

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

(b) Is disabled by sickness or injury;

(c) Is required to provide [~~personal~~] care for a sick or injured member of his immediate family;

(d) If an employee would jeopardize the health of others at his duty post because of exposure to a contagious disease; [~~or~~]

(e) Has lost by death a member of the employee's immediate family; or

(f) Is required to take a member of the employee's immediate family for medical, psychiatric, dental, or optical examination or treatment.

(2) Sick leave granted for death in the employee's immediate family shall be limited to three (3) days or a reasonable extension at the discretion of the appointing authority.

(3) If possible, an employee shall request sick leave absence with or without pay prior to the intended use.

(4) If an employee is unexpectedly required to be absent from work in case of illness, the employee shall notify the employee's supervisor or other designated person. Failure to do so in a reasonable time period may be cause for denial of the sick leave for the period of absence or disciplinary action.

(5) An employee may be required by the appointing authority to present a statement in the form of personal affidavit, physician's statement, or other statement certifying to the incapacity, examination, and treatment during the time for which sick leave was taken.

(6) If an employee requests leave in excess of five (5) working days a statement from the employees' physician shall accompany the request for leave. The physician statement shall contain the following:

(a) In the physician's judgement the employee is incapable of performing the essential duties of the job;

(b) Length of time that the physician would estimate that the employee's illness or disability will last;

(c) Restrictions which would render the employee in the physician's judgement incapable of performing the essential duties of the job; and

(d) Special considerations that the physician recommends be applied to accommodate the employee once released to return to work.

(7) An appointing authority may place an employee, who fails to provide a medical statement upon request, on sick leave if:

(a) The employee's health might jeopardize others; or

(b) The employee's health prevents performance of his duties and responsibilities.

(8) Absence for a fraction or part of a day that is chargeable to sick leave shall be charged in fifteen (15) minute periods.

(9) An employee who is transferred or otherwise changed from one (1) agency to another shall retain accumulated sick leave in the receiving agency.

(10) Former employees who are reinstated or reemployed shall have their previous accumulated and unused sick leave balances reinstated.

(11) Sick leave may be utilized in cases of absence due to illness or injury for which worker's compensation benefits are received for lost time to the extent of the differences between these benefits and the employee's regular salary.

Section 6. Maternity Leave. (1) The appointing authority shall grant a maternity leave of absence to an employee because of pregnancy. Maternity leave shall not exceed seven (7) pay periods, unless the appointing authority approves additional maternity leave provided the total leave does not exceed twenty-six (26) pay periods.

(2) The employee on maternity leave shall use accumulated sick leave credit if available.

(a) If sick leave is not available, the employee shall use accumulated annual and compensatory time.

(b) If all leave credit is exhausted, the employee shall be placed on leave without pay.

(3) The employee shall submit a written request for maternity absence which shall include a doctor's statement indicating the expected date of delivery.

(a) The request shall be submitted to the appointing authority as soon as practical to allow for adjustments in the work schedule during the employee's absence.

(b) Additional information from the employee's doctor may be required if there are complications and the period of absence begins sooner than agreed, extends further than agreed, or requires the use of maternity leave beyond the normal seven (7) pay periods.

Section 7. Sick Leave Without Pay. (1) An appointing authority may approve sick leave without pay upon request of an employee for reasons provided for in Section 6 of this administrative regulation and this section.

(2) An employee shall have used accumulated annual, sick, and compensatory leave credit prior to approved leave without pay.

(3) The amount of continuous sick leave without pay approved by an appointing authority shall not exceed twenty-six (26) pay periods.

(4) If an employee approved for leave with pay exhausts accumulated annual, sick, and compensatory leave credit, the employee shall be placed on sick leave without pay, provided the total absence does not exceed twenty-six (26) pay periods.

(5) The appointing authority may require periodic doctor's statements during the sick leave without pay period attesting to the employee's inability to perform job duties.

Section 8. Return from Sick Leave With or Without Pay. (1) At the termination of sick leave with pay not exceeding thirteen (13) pay periods, the appointing authority shall return the employee to his former position. At the termination of sick leave with pay exceeding thirteen (13) pay periods, the appointing authority shall return the employee to a position for which he is qualified and which resembles his former position as closely as circumstance permit.

(2) If an employee on approved sick leave without pay has given notice of his ability to resume his duties, the appointing authority shall return the employee to a position for which he is qualified and which resembles his former position as closely as circumstances permit. If there is no available position which the employee is qualified or is willing to accept, the employee shall be laid off in accordance with administrative regulation 902 KAR 8:080.

(3) An employee who is unable to return to work at the end of one (1) year of sick leave without pay, after being requested by the appointing authority to return to work at least ten (10) days prior to the expiration of sick leave without pay, may be dismissed by the appointing authority.

Section 9. Sharing of Sick Leave. (1) An employee who has accrued a sick leave balance of more than seventy-five (75) hours may, with the approval of the appointing authority, request the transfer of a specified amount of the employee's sick leave balance in excess of seventy-five (75) hours to another named employee who is authorized to receive sick leave.

(2) The appointing authority, may approve the amount of sick leave received under this section, if any, if:

(a) The employee or a member of his immediate family suffers from a medically certified illness, injury, impairment, or physical or psychiatric condition which has caused, or is likely to cause, the employee to go on leave for at least ten (10) consecutive working days;

(b) The employee's need for absence and use of leave are certified by a licensed practicing physician; and

(c) The employee has exhausted his accumulated sick leave, annual leave, and compensatory leave balances; and

(3) Leave may be transferred from an employee of one agency to an employee within the same agency or may be transferred from an employee of one agency to an employee of another agency. The department shall maintain records of leave transferred between employees and the utilization of transferred leave.

(4) If an employee is on leave transferred under this section, he shall receive the same treatment with respect to salary, wages, and employee benefits.

(5) Salary and wage payments made to an employee while on leave transferred under this section shall be made by the agency employing the person receiving the leave. Leave transferred under this section which remains unused shall be returned, on a prorated basis, to the employees who transferred the leave if the appointing authority finds that the leave is no longer needed and will not be needed at a future time in connection with the illness or injury for which the leave was transferred to an employee in his agency.

(6) No employee shall directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any other employee for the purpose of interfering with the employee's right to

voluntarily contribute leave when authorized under this section.

Section 10. Court Leave. An employee shall be entitled to a leave of absence from duties, without loss of pay or time, on days during which the employee is subpoenaed by a court to serve as a juror or witness except in those cases where the employee or a member of the employee's family is a party plaintiff. If relieved from duty as a juror or witness during normal working hours, the employee shall return to work.

Section 11. Military Leave. (1) An employee who is an active member of the United States Army Reserve, the United States Air Force Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, the United States Coast Guard Reserve, the United States Public Health Service Reserve, or the Kentucky National Guard shall be relieved from his duties without the loss of pay or time, upon request, to serve under orders on training duty for a period not to exceed seventy five (75) hours in any one (1) calendar year. The appointing authority may require a copy of the orders requiring the attendance of an employee before granting military leave.

(2) The appointing authority shall grant an employee entering military duty a leave of absence without pay for a period of active duty not to exceed six (6) years. Accumulated annual leave and compensatory leave may be paid in lump sum at the request of the employee, upon being placed on leave.

Section 12. Voting Leave. The appointing authority shall allow each employee ample time to vote. The absence shall not be charged against accumulated leave.

Section 13. Special Leave of Absence. (1) The appointing authority may grant leave without pay for a period or periods not to exceed thirty (30) working days in any calendar year to an employee who has exhausted all accumulated annual, compensatory or sick leave credit, if applicable.

(2) An appointing authority, with the approval of the department, may grant a leave of absence with or without pay for a period not to exceed twenty-six (26) pay periods for the following purposes:

(a) Agency directed or approved educational leave to attend a [~~Assignment to and attendance at~~] college, university, or business school for the purpose of training in subjects related to the work of the employee and which will benefit the agency; or

(b) Purposes other than the above which are deemed to be in the best interest of the agency.

[~~(3) An agency shall comply with the Family and Medical Leave Act, PL 103-3, if applicable.~~

~~(4) Special leave of absence approved under this section may be continued for an additional period not to exceed twenty-six (26) pay periods with the approval of the department.~~]

Section 14. Family and Medical Leave. An agency shall comply with the Family and Medical Leave Act, PL 103-3 and CFR 29 Part 825, if applicable.

Section 15. Absence Without Leave. (1) Unauthorized or unreported absence shall be considered absence without leave and deduction of pay may be made by the appointing authority for each period of absence. The absence without leave may constitute grounds for disciplinary action.

Section 16. [~~15.~~] Holidays. (1) Agency full-time employees shall be given a holiday on the following days:

(a) The first day of January and one (1) extra day;
(b) The third Monday in January;
(c) The third Monday in February;
(d) One-half (1/2) day for Good Friday;
(e) The last Monday in May;
(f) The fourth day of July;
(g) The first Monday in September;
(h) The fourth Thursday in November plus one (1) extra day;
(i) The twenty-fifth of December and one (1) extra day;
(j) Presidential election day.

(2) If any of the days enumerated above falls on a Saturday, the preceding Friday shall be observed as the holiday. If the day enumerated falls on a Sunday, the following Monday shall be observed as the holiday. If an extra day is provided for it shall be observed as stated by the department.

(3) A full-time employee shall be in pay status on the work day prior to the holiday in order to receive the holiday benefit.

(4) Full-time exempt employees required to work on a holiday shall accrue compensatory time for the time worked.

Section 17. [~~16.~~] Earning of Compensatory Time. (1) An employee determined to be exempt under the provisions of the Fair Labor Standards Act, 29 US 206, and Kentucky Wage and Labor Law KRS Chapter 337 [~~full-time employee~~] authorized by the appointing authority to work in excess of the prescribed thirty-seven and one-half (37.5) hours of duty in one (1) week shall accumulate compensatory time in fifteen (15) minute periods for all excess time worked [~~that the employee does not receive overtime pay subject to the provisions of the Fair Labor Standards Act, 29 USC 206, and Kentucky Wage and Labor Law KRS Chapter 337~~]. The maximum amount of compensatory time that can be accumulated shall be 200 hours.

(2) Effective July 1, 1996, an employee determined to be nonexempt under the provisions of the Fair Labor Standards Act, 29 US 206, and Kentucky Wage and Labor Law KRS Chapter 377 shall not be allowed to earn compensatory provided for under this section.

(3) An employee shall have the prior approval of the appointing authority or the employee's immediate supervisor before compensatory leave may be earned.

(4) A nonexempt employee authorized by the appointing authority to work in excess of the prescribed thirty-seven and one-half (37.5) hours shall be paid at the employees current salary for each hour not subject to the provisions of the Fair Labor Standards Act, 29 US 206, and Kentucky Wage and Labor Law KRS Chapter 337.

Section 18. [~~17.~~] Using Accumulated Compensatory Time. (1) An employee who has accrued compensatory time shall be permitted by the appointing authority to take compensatory time off if practical and upon proper request by the employee.

(2) An employee who has accumulated at least thirty (30) hours of compensatory time may be paid for the accumulated leave by the appointing authority upon written request. If payment is approved by the appointing authority, it shall be at the employee's regular rate of pay and in thirty (30) hour increments.

(3) [~~An agency, with the approval of the department, may elect to compensate employees at the rate of time and one-half (1/2) for each hour worked in excess of forty (40) hours per week.~~

~~(4)~~] If an employee has accumulated the maximum amount of compensatory leave, the appointing authority shall pay the employee for at least fifty (50) hours of accumulated compensatory leave at the employee's regular rate of pay and reduce the employee's compensatory leave balance accordingly.

[~~(5) The appointing authority may direct an employee to use accumulated compensatory time to reduce accumulation to an acceptable level.~~]

(4) [~~(6)~~] Upon separation from service or transfer to another agency, unused compensatory time shall be reimbursed in a lump sum payment to the employee.

(5) [~~(7)~~] Upon the death of an employee, the employee's estate shall be paid for any unused accumulated compensatory time.

RICE C. LEACH, M.D., Commissioner

MASTEN CHILDERS II, Secretary

APPROVED BY AGENCY: October 12, 1995

FILED WITH LRC: October 31, 1995 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation has been scheduled for December 21, 1995 at 9 a.m. in the Vital Statistics Conference Room located on the first floor of the Cabinet for Human Resources Building, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be canceled unless interested persons notify the following office in writing by December 16, 1995 of their desire to appear and testify at the hearing: William K. Moore, Deputy Counsel for Administrative Law, Department of Law, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Contact person: Robert Nelson

(1) Type and number of entities affected: Forty-nine (49) local health departments established under KRS Chapter 212 excluding the Louisville-Jefferson County, Lexington-Fayette County and the Northern Kentucky District health department.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented to the extent available from the public comments received. No public hearing was requested.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received. No public hearing requested.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: This administrative regulation would not require any additional paperwork or reporting. The administrative regulation primarily governs the earning, amount of accumulation, and the appropriate utilization of annual, sick, and compensatory time.

2. Second and subsequent years: This administrative regulation would not require any additional paperwork or reporting.

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: The costs are already incurred by the promulgating agency and are related to the costs to maintain the automated personnel system, staff time to review requests to determine earning categories and conversation with individuals.

2. Continuing costs or savings: Same as (3)(a)1.

3. Additional factors increasing or decreasing costs: Factors that would influence are primarily related to the volume of inquiries from employees regarding the earning and utilization of leave.

(b) Reporting and paperwork requirements: No change would occur in paperwork.

(4) Assessment of anticipated effect on state and local revenues: No effect on state and local revenues.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: General funds approved in budget.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation on:

(a) Geographical area in which administrative regulation will be implemented: No public hearing requested.

(b) Kentucky: No public hearing requested.

(7) Assessment of alternative methods; reasons why alternatives were rejected: No alternative were considered as this regulation continues an existing administrative activity.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: This administrative regulation would not have an effect on public health and environmental welfare.

(b) State whether a detrimental effect on environmental and public health would result if not implemented: This administrative regulation would not have an effect on public health and environmental welfare.

(c) If detrimental result would result, explain detrimental effect:

(9) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: none are in conflict.

(a) Necessity or proposed regulation if in conflict:

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

(10) Any additional information or comments:

(11) TIERING: Is tiering applied? Tiering is not applied as this administrative regulation would apply to all local health departments and are applied uniformly.

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? No. This regulation relates to local health departments established under the provisions of KRS Chapter 212. Each health department is governed by a board of health appointed by the Secretary of the Cabinet for Human Resources. A health department would not be considered a part of local government. Funding of the public health services and programs is derived from state, federal and local public health tax and other local sources. This administrative regulation governs the leave provisions applicable for employees of local health departments. These provisions address hours of work, earning of annual and sick time, holiday schedules, other leave provisions and the earning of compensatory time.

(2) State whether this administrative regulation will affect the local government or only a part or division of the local government. The administrative regulation applies to local health departments which are not part of a local government.

(3) State the aspect or service of local government to which this administrative regulation relates. This administrative regulation governs the leave provisions applicable for employees of local health departments. These provisions address hours of work, earning of annual and sick time, holiday schedules, other leave provisions and the earning of compensatory time.

(4) How does this administrative regulation affect the local government or any service it provides? The administrative regulation would have minimum impact on a health department. The administrative regulation would eliminate the earning of compensatory leave by employees determined to be non exempt under federal and state labor laws. This should reduce the liability of the health department where compensatory leave was allowed to accumulate. It is not known how much overtime would be worked by nonexempt employee's beyond the current levels budgeted.

CABINET FOR HUMAN RESOURCES
Department for Mental Health and Mental Retardation Services
(Amendment)

908 KAR 1:300. Chemical dependency program evaluation.

RELATES TO: KRS Chapter 222.460 to 222.475

STATUTORY AUTHORITY: KRS 194.050, 222.460 to 222.475

NECESSITY AND FUNCTION: KRS 194.050 and 222.460 to 222.475 authorizes [~~empowers~~] the cabinet to prescribe rules governing the gathering of information on clients discharged from publicly funded chemical dependency treatment agencies [~~programs~~] and the

format of reports of this [~~such~~] information to the cabinet in order to assess treatment effectiveness.

Section 1. Definitions. (1) "Agency [~~Program~~]" means a legal entity, operating hospital-based or nonhospital-based alcohol and other drug abuse [~~substance abuse or chemical dependency~~] treatment programs, licensed under KRS Chapter[~~s 210,~~] 216B or [~~and~~] 222 and receiving state or federal funds.

(2) "Client" means an individual with a primary substance abuse diagnosis on whom a record or chart has been opened by an agency [~~program (~~]or subcontractor of an agency [~~program)~~] and for whom a treatment plan has been prepared [~~for a primary substance abuse problem~~]. Clients receiving only [~~DUI education services,~~] DUI assessment services or DUI education services during the treatment episode without other treatment services shall be excluded from the definition. Clients receiving only detoxification services during the treatment episode without other treatment services shall be [~~are~~] excluded from the definition.

(3) "[~~(6) "Minimum data set~~] Client identifier" means a unique code [~~and nonintelligent number~~] used by agencies [~~programs~~] and the department to identify individual clients in a departmental data set.

(4) "Commissioner" means the Commissioner of the Department for Mental Health and Mental Retardation Services, or his designee.

(5) [~~(3)~~] "Department" means the Department for Mental Health and Mental Retardation Services within the Cabinet for Human Resources.

(6) "Discharge" means a point in time thirty (30) days following the last date on which a client received a treatment service from the agency.

(7) [~~(4)~~] "Division" means the Division of Substance Abuse within the Department for Mental Health and Mental Retardation Services.

(8) "Evaluator" means the independent entity determined by the department to be qualified to conduct an outcome study.

(9) "Instrument" means the electronically-recorded baseline survey tool adopted for use in the study.

(10) "Outcome [~~(5) "Follow-up~~] study" means a department defined study [~~survey~~] of clients to assess their progress twelve (12) months after discharge from substance abuse treatment.

Section 2. Agency Responsibilities. (1) Each agency shall explain the purpose, design, and procedures of the outcome study to their clients.

(2) Each agency shall ask all clients to participate in the outcome study. Each agency shall obtain informed consent from all clients agreeing to participate. Each agency shall allow clients the right to refuse to participate without risk of penalty or effect in the delivery of treatment services.

(3) Each agency shall use a baseline survey instrument as required by the Department to gather client information upon admission to treatment in an agency. The instrument shall be administered to clients within seventy-two (72) hours of admission to a residential or transitional care program, or within three (3) visits to outpatient or intensive outpatient care program.

(4) Each agency shall:

(a) Report by the tenth of each month admission information gathered using the survey instrument to the evaluator using a specified electronic data format;

(b) Provide by the tenth of each month to the evaluator, discharge reports using a specified electronic format which shall include:

1. The client identifier;

2. The date of last service; and

3. The accumulated number of days of service specified for each service provided during the treatment stay.

(c) Each agency shall gather and report informed consent, assent, and parental consent forms as necessary to the evaluator by the tenth of the month following the month of discharge.

(5) Each agency shall designate a coordinator for the study and shall notify the division and the evaluator in writing of the name of the designated coordinator. [~~Survey Procedures. (1) Each client discharged from treatment since July 13, 1990 shall be contacted by the discharge program for an assessment of progress after treatment.~~

~~(2) Each program shall decide whether to contact clients first by mail or by telephone.~~

~~(a) Mail survey. If the method chosen for first contact is a mail survey, each client shall be mailed a return postage guaranteed postcard or a letter questionnaire from the discharging program within thirty (30) days of the twelve (12) month anniversary after discharge.~~

~~(b) If the client does not respond to the mailed questionnaire within thirty (30) days of the mailing, the program shall make up to three (3) attempts within a three (3) week period to contact the client by telephone for completion of the survey.~~

~~(c) Telephone survey. If the method chosen for first contact is a telephone survey, the program shall follow the telephone procedures in paragraph (b) of this subsection.~~

~~(d) If no contact can be made because of incorrect or missing address or phone number, the client can be deleted from the contact list and noted as "unable to contact" on the report to the department.~~

~~(3) Telephone interviewers shall observe all state and federal confidentiality regulations when attempting to contact clients. Interviewers shall ask to speak to the client or ask for a means of contacting the client. Interviewers shall not reveal the nature of the call or the treatment program identity to anyone other than the client without specific written consent.~~]

Section 3. Evaluator Responsibilities. (1) The evaluator shall receive and process the outcome study data generated by each agency.

(2) The evaluator shall monitor compliance with the reporting requirements and advise agencies and the division when corrective action is necessary.

(3) The evaluator shall provide all necessary training of agency and department staff in regards to the outcome study and its administration.

(4) The evaluator shall provide ongoing technical assistance in regards to the outcome study and its administration.

(5) The evaluator shall provide reports to the division on a quarterly basis of summaries of admission and discharge information gathered from the agencies in a format agreed upon by the division. The evaluator shall also respond to specific data analysis requests by the division as deemed necessary.

(6) The evaluator shall provide the division with copies of data files containing the collected admission and discharge information.

(7) The evaluator shall produce and provide to the division an annual report for the Governor on the outcome study as required by KRS 222.475 and the division.

(8) The evaluator shall provide security for all paper and electronic records which it holds in order to prevent unauthorized access to confidential patient information.

(9) All paper and electronic records remain the property of the division and shall be maintained by the evaluator until disposal is directed by the division.

(10) The evaluator shall be responsible for any necessary revision of forms, software design, protocols, and procedures which govern the outcome study and its implementation.

(11) The evaluator shall contact a statistically valid representative sample of clients for each agency following the client's discharge from substance abuse treatment.

(a) The follow-up contact shall be one (1) year from the date of discharge.

(b) The methods of contact shall include telephone, mail, and face-to-face interview.

(c) Each selected client shall be asked to answer a series of standard questions on a survey instrument designed to measure

certain treatment outcomes. [~~Compliance. (1) Programs shall keep a record of all attempted contacts for each client for whom follow up contact is attempted.~~

~~(a) The record shall include client's name, minimum data set client identifier, date, time, method, results of the attempt to contact, and the name of the staff person making the contact.~~

~~(b) The record shall be kept on file by the program and made available to departmental staff that shall monitor compliance with the statutes and regulations.~~

~~(2) Program compliance shall be determined by site visits and program audits.~~

~~(3) If a program is determined to be noncompliant, their federal and state substance abuse funds shall be held in escrow until such time as an acceptable reason for noncompliance is received or the program is in compliance. Escrow decisions shall be reached with the input of division staff and shall be approved by the department commissioner.~~]

Section 4. Pilot Study. (1) The evaluator shall conduct a pilot study prior to implementation of the outcome study.

(2) The pilot study shall be conducted at sites selected by the evaluator. Participation by agencies shall be voluntary for this study.

(3) The pilot study shall test the baseline instrument, the discharge format, the follow-up instrument, study procedures, and the data collection software.

(4) The pilot study shall measure client outcome at a point approximately three (3) months from the date of admission.

(5) The evaluator shall use the results of the pilot study to modify the outcome study instruments and procedures as necessary. [~~Reporting. (1) Responses shall be reported to the department using the client identifier from the minimum data set and submitted in a department specified format.~~

~~(2) Responses shall be reported to the department quarterly.~~

~~(a) Reports shall be due each October 31, January 31, April 30 and July 31.~~

~~(b) The first report shall be due January 31, 1992.~~

~~(3) Following the receipt of each program's reports, the division shall compile the data received and prepare an annual report to the Governor indicating the results by specific program, as well as a statewide comparison.~~

~~(a) The survey data shall be linked to the minimum data set, where possible, for analysis and reporting.~~

~~(b) Draft copies of all reports shall be sent to the programs prior to their release as departmental reports.~~

~~(c) Program review and comment on reports shall be welcomed by the department.~~

~~(4) Division staff shall be available to provide training and technical assistance regarding the follow up study requirements.~~]

Section 5. Confidentiality. The evaluator and all agencies participating shall follow the standards protecting and guiding confidentiality of client identifiable information as found in 908 KAR 1:320, Confidential record of treatment for federally assisted alcohol and other drug abuse programs. [~~Costs. All costs incurred in conducting the follow up study shall be the responsibility of the program.~~]

Section 6. Monitoring and Penalties for Noncompliance. (1) The division shall monitor compliance of the evaluator and agencies.

(2) If an agency is determined to be noncompliant with any of the above provisions, their state substance abuse payments, if any, shall be held by the department as provided in KRS 222.470 until:

(a) An acceptable reason for the delay in complying with the requirements is received by the division; or

(b) The agency has met the requirements.

(3) A decision to hold payment shall be made by the division with approval by the commissioner of the department.

Section 7. Appeal of Penalties for Noncompliance. (1) A participating agency may appeal any determination made by the department in the application of the provisions of this administrative regulation that affects payments based on the application of those provisions.

(2) A written notice of appeal shall be submitted to the commissioner no later than thirty (30) days after an agency has been notified of a determination or an action affecting reimbursements. The notice of appeal shall:

(a) Specify the determination(s) or action(s) being appealed;

(b) Specify the reasons the agency believes the determination or action is unwarranted;

(c) Include any documentation the agency considers relevant to support the appeal; and

(d) Specify alternative determination(s) that should be made or action(s) that should be taken.

(3) The commissioner shall cause the appeal to be reviewed and evaluated with consideration of the provisions of applicable laws and administrative regulations.

(4) The commissioner shall issue a written decision including findings of fact and conclusions on the appeal no later than thirty (30) days after receipt of a notice of appeal unless the commissioner determines that an agency conference may result in a mutually satisfactory resolution of the appeal.

(5) If the commissioner determines that an agency conference should be held, the commissioner, shall schedule an agency conference to be held no later than thirty (30) days after receipt of a notice of appeal or at a later time agreeable to the commissioner and the agency.

(6) If an agency conference is held it shall be conducted according to the following procedures:

(a) The commissioner shall preside over an agency conference.

(b) The procedure shall be recorded and a transcription made.

(c) The agency or his authorized representative may present any oral arguments or documentation which he considers relevant to support the contention that the department should not take the appealed action or should rescind an action already taken.

(d) Department staff who are knowledgeable of applicable laws and administrative regulations shall explain the department's determinations and actions being appealed and may present any documentation which supports the department's action or which demonstrates if the department's determinations and actions are consistent with applicable laws and administrative regulations.

(e) If appealed determinations or actions are based upon reports provided by persons other than department employees, those individuals may attend an agency conference, explain the report(s) and the basis of those reports.

(f) The commissioner may question any of the participants and may permit any questions or discussion among participants if that will contribute to a just decision on the appeal consistent with applicable laws and administrative regulations.

(7) If an agency conference is held the commissioner shall issue a written decision on the appeal no later than thirty (30) days after the agency conference. The written decision shall include findings of fact and conclusions.

(8) If an agency disagrees with the commissioner's decision on an appeal he shall have the right to an administrative hearing.

(9) The agency may appeal the decision (and underlying program issue) by submitting a request for an administrative hearing to the commissioner within thirty (30) days after receipt of the decision.

(10) The commissioner shall forward the request to the Office of Personnel and Budget, Administrative Hearing Branch within five (5) working days of receipt.

(11) The scope of the administrative hearing shall be restricted to the issues raised pursuant to this administrative regulation.

(12) The administrative hearing process shall be in accordance with KRS Chapter 13B.

Section 8. Material Incorporated by Reference. (1) The following forms from the University of Kentucky Research Foundation, Multidisciplinary Research Center on Drug and Alcohol Abuse Research are hereby incorporated by reference:

(a) Consent to Participate in a Research Study (August 15, 1995 edition);

(b) Parental Consent for a Minor to Participate in a Research Study (August 15, 1995 edition); and

(c) Assent to Participate in a Research Study (August 15, 1995 edition).

(2) Copies of the incorporated material may be inspected, copied or obtained at the Department for Mental Health and Mental Retardation Services, Division of Substance Abuse, 100 Fair Oaks Lane, Leestown Square, 4th Floor, Frankfort, Kentucky 40601, 8 a.m. through 4:30 p.m., Monday through Friday.

ELIZABETH REHM WACHTEL, Ph.D., Commissioner
MASTEN CHILDERS II, Secretary

APPROVED BY AGENCY: October 30, 1995

FILED WITH LRC: November 6, 1995 at 1 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation has been scheduled for Thursday, December 21, 1995 at 9 a.m. in the Health Services Auditorium, First Floor, Health Services Building, 275 East Main Street, Frankfort, Kentucky. This hearing will be canceled unless interested persons notify the following office in writing by Friday, December 16, 1995 of their desire to appear and testify at the hearing: William K. Moore, Deputy Counsel for Administrative Law, Cabinet for Human Resources, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency contact person: Elizabeth Wachtel, Commissioner

(1) Type and number of entities affected: The regulation will affect all publicly-funded licensed chemical dependency agencies. Currently twenty (20) licensed entities are affected. If Medicaid coverage of alcohol and drug treatment becomes a reality, the number of agencies affected would increase dramatically, as the governing statute explicitly includes Medicaid funded entities.

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

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No hearing was requested as a result of the Notice of Intent being published and no comments were received.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No hearing was requested as a result of the Notice of Intent being published and no comments were received.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: The affected agencies will submit electronically recorded disks each month to the evaluator with baseline client data. They will also submit disks each month with discharge data. They will also submit copies of consent and assent forms signed by clients and parents. The evaluator shall contact representative clients by mail, telephone, and personal interview and shall collect treatment outcome data. The evaluator will periodically submit outcome reports to the Division of Substance Abuse and will prepare an annual report which the division shall report to the Governor. The cost to the affected agencies should be no net gain because they will no longer have staff, telephone and postage costs associated with contacting clients themselves.

2. Second and subsequent years: Same as the first year.

(3) Effects on the promulgating administrative body:

(a) Direct and indirect cost or savings:

1. First year: The department has an existing contract with the University of Kentucky in the amount of $200,000 to design and implement the outcome study, including responsibility for preparing the required reports.

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

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: Minimal

(4) Assessment of anticipated effect on state and local revenue: None

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: Existing general and agency funds.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: No hearing was requested as a result of the Notice of Intent being published and no comments were received.

(b) Kentucky: No hearing was requested as a result of the Notice of Intent being published and no comments were received.

(7) Assessment of alternative methods; reasons why alternatives were rejected: The department has four years experience with the alternative of having the affected agencies collect and survey their clients themselves. This method has been rejected in favor of the proposed regulatory method in order to eliminate problems with noncomparability, reliability, and integrity of the outcome data. It can also be done more cost effectively by one contract with a qualified research organization.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: None

(b) State whether a detrimental effect on environment and public health would result if not implemented: None

(c)If detrimental effect would result, explain detrimental effect: None

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

(a) Necessity of proposed regulation if in conflict:

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

(10) Any additional information or comments: None

(11) Tiering: Is tiering applied? Tiering was not used since the application of regulation applies to all affected parties in a like manner.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. Although the entities affected by this regulation receive federal monies from the Substance Abuse Prevention and Treatment Block Grant, there is no federal regulatory mandate to conduct the outcome study which this regulation governs. This regulation is only mandated by state statute.

2. State compliance standards. None

3. Minimum of uniform standards contained in the federal mandate. None

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? None

5. Justification for the imposition of stricter standard, or additional or different responsibilities of requirements. None

PROPOSED ADMINISTRATIVE REGULATIONS RECEIVED THROUGH NOON, NOVEMBER 15, 1995

FINANCE AND ADMINISTRATION CABINET
Office of the Secretary
(New Administrative Regulation)

200 KAR 22:090. Comprehensive Employment Manual of the Workforce Development Cabinet's Department for the Blind for use in the Pilot Personnel Program.

RELATES TO: KRS 18A.430(1)
STATUTORY AUTHORITY: KRS 18A.430(1)(a), (b), (c)
NECESSITY AND FUNCTION: KRS 18A.430(1)(a) provides that each pilot agency participating in the Pilot Personnel Program authorized by KRS 18A.400 to 18A.450 shall develop a comprehensive employment manual establishing conditions of employment for employees in the Pilot Personnel Program. KRS 18A.430(1)(b) requires that the employment manuals be promulgated by administrative regulation. Pursuant to KRS 18A.430(1)(c), the head of the agency in which the pilot program is located shall be responsible for preparing the administrative regulation and submitting it to the Secretary of the Finance and Administration Cabinet for promulgation. This administrative regulation establishes the Comprehensive Employment Manual of the Department for the Blind for use in the Pilot Personnel Program.

Section 1. Comprehensive Employment Manual. The Department for the Blind has been approved to participate in the Pilot Personnel Program authorized by KRS 18A.400 to 18A.450. Therefore, pursuant to KRS 18A.430(1), the conditions of employment for employees in the Department for the Blind are set out in the "Employee Handbook of the Department for the Blind for Use in the Pilot Personnel Program."

Section 2. Incorporation by Reference. (1) The "Employee Handbook of the Department for the Blind for Use in the Pilot Personnel Program" revised January 1995, ("Employee Handbook") is incorporated by reference.

(2) The "Employee Handbook" may be inspected, copied, or obtained at the Workforce Development Cabinet, Department for the Blind, 209 St. Clair, 4th Floor, Frankfort, Kentucky 40601, c/o Denise Placido, Project Coordinator, Monday through Friday, 8 a.m. to 4:30 p.m.

CRIT LUALLEN, Secretary
APPROVED BY AGENCY: November 14, 1995
FILED WITH LRC: November 15, 1995 at 11 a.m.
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on December 28, 1995, at 10 a.m., in the offices of the Finance and Administration Cabinet, Room 386, Capitol Annex, Frankfort, Kentucky 40601. Persons interested in attending this hearing shall notify the agency representative designated below no later than five days prior to the hearing, of their intent to attend the public hearing. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. The hearing will be open to the public, and 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 it is requested in writing with the cost of the transcript to be borne by the requesting party. If you do not wish to attend the public hearing, you may still 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: Gail Prewitt, Assistant Director, Governmental Services Center, Academic Services Building, Kentucky State University, Frankfort, Kentucky 40601, (502) 64-8170.

REGULATORY IMPACT ANALYSIS

Contact Person: Gail Prewitt, Assistant Director
(1) Type and number of entities affected: This regulation will affect all employees in the Department for the Blind who are participating in the Pilot Personnel Program.
(2) Direct and indirect costs or savings on the:
(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received. No direct or indirect costs or savings on the cost of living and employment in the geographical area in which the administrative regulation will be implemented are anticipated. No public comments have yet been received and no public hearing has yet taken place regarding this proposed regulation.
(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received. No direct or indirect costs or savings on the cost of doing business in the geographical area in which the administrative regulation will be implemented are anticipated. No public comments have yet been received and no public hearing has yet taken place regarding this proposed regulation.
(c) Compliance, reporting and paperwork requirements of those affected, including factors increasing or decreasing costs (note any effects upon competition) for the:
1. First year following implementation: Pursuant to KRS 18A.430(1)(a), pilot programs are already required to develop comprehensive employment manuals establishing conditions of employment for employees in each organizational unit. This regulation merely promulgates the employment manual of the Department for the Blind and will result in no additional compliance, reporting or paperwork requirements.
2. Second and subsequent years: Same as for first year.
(3) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: Under KRS 18A.430(1)(c), employment manuals developed by the pilot agencies are required to be promulgated as administrative regulations by the Secretary of the Finance and Administration Cabinet. Once the employment manuals are promulgated, the only cost to the Finance and Administration Cabinet or the pilot agencies will be for maintaining a file of the manuals.
2. Continuing costs or savings: Same as first year.
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: Under KRS 18A.430(1)(c), employment manuals developed by the pilot agencies are required to be promulgated as administrative regulations by the Secretary of the Finance and Administration Cabinet. Once the employment manuals are promulgated, the only cost to the Finance and Administration Cabinet or the pilot agencies will be for maintaining a file of the manuals.
(4) Assessment of anticipated effect on state and local revenues: No effect on state and local revenues is anticipated.
(5) Source of revenue to be used for implementation and enforcement of administrative regulation: The Finance and Administration Cabinet and the pilot agencies will be required to absorb the costs of maintaining a file of employment manuals.
(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:
(a) Geographical area in which administrative regulation will be implemented: No public comments have yet been received and no

public hearing has yet taken place regarding this proposed regulation. However, no economic impact is expected.

(b) Kentucky: No public comments have yet been received and no public hearing has yet taken place regarding this proposed regulation. However, no economic impact is expected.

(7) Assessment of alternative methods; reasons why alternatives were rejected: No alternative methods were assessed.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: No effects on public health and environmental welfare are expected in the geographical area in which the regulation will be implemented or in Kentucky.

(b) State whether a detrimental effect on environment and public health would result if not implemented: No detrimental effect on the environment and public health would result if the regulation was not implemented.

(c) If detrimental effect would result, explain detrimental effect: Does not apply.

(9) Identify any statute, rule, administrative regulation or government policy which may be in conflict, overlapping, or duplication: To the best of the knowledge of the Office of the Secretary, there are no statutes, rules, administrative regulations or government policies which are in conflict with, overlap, or duplicate the proposed administrative regulation.

(a) Necessity of proposed regulation if in conflict: Does not apply.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Does not apply.

(10) Any additional information or comments: None

(11) TIERING: Is tiering applied? Tiering was not applied. This regulation only applies to employees in the Department for the Blind who are participating in the Pilot Personnel Program.

GENERAL GOVERNMENT CABINET
Board of Registration for Professional Engineers and Land Surveyors
(New Administrative Regulation)

201 KAR 18:129. Repeal of 201 KAR 18:130, 201 KAR 18:160, and 102 KAR 18:200.

RELATES TO: KRS 322.290(2)(f)

STATUTORY AUTHORITY: KRS 322.290(2)(f)

NECESSITY AND FUNCTION: To remove obsolete and unnecessary administrative regulations from KAR.

Section 1. 201 KAR 18:130, 201 KAR 18:160, and 201 KAR 18:200 are hereby repealed.

JOHN C. BEYKE, PE, PLS, Chairman

APPROVED BY AGENCY: October 6, 1995

FILED WITH LRC: November 8, 1995 at 9 a.m.

PUBLIC HEARING: A public hearing on this proposed administrative regulation shall be held on December 21, 1995 at 10 a.m., 160 Democrat Drive, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by December 16, 1995, 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 wishes to be heard will be given an opportunity to comment on this 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 be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to: Larry S. Perkins, Executive Director, Kentucky State Board of Registration for Professional Engineers and Land Surveyors, 160 Democrat Drive, Frankfort, Kentucky 40601, (502) 573-2680.

REGULATORY IMPACT ANALYSIS

Contact person: Larry S. Perkins, Executive Director

(1) Type and number of entities affected: Approximately 1,200 land surveyor registrants.

(2) Direct and indirect costs or savings on the: The regulations will have no direct or indirect costs or savings on the cost of living and employment in the Commonwealth; will not effect the cost of doing business in the Commonwealth and there will be no compliance, reporting, or paperwork requirements.

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received:

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received:

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation:

2. Second and subsequent years:

(3) Effects on the promulgating administrative body: There will be no direct or indirect costs or savings on the 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:

(4) Assessment of anticipated effect on state and local revenues: No anticipated effect.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: No revenue is required.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on: The regulations will be implemented statewide and will have no economic impact.

(a) Geographical area in which administrative regulation will be implemented:

(b) Kentucky:

(7) Assessment of alternative methods; reasons why alternatives were rejected: No alternative method was needed.

(8) Assessment of expected benefits: There would be no effects on public health or environmental welfare.

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky:

(b) State whether a detrimental effect on environment and public health would result if not implemented:

(c) If detrimental effect would result, explain detrimental effect:

(9) 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:

(10) Any additional information or comments: None

(11) TIERING: Is tiering applied? No. This regulation repeals three existing regulations; therefore, tiering is not applicable.

TOURISM CABINET
Department of Fish and Wildlife Resources
(New Administrative Regulation)

301 KAR 2:225. Dove, wood duck, teal and other migratory game bird hunting.

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

STATUTORY AUTHORITY: KRS 150.015, 150.170, 150.320, 150.340, 150.360

NECESSITY AND FUNCTION: To allow the taking of migratory birds within reasonable limits based upon an adequate supply, and within the frameworks established by the U.S. Fish and Wildlife Service. This administrative regulation contains the substance of 301 KAR 2:044, which it replaces. Substantive changes from 301 KAR 2:044 consist of date changes to reflect calendar shifts.

Section 1. Definitions. (1) "Migratory game birds" means mourning dove, wood duck, teal, common moorhen, woodcock, common snipe, purple gallinule, Virginia rail, and sora rail.

(2) "Teal" means green-winged teal, blue-winged teal, and cinnamon teal.

Section 2. Season Dates for Gun Archery and Falconry. (1) Doves: September 1 through September 30; October 7 through October 30; and November 23 through November 28.

(2) Woodcock: October 14 through December 17.

(3) Common snipe: September 13 through October 27 and November 23 through January 23.

(4) Wood duck and teal: September 13 through September 17.

(5) Virginia and sora rails, common moorhen and purple gallinule: September 1 through November 9.

Section 3. Bag and Possession Limits. Persons shall not exceed the following limits:

(1) Doves: daily limit, fifteen (15); possession limit, thirty (30).

(2) Woodcock: daily limit, five (5); possession limit, ten (10).

(3) Common snipe: daily limit, eight (8); possession limit, sixteen (16).

(4) Virginia rails and sora rails, singly or in the aggregate: daily and possession limit, twenty-five (25).

(5) Common moorhen and purple gallinules singly or in the aggregate: daily limit, fifteen (15); possession limit, thirty (30).

(6) Wood duck and teal: daily limit, four (4); shall not include more than two (2) wood ducks; possession limit, eight (8); shall not include more than four (4) wood ducks.

(7) For identification purposes, persons shall leave the head or one (1) fully feathered wing attached to migratory game birds, except doves, being held in the field or transported.

Section 4. Shooting Hours. Persons may take:

(1) Doves:

(a) From 11 a.m. until sunset during the September and October portions of the season; and

(b) From sunrise to sunset during the November portion of the season.

(2) Other species listed in this administrative regulation, from one-half (½) hour before sunrise to sunset.

Section 5. Shot Requirements. Persons hunting wood ducks or teal shall not use or possess shotgun shells:

(1) Longer than three and one-half (3 1/2) inches; or

(2) Containing:

(a) Lead shot;

(b) Shot not approved by the U.S. Fish and Wildlife Service for waterfowl hunting; or

(c) Shot larger than size "T".

Section 6. Exceptions to Statewide Migratory Bird Seasons on Specified Wildlife Management Areas. (1) On wildlife management areas owned or controlled by the department:

(a) Unless excepted below, all sections of this administrative regulation apply.

(b) Persons shall not:

1. Hunt wood ducks or teal on areas closed to waterfowl hunting by 301 KAR 2:222.

2. Hunt in areas marked by signs as closed to hunting.

3. Enter areas marked by signs as closed to the public.

(2) Persons hunting doves on the Ballard, Swan Lake, Peal, Sloughs, Ohio River Islands, Duck Island, Kaler Bottoms, Kentucky River and Westvaco Wildlife Management Areas shall not use or possess shotgun shells containing lead shot.

(3) Ballard Wildlife Management Area.

(a) Persons shall not hunt migratory birds after October 13, except as provided in 301 KAR 2:221.

(b) Dove hunters shall not carry firearms except during shooting hours.

(4) Central Kentucky Wildlife Management Area. Persons shall not hunt migratory birds after October 13, except as provided in 301 KAR 2:222.

(5) Grayson Lake Wildlife Management Area.

(a) Migratory bird hunters shall check in and out daily at designated check stations.

(b) Persons shall not hunt:

1. Within the no wake zone at the dam site marina;

2. On Deer Creek Fork; or

3. On or from the shores of Camp Webb or the state park.

(6) Land Between the Lakes. Persons shall not hunt doves, woodcock or common snipe between the last Saturday in September and November 30.

(7) West Kentucky Wildlife Management Area.

(a) Persons shall not hunt doves after October 13, except on tracts 2, 3, 6, and 7 during the November portion of the season.

(b) Persons shall not hunt woodcock and snipe except on tracts 2, 3, 6, and 7.

(c) Persons shall not hunt on tracts designated by numbers followed by the letter "A".

(8) Yatesville Lake Wildlife Management Area. Migratory bird hunters shall check in and out daily.

(9) Persons shall not hunt migratory birds on the main block of Robinson Forest.

Section 7. Dove Hunter Guidelines on Wildlife Management Areas. (1) The department may establish hunter density guidelines for dove hunting fields on department property after considering the following:

(a) Terrain of fields;

(b) Topography of fields;

(c) Providing for approximately forty (40) yards between hunters.

(2) Strategically located signs shall be posted in fields advising hunters:

(a) Of recommended hunter densities;

(b) That hunting in excess of the desired hunter density limit shall be at the hunter's own risk.

(3) Hunters behaving in an unsafe or uncooperative manner shall be required to leave the premises.

Section 8. 301 KAR 2:044 is repealed.

C. THOMAS BENNETT, Commissioner
GREG GINTER, Secretary
MIKE BOATWRIGHT, Chairman
APPROVED BY AGENCY: June 9, 1995

FILED WITH LRC: November 13, 1995 at 1 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on December 28, 1995 at 9 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 December 24, 1995, 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 canceled. 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: Roy Grimes, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky 40601, (502) 564-4406.

REGULATORY IMPACT ANALYSIS

Agency Contact: Roy Grimes

(1) Type and number of entities affected: An estimated 90,000 persons will participate in the migratory bird hunting proposed by this administrative regulation.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No public comments received. Direct costs involve the purchase of a state hunting license, a federal migratory bird hunting and conservation stamp and a state waterfowl stamp if hunting waterfowl. Indirect costs would be determined by the hunter, depending on his level of participation. U.S. Fish and Wildlife Service approved nontoxic shot is required for all waterfowl hunting. Approved nontoxic shot costs approximately $2 to $7 more per box of 25 shells, dependent on shot material selected, than does lead shot.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No public comments received. This administrative regulation will have no anticipated impact on the cost of doing business.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: Persons participating in the hunting proposed for authorization by this administrative regulation are required to possess a valid hunting license ($12.50 for residents) unless exempt by administrative regulations. Waterfowl hunters are required to possess a $15 federal migratory bird hunting and conservation stamp and a $7.50 state waterfowl stamp. These are existing requirements which this administrative regulation will not change.

2. Second and subsequent years: Same as for first year.

(3) Effects on the promulgating administrative body: Requires time and effort in developing, publishing reporting on, and enforcing the proposed administrative regulation.

(a) Direct and indirect costs or savings: Primary costs are associated with enforcement of the administrative regulation.

1. First year: This administrative regulation will not impose additional costs or create additional savings.

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

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: Randomly selected waterfowl hunters will be asked to report their hunting success by completing and mailing a Kentucky and Federal Waterfowl Survey in a postage paid envelope.

(4) Assessment of anticipated effect on state and local revenues: A positive effect could be expected on state revenues since hunters are required to purchase a hunting license and pay other state taxes on items purchased in connection with hunting and the hunting trip. The average migratory bird hunter in Kentucky will expend about $228 a season on food, lodging, transportation and equipment. This will add about $20,520,000 to the income of local businesses.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation. Revenue from the sale of hunting and fishing licenses and will be used for implementation and enforcement of this administrative regulation.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: None

(b) Kentucky: None

(7) Assessment of alternative methods, reasons why alternatives were rejected: Reasons why alternatives were rejected: The U.S. Fish and Wildlife Service requires that any harvest of migratory birds be through a regulated hunting season that is held within a specific time frame. Therefore, the only available alternative to regulated hunting is to close the season which was rejected since migratory birds are a renewable resource and involved species are at population levels that permit regulated hunting for the benefit of Kentucky.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: This administrative regulation is intended to conserve populations of migratory birds, a positive impact on environmental welfare. It also allows utilization of these populations as a recreational resource, having a positive effect on the health and well-being of those who participate.

(b) State whether a detrimental effect on environment and public health would result if not implemented: Reduction in the potential recreational opportunity and the loss of conservation of migratory birds.

(9) 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: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(10) Any additional information or comments: None

(11) TIERING: Was tiering applied? No. Only one class of citizen, the hunter, is impacted by this administrative regulation. Disregarding physiography, distribution of the species sought by hunters is assumed to be uniform, thus negating the need to recognize tiers. Tiering according to physiography is impractical and unnecessary as a means of species protection or provision of hunter opportunity.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or administrative regulation constituting the federal mandate. 50 CFR Part 20, Federal Register, Vol. 60, No. 140, Friday, July 21, 1995.

2. State compliance standards. State seasons and bag limits are within federal frameworks.

3. Minimum or uniform standards contained in the federal mandate. Woodcock - season frameworks between September 1, 1995, and January 31, 1996, with a 65 day maximum season. Bag limits may be a maximum of 5 per day with 10 in possession. Wood duck and teal - season frameworks allow 5 days in September. Bag limits may total 4 per day with not more than two of these being wood ducks. Possession limit is 8 of which not more than 4 can be wood ducks. Dove - season frameworks allow either 70 or 60 days between

September 1, 1995, and January 15, 1996. Bag limits may be either 12 per day with 24 in possession for the 70 day season or 15 per day with 30 in possession for the 60 day season. Common snipe - season frameworks allow a 107 day season between September 1, 1995 and February 28, 1996. Bag and possession limit is 8 and 16, respectively. Virginia and sora rails - the season may not exceed 70 days with a season framework between September 1, 1995 and January 20, 1996. Bag and possession limit of 25 per day, singly or in aggregate. Common moorhen and purple gallinule - the season may not exceed 70 days with a season framework between September 1, 1995 and January 20, 1996. Daily bag limit of 15, singly or in aggregate. Possession limit is twice the daily bag limit.

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.

TOURISM CABINET
Department of Fish and Wildlife Resources
(New Administrative Regulation)

301 KAR 5:001. Definitions for 301 KAR Chapter 5.

RELATES TO: KRS 150.195
STATUTORY AUTHORITY: KRS 150.195
NECESSITY AND FUNCTION: To define the terms used in 301 KAR Chapter 5.

Section 1. Definitions. (1) "License agent" means a county clerk, government office or business authorized to sell licenses and conduct other transactions for the department.

(a) "Appointed agent" means a license agent appointed by the department and provided with a POS device.

(b) "Leasing agent" means a business that becomes a license agent by leasing the POS device from the department.

(c) "Governmental agent" means a license agent who is a county clerk or the representative of another federal, state, or local governmental entity.

(d) "Temporary agent" means a license agent substituting on a temporary basis for another agent whose agent status has been suspended.

(e) "Out-of-state agent" means a license agent who sells licenses at a location outside the boundaries of Kentucky.

(2) "Agent cap" means the maximum number of appointed agents established for each county.

(3) "Agent in good standing" means a license agent whose status has not been suspended, revoked or terminated.

(4) "Agents of county clerks" means the business establishments included on the list submitted to the department by county clerks of their authorized license agents as of July 16, 1994.

(5) "Commission" is defined by KRS 150.010(4).

(6) "Commissioner" is defined by KRS 150.010(5)

(7) "Department" is defined by KRS 150.010(8).

(8) "POS licenses" means the licenses or permits authorized by KRS 150.175 and 301 KAR 3:022 which are available for sale through POS devices.

(9) "License stock" means the blank paper upon which licenses are printed by the POS device.

(10) "POS device" means a point-of-sale computer terminal, printer, and associated hardware, software, and connecting cables used to generate licenses and record license sale data.

(11) "Transaction" means the purchase or sale of a license, permit, or product, or the application for a hunt, using a POS device at a license agent location.

(12) "Upload" means the transfer, over telephone lines, of electronic data from the POS device to the department.

C. THOMAS BENNETT, Commissioner
GREG GINTER, Secretary
MIKE BOATWRIGHT, Chairman
APPROVED BY AGENCY: August 25, 1995
FILED WITH LRC: November 13, 1995 at 1 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on December 28, 1995 at 9 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 December 24, 1995, 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 canceled. 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: Libby McManis, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky 40601, (502) 564-4406.

REGULATORY IMPACT ANALYSIS

Contact Person: Rebecca Games

(1) Type and number of entities affected: Approximately 1250 license agents across the state will be affected by this administrative regulation.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No public comments received. This administrative regulation should have no impact on cost of living or employment.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No public comments received. This administrative regulation should have no impact on costs of doing business.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: This regulation supports automation of a previously manual hunting and fishing license system. Elimination of the manual system greatly reduces paperwork for both the license agent and the department. There should be no change in cost factors for the agents or the department.

2. Second and subsequent years: There should be no changes other than the ones identified in the first year.

(3) Effects on the promulgating administrative body: More efficient operations, increased availability of licenses, better control over license sales, uniform agent selection process

(a) Direct and indirect costs or savings:

1. First year: Project was designed to equal costs under existing manual system.

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

3. Additional factors increasing or decreasing costs: None identified.

(b) Reporting and paperwork requirements: Reporting requirements will be automated under the new license system, greatly reducing paperwork.

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

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: Department of Fish and Wildlife agency funds.

(6) To the extend available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: some agents will have more types of licenses to sell, all agents will have increased availability to hunting and fishing licenses for their customers.

(b) Kentucky: Better service to hunters and anglers.

(7) Assessment of alternative methods; reasons why alternatives were rejected: KRS 150.195 changes the way licenses are distributed. As a result of this change, the department will deal directly with approximately 1250 agents rather than with only 120 county clerks. The alternative of remaining with a manual system is unacceptable because it would be ineffective, inefficient and labor-intensive.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: None

(b) State whether a detrimental effect on environmental and public health would result if not implemented: No

(c) If detrimental effect would result, explain detrimental effect: Not applicable.

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

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(10) Any additional information or comments:

(11) TIERING: Is tiering applied? Tiering was used to the extent that license agents were placed in several categories with differing requirements. Otherwise, tiering is not appropriate because the administrative regulation applies equally to all individuals or entities it regulates. Disparate treatment of any persons of entity subject to this administrative regulation could raise questions of arbitrary action on the part of the agency. The "equal protection " and "due process" clauses of the Fourteenth Amendment of the U. S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution.

TOURISM CABINET
Department of Fish and Wildlife Resources
(New Administrative Regulation)

301 KAR 5:010. License agent selection criteria.

RELATES TO: KRS 150.195
STATUTORY AUTHORITY: KRS 150.195
NECESSITY AND FUNCTION: To establish the number of appointed agents per county, the criteria for selecting appointed agents, and application procedures for becoming a license agent.

Section 1. Agent Caps. (1) Except that a county shall not have fewer than two (2) appointed agent positions, the agent cap for each county shall be the lesser of:

(a) Equal to the number of licenses sold in that county during the 1993 license year divided by 850, which is the average number of licenses sold per agent in 1993, and rounded to the next largest whole number; or

(b) The number of agents of the county clerk in that county on July 16, 1994.

(2) Agent caps shall not include:

(a) Governmental agents or their branch offices; or

(b) Leasing agents.

Section 2. License Agent Applications and Agreements. (1) Before receiving authorization to serve as license agents, businesses or governmental agencies shall:

(a) Complete and submit a license agent application form;

(b) Enter into a formal contract with the department by agreeing to the provisions of, and signing, the appropriate agent agreement;

(c) Pay a security deposit as required in the agent agreement; and

(d) Sign an electronic fund transfer authorization form which authorizes the department to make electronic fund transfers from a bank account into which the agent shall deposit the proceeds from transactions.

1. Agents with multiple business locations wishing to consolidate payments shall make suitable arrangements with the department.

2. State agencies serving as license agents shall remit payment through the state accounting system.

(2) The following application and agent agreement forms are incorporated by reference. They may be inspected or copied at the Division of Fiscal Control, Department of Fish and Wildlife Resources, #1 Game Farm Road, Frankfort, Kentucky 40601 ((502) 564-4224) between 8 a.m. and 4:30 p.m. (Eastern Time) on normal business days:

(a) License Agent Application Form, 1995.
(b) Electronic Fund Transfer Authorization Form, 1995.
(c) Appointed Agent Agreement, 1995
(d) Leasing Agent Agreement, 1995
(e) Governmental Agent Agreement, 1995.
(f) Out-of-state Agent Agreement, 1995.
(g) Temporary Agent Agreement, 1995.
(h) Inventory Agent Agreement, 1995.
(i) Inventory Agent Reporting Form, 1995.

(3) The department shall not appoint as agents:

(a) Individuals; or

(b) Businesses that do not have:

1. A valid federal identification number; and

2. Except for out-of-state agents, a Kentucky sales tax number.

Section 3. Appointed Agents. (1) The department shall retain as appointed agents those agents of county clerks who before October 1, 1995:

(a) Complete and return the application as stipulated in Section 2 of this administrative regulation; and

(b) Complete and submit the agent agreement and electronic fund transfer authorization forms as stipulated in Section 2 of this administrative regulation; and

(c) Pay the security deposit required by that agreement.

(2) The provisions of subsections (3) through (8) of this section shall apply to agents of county clerks who do not meet the deadlines stipulated in subsection (1) of this section.

(3) If the number of agents appointed under the provisions of subsection (1) of this section:

(a) Equals or exceeds the agent cap, the department shall not appoint additional agents in that county.

(b) Is less than the agent cap, the department may appoint additional agents up to the limit of the agent cap.

(4) If the number of appointed agents in a county falls below the agent cap, the department may appoint additional agents in that county up to the agent cap.

(5) Before it appoints additional agents in a county, the department shall:

(a) Give first right of refusal, based on seniority, to businesses that:

1. Are existing leasing agents; and

2. Are agents in good standing.

(b) If vacancies still exist, publish a paid announcement which conforms to the specifications of KRS 424.140 and 424.130 in the county or local newspaper as identified by KRS 424.120.

(6) Prospective agents shall apply on agent application forms.

(7) The department may inspect the facilities and records of applicants to verify the information on the application.

(8) If the department receives more applications than agent vacancies, the department shall:

(a) Assign a numerical score, using the Agent Score Sheet, to the applications; and

(b) Appoint as agents those applicants receiving the highest scores.

(9) The agent score sheet is incorporated by reference. It may be inspected or copied at the Division of Fiscal Control, Department of Fish and Wildlife Resources, #1 Game Farm Road, Frankfort, Kentucky 40601 ((502) 564-4224) between 8 a.m. and 4:30 p.m. (Eastern Time) on normal business days.

(10) If the department does not receive enough qualified applicants to fill existing vacancies in a county, it may extend the deadline date for application until the cap is reached.

Section 4. Leasing Agents. The department may lease POS devices to businesses in counties that are at or above the agent cap, providing that:

(1) The department has POS devices available for leasing purposes; and

(2) The business in not under suspension or revocation as a license agent.

Section 5. Inventory Agents. (1) County clerks who are license agents may become inventory agents by written request to the department.

(2) In exchange for an additional fifteen (15) cents for each license sold in the inventory agent's county, an inventory agent shall:

(a) Maintain a supply of spare POS terminals, ribbons, paper stock, literature and other items as the department may direct;

(b) Make these items available to license agents during the county clerk's normal business hours;

(c) Keep accurate records, on forms provided by the department, of inventory items received and delivered; and

(d) Collect and ship defective POS devices to a designated maintenance facility.

(3) The department shall not appoint an inventory agent for counties in which the county clerk has chosen not to be an inventory agent.

Section 6. Temporary Agents. (1) If an appointed agent is suspended, the department may appoint a temporary agent to serve during the term of the suspension.

(2) The department shall select temporary agents using the procedure detailed in Section 3(5) through (8) of this administrative regulation.

Section 7. Out-of-state Agents. The department may grant license agent status to business locations outside Kentucky if the out-of-state agent:

(1) Was the agent of a county clerk; and

(2) Posts a surety bond as stipulated in the out-of-state agent agreement.

C. THOMAS BENNETT, Commissioner
GREG GINTER, Secretary
MIKE BOATWRIGHT, Chairman

APPROVED BY AGENCY: August 25, 1995

FILED WITH LRC: November 13, 1995 at 1 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on December 28, 1995 at 9 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 December 24, 1995, 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 canceled. 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: Libby McManis, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky 40601, (502) 564-4406.

REGULATORY IMPACT ANALYSIS

Contact Person: Rebecca Games

(1) Type and number of entities affected: Approximately 1250 license agents across the state will be affected by this administrative regulation

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No public comments received. This administrative regulation should have no impact on cost of living or employment.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No public comments received. This administrative regulation should have no impact on costs of doing business.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: This regulation supports automation of a previously manual hunting and fishing license system. Elimination of the manual system greatly reduces paperwork for both the license agent and the department. There should be no change in cost factors for the agents or the department.

2. Second and subsequent years: There should be no changes other than the ones identified in the first year.

(3) Effects on the promulgating administrative body: More efficient operations, increased availability of licenses, better control over license sales, uniform agent selection process

(a) Direct and indirect costs or savings:

1. First year: Project was designed to equal costs under existing manual system.

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

3. Additional factors increasing or decreasing costs: None identified.

(b) Reporting and paperwork requirements: Reporting requirements will be automated under the new license system, greatly reducing paperwork.

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

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: Department of Fish and Wildlife agency funds.

(6) To the extend available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: some agents will have more types of licenses to sell, all agents will have increased availability to hunting and fishing licenses for their customers.

(b) Kentucky: Better service to hunters and anglers.

(7) Assessment of alternative methods; reasons why alternatives

were rejected: KRS 150.195 changes the way licenses are distributed. As a result of this change, the department will deal directly with approximately 1250 agents rather than with only 120 county clerks. The alternative of remaining with a manual system is unacceptable because it would be ineffective, inefficient and labor-intensive.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: None

(b) State whether a detrimental effect on environmental and public health would result if not implemented: No

(c) If detrimental effect would result, explain detrimental effect: Not applicable.

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

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(10) Any additional information or comments:

(11) TIERING: Is tiering applied? Tiering was used to the extent that license agents were placed in several categories with differing requirements. Otherwise, tiering is not appropriate because the administrative regulation applies equally to all individuals or entities it regulates. Disparate treatment of any persons of entity subject to this administrative regulation could raise questions of arbitrary action on the part of the agency. The "equal protection " and "due process" clauses of the Fourteenth Amendment of the U. S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution.

KENTUCKY DEPARTMENT OF AGRICULTURE
(New Administrative Regulation)

302 KAR 20:081. Repeal of 302 KAR 20:080.

RELATES TO: KRS Chapter 257

STATUTORY AUTHORITY: KRS 257.030

NECESSITY AND FUNCTION: 302 KAR 20:080 is no longer needed because hog cholera is no longer a threat to livestock.

Section 1. 302 KAR 20:080, Swine, is hereby repealed.

ED LOGSDON, Chairman

APPROVED BY AGENCY: August 17, 1995

FILED WITH LRC: October 27, 1995 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation will be held on Friday, December 22, 1995, at 10 a.m. at the Department of Agriculture, 7th Floor Conference Room, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in attending this hearing shall notify this agency in writing by December 17, 1995, 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 canceled. This hearing is open to the public. Any person who wishes to be heard 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 be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification to be heard at the public hearing or written comments on the proposed administrative regulation to: Donna Greenwell Dutton, General Counsel, Department of Agriculture, Capital Plaza Tower, 7th Floor, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4696.

REGULATORY IMPACT ANALYSIS

Contact person: Dr. D. L. Notter, State Veterinarian

(1) Type and number of entities affected: All swine owners in Kentucky.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No public comments were received.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No public comments were received.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: This regulation is being repealed. Therefore no increased reporting and paperwork requirements.

2. Second and subsequent years: None

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: There will be no additional reporting and paperwork requirements.

(b) Reporting and paperwork requirements:

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

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: Enforcement will no longer be necessary.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on: No public comments were received.

(a) Geographical area in which administrative regulation will be implemented: No public comments were received.

(b) Kentucky: No public comments were received.

(7) Assessment of alternative methods; reasons why alternatives were rejected: There are no alternative methods.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: Hog cholera is no longer a threat to livestock.

(b) State whether a detrimental effect on environment and public health would result if not implemented: No

(c) If detrimental effect would result, explain detrimental effect:

(9) 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

(10) Any additional information or comments: None

(11) TIERING: Is tiering applied? No. All swine owners in Kentucky are treated the same.

KENTUCKY DEPARTMENT OF AGRICULTURE
(New Administrative Regulation)

302 KAR 20:115. Vesicular stomatitis.

RELATES TO: KRS 257.030

STATUTORY AUTHORITY: KRS 257.030

NECESSITY AND FUNCTION: Sets forth the requirements for

entry into Kentucky livestock that has been exposed to vesicular stomatitis.

Section 1. General Provisions. (1) Prohibited entry into Kentucky.

(a) Livestock, wild or exotic animals shall not be permitted entry into Kentucky from any state in which vesicular stomatitis has been diagnosed.

(b) Livestock, wild or exotic animals shall not be permitted entry into Kentucky which have been in any state, during the thirty (30) days prior to the animals entry into Kentucky, which has had vesicular stomatitis diagnosed in the state.

(c) Livestock, wild or exotic animals shall not be permitted entry into Kentucky from any state which does not have in place adequate requirements, as determined by the chief livestock health official in Kentucky, governing the entry of such animals from states which have had vesicular stomatitis diagnosed.

(2) Vaccination.

(a) Livestock, wild or exotic animals in Kentucky shall not be vaccinated with an autogenous vesicular stomatitis virus vaccine and issued a conditional license by the United States Department of Agriculture's Animal and Plant Health Inspection Service.

(b) Livestock, wild or exotic animals which have been vaccinated with an autogenous vesicular stomatitis virus vaccine and issued a conditional license by the USDA's Animal and Plant Health Inspection Service shall not be permitted entry into Kentucky.

(3) Testing. All equidae, including suckling foals, originating from a state which has a common border with a state in which vesicular stomatitis has been diagnosed, shall be negative to either a serum neutralization test or a complement fixation test for the New Jersey strain of vesicular stomatitis within thirty (30) days prior to the animal's entry into Kentucky. The testing must be completed in a laboratory approved by the USDA's National Veterinary Services Laboratory. The certificate of veterinary inspection shall include the following:

(a) Testing laboratory;

(b) Test date;

(c) Accession number;

(d) Test results; and

(e) Complete name, address, city and state of both the consignor and consignee.

(4) Other requirements. All other entry requirements as found in 302 KAR 20:040 shall be met in full.

ED LOGSDON, Chairman

APPROVED BY AGENCY: August 17, 1995

FILED WITH LRC: November 6, 1995 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Friday, December 22, 1995 at 10 a.m. at the Department of Agriculture, 7th Floor Conference Room, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by December 17, 1995, 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 wishes to be heard will be given an opportunity to comment on this 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 be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to: Donna Greenwell Dutton, General Counsel, Department of Agriculture, Capital Plaza Tower, 7th Floor, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4696.

REGULATORY IMPACT ANALYSIS

Contact person: Dr. D. L. Notter

(1) Type and number of entities affected: All livestock, wild or exotic animals.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No effects on cost of living.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: No effects on cost of doing business.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: Minimal requirements. A certificate of veterinary inspection is required.

2. Second and subsequent years: Same requirements.

(3) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Current personnel will be used to enforce.

2. Continuing costs or savings: Same

3. Additional factors increasing or decreasing costs: Same

(b) Reporting and paperwork requirements:

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

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: Existing personnel will be used for enforcement.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on: No public comments were received.

(a) Geographical area in which administrative regulation will be implemented: No public comments were received.

(b) Kentucky: Same

(7) Assessment of alternative methods; reasons why alternatives were rejected: The state veterinarian has recommended these requirements as being the best alternative.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: This regulation furthers Kentucky health and disease control initiatives.

(b) State whether a detrimental effect on environment and public health would result if not implemented: Yes, possibly.

(c) If detrimental effect would result, explain detrimental effect:

(9) 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

(10) Any additional information or comments: None

(11) TIERING: Is tiering applied? No. All livestock owners will be treated the same.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Mines and Minerals
Division of Oil and Gas
(New Administrative Regulation)

805 KAR 1:150. Content of the operations and reclamation proposal; form on which the proposal is filed.

RELATES TO: KRS 353.520
STATUTORY AUTHORITY: KRS Chapter 13A, 353.540, 353.550, 353.570, 353.5901, 353.595, 353.597
NECESSITY AND FUNCTION: KRS 353.5901(1) requires well operators to submit to the Department of Mines and Minerals an operations and reclamation proposal with regard to all tracts on which there has been a complete severance of the ownership of the oil and gas from the ownership of the surface to be disturbed. This administrative regulation specifies the content of the operations and reclamation proposal, creates the form on which that proposal is to be filed and is applicable only to tracts on which the ownership of the surface has been completely severed from that of the oil and gas.

Section 1. Definitions. The definitions set out in KRS 353.510 and those set out below shall apply to this administrative regulation:

(1) "Surface owner" means the person in whose name is registered the surface of the land subject to disturbance by drilling operations and who is assessed property taxes by the property valuation administrator of the county where the land is located.

(2) "Cross drain" means an open ditch, constructed across the roadway, to carry off road surface water and which is not intended to replace culverts.

(3) "Filter strip" means a natural vegetative strip, left undisturbed, between the disturbed construction area and a water course, and which acts as a buffer area to catch sediment before it enters the water course.

(4) "Diversion ditch" means a channel or ridge constructed across a slope for diverting surface runoff.

Section 2. The operations and reclamation proposal shall be filed on Form ED-10, entitled "Plan to Prevent Erosion of and Sedimentation from a Well Site," which form, dated November 15, 1995, is filed and incorporated herein by reference. Copies of the form may be obtained from the Department of Mines and Minerals, P. O. Box 14090, Lexington, Kentucky 40512-4090, Monday through Friday, 8 a.m. to 4:30 p.m. In addition to the requirements set out in KRS 353.5901(1), the following information shall be set out on the Form ED-10:

(1) The operator's name, surface owner's name, address and telephone number, the county in which the well is proposed to be drilled, and the well number.

(2) A listing or description of fertilizers and soil amendments and seed or trees planted for each affected area requiring revegetation treatment and the types and amounts per acre of seed and trees planted.

(3) A detailed drawing of the road, well location and proposed area involved, which shall be in sufficient detail to allow ready identification of surface features. The surface owner's tract(s) shall be identified on this drawing, which shall also indicate the acres to be disturbed. The drawing may be made over an enlarged section of the United States Geological Survey (USGS) 1 :24000 topographic map and may be enlarged to approximately 1"= 400' and be submitted on an eight and one-half (8 1/2) inches by fourteen (14) inch sheet using the symbols shown on Form ED-10 for the following:

- Road
- Existing fence
- Planned fence
- Stream
- Open ditch
- Diversion
- Spring
- Drain pipe, with size in inches
- Waterway
- Cross drain
- Rock
- North arrow
- Buildings
- Water wells
- Drill site
- Gathering lines
- Artificial filter strip
- Pit: cut walls
- Pit: compacted fill walls
- Area for land application of pit waste
- Tanks
- Storage facilities

The drawing shall have a legend with the operator's name, the scale of the map, the well name and number, and the lease name and the surface owner's name.

(4) Signatory sections for the operator and surface owner in the following manner:

(a) The name and title of the operator shall be indicated and his signature notarized, which signature shall be either that of an officer of the company or of some other person who holds a duly recorded power of attorney to execute documents, a copy of which power of attorney shall be filed with the division. If the prospective operator is an individual, the signatory shall be in the same name as the applicant's or a power of attorney to execute documents shall be submitted to the division if the signatory is someone other than the applicant.

(b) The surface owner's name shall be indicated and his signature notarized if he approves of the operations and reclamation proposal, together with any attachments submitted with it.

Section 3. Unsigned Reclamation Forms. If the owner of the surface of the severed minerals tract is unwilling or for some other reason has failed to execute Form ED-10, the operator shall provide the following at the time the application for permit is filed:

(1) A copy of the certified mail receipt verifying the operations and reclamation proposal and plat were mailed to and received by the surface owner.

(2) If the surface owner cannot be reached at the last known address of record, the operator shall publish a request for information on the whereabouts of the surface owner, which publication shall be made two (2) consecutive times in a local newspaper in the county of the surface owner's last known address of record and once in a newspaper with statewide distribution. The request for information shall briefly describe the intended construction activity of the operator, as set out in the operations and reclamation proposal. A copy of the certified mail receipt verifying that the operations and reclamation proposal and plat were mailed to the surface owner, the original unclaimed envelope containing the operations and reclamation proposal and plat, and copies of the published requests for information shall be attached with the request for mediation as evidence of efforts made to locate the surface owner.

Section 4. Mediation of Dispute. (1) Upon his receipt of a request for mediation, proof of notification or attempted notification and copies of the published requests for information, if required by Section 3 of this administrative regulation, and the mediation fee required in KRS 353.5901(4), the mediator shall issue an Order Scheduling Mediation and send it by certified mail to the well operator and all surface owners of areas to be disturbed by drilling who have not agreed to the operations and reclamation proposal.

(2) If the surface owner does not file his mediation fee within the time and in the manner required in the Order Scheduling Mediation, he shall be deemed to have failed to satisfy the statutory requirements applicable to mediation, and the mediator shall file a report noting such failure and recommending the acceptance of the operator's operations and reclamation proposal.

(3) The mediator may not settle damage claims or make any determinations regarding them in his report. However, information presented by the operator or surface owner as to such factors as costs incurred by either party, the loss of minerals or surface damage may be utilized by the mediator in recommending the placement of roads, pits or other construction and reclamation activities in a

manner which has the least adverse surface impact.

Section 5. As an attachment to the permit application required in KRS 353.590, the operator shall submit a copy of the deed of conveyance or lease which he believes supports his right to enter and conduct drilling operations or the written consent of the surface landowner to conduct such operations. The director shall include that attachment as a part of the permanent well file; however, if a dispute arises over the validity of the document, resolution of that dispute shall be undertaken by the circuit court in the county in which the well is located.

Section 6. (1) The construction of the well site, including roads, pits, tanks, lines or other areas disturbed, shall be performed by the operator in accordance with the operations and reclamation proposal. All cuts and fills shall have side slopes that are stable for the soil or fill material involved. The vertical grades shall be as low as reasonably practicable and compatible with topography. If the well produces and the site is kept open for long-term use for well servicing and for oil and gas removal, the operator shall:

(a) Maintain access roads in such a manner as to allow access by the operator without causing unreasonable settlement of the roadbed or slides of the cut slopes, and is conducted in accordance with the operations and reclamations proposal.

(b) Establish drainage to adequately accept runoff from access roads, the well site or other areas in a manner which prevents unreasonable interference with the surface owner's property, roads, farming operations, buildings, and is conducted in accordance with the operations and reclamations proposal.

(c) Repair access roads, the well site area, or pits damaged by events such as floods or landslides, or excessive settlement of the embankment as soon as practicable after the damage has occurred.

(2) Pit closures shall conform to applicable water quality administrative regulations established in 401 KAR Chapter 5. Jurisdiction for the enforcement of said administrative regulations shall remain exclusively vested in the Natural Resources and Environmental Protection Cabinet located at 14 Reilly Road, Frankfort, Kentucky 40601.

(3) Disposal of drilling and completion pit waste shall conform to applicable special waste administrative regulations established in 401 KAR Chapter 45. Jurisdiction for the enforcement of said administrative regulations shall remain exclusively vested in the Natural Resources and Environmental Protection Cabinet.

(4) All trash, cans and other construction-related materials and debris used or generated by the operator or his contractors shall be removed from the site and placed in an appropriate manner, in accordance with solid and hazardous waste regulations after all phases of drilling and after final reclamation. All well related materials will be removed upon plugging and cessation of operations.

Section 7. The bond required in KRS 353.590(5) shall not be released until division inspectors have made an inspection of the well site one (1) year after the date of final completion and have filed a report to the director documenting that the following have occurred:

(1) All areas disturbed by the operator have been secured in a manner to prevent runoff, sedimentation, or settlement of the roadway, sliding of cut slopes or any fill material.

(2) A diverse and effective permanent vegetative cover has been established.

(3) Any matters relating to settlement, inadequate vegetative cover or erosion have been corrected.

Section 8. Transfer of Wells Having Existing Reclamation Plans. (1) Prior to transferring a well located on a severed minerals tract and for which an approved operations and reclamation proposal is on file with the division, the operator shall:

(a) Provide the successor operator a copy of the approved reclamation forms and attachments on file with the division before Form ED-13, entitled "Well Transfer," revised on April 16, 1990, is signed. Copies of this form, which is filed and incorporated herein by reference, may be obtained from the Department of Mines and Minerals, P. O. Box 14090, Lexington, Kentucky 40512-4090, Monday through Friday, 8 a.m. to 4:30 p.m.;

(b) Advise the successor operator of any reclamation responsibility the transferring operator had with regard to the well;

(c) Secure from the successor operator a letter indicating he has received the reclamation form submitted to him by the transferring operator and that he is willing to accept responsibility for the reclamation of the well site; and

(d) Submit to the division the executed Form ED-13, applicable fee, a copy of Form ED-10 and the letter of the successor operator's agreement to accept responsibility for reclamation in the manner set forth on Form ED-10.

(2) The division shall not transfer the well until the requirements of this section are satisfied. The transferring and successor operators shall be advised in writing of the transfer of the well.

Section 9. Requirements for Testing Water. Prior to and after the drilling of a well or construction of the well site, access road, or performance of any reclamation activities described in the operations and reclamation proposal, the operator or the surface owner may submit to the division the results of drinking water tests performed by a certified drinking water laboratory. These tests may be of surface or underground sources of water used for domestic, agricultural, industrial, or other legitimate use on the surface owner's land. Water sample test procedures shall satisfy the following requirements before being submitted to the division:

(1) The surface owner or the operator shall be notified by certified mail or personal delivery not less than ten (10) working days prior to a water sample collection's being taken preparatory to a test being performed by the laboratory and this notice shall include:

(a) The name, address, telephone number of the surface owner or operator, and location of the proposed test;

(b) The name, address and telephone number of the certified drinking water laboratory performing the test;

(c) Notice to the other party that he or his representative may be present when the water sample collection is taken;

(d) A copy of the certified mail receipt verifying that the notice of the water test was received; if service is made by personal delivery, the date and time of day the person received the notice;

(e) The copy of the test results shall be filed on sheets or forms not larger than eight and one-half (8 1/2) inches by fourteen (14) inches; and

(f) The laboratory performing the drinking water test shall be a laboratory certified to perform such tests by the Kentucky Department for Environmental Protection, Division of Water. A copy of drinking water laboratories certified to operate in Kentucky may be obtained from the Department of Mines and Minerals, P. O. Box 14090, Lexington, Kentucky 40512-4090, Monday through Friday, 8 a.m. to 4:30 p.m.

(2) If the surface owner reasonably believes his water has been substantially disrupted by contamination, diminution, or interruption proximately resulting from the operator's activities, he shall document that belief in writing to the division, and if a follow-up water test was obtained by the surface owner, the results of such a test shall be provided to the division and to the well operator and shall be performed in accordance with subsection (1) of this section.

(3) If the division receives a written report from the surface owner concerning disruption of his water, the division shall investigate such report, and if the director finds that the disruption can be corrected by means of reasonable remedial action at the well site or reclamation area, he shall require the operator to immediately take such remedial action. However, the division shall not resolve claims for, or be involved in the mediation of claims or complaints regarding, water

replacement. If the surface owner is dissatisfied with the efforts performed by the operator concerning any matter impacting the attempted correction of water substantially disrupted, he may take appropriate civil action.

(4) The division shall not accept any water test results or any subsequent follow-up test results unless they satisfy the requirements of subsection (1) of this section. The division shall not interpret test results. Any such interpretation shall be provided by the certified drinking water laboratory performing the test or by other duly qualified expert.

(5) Copies of water tests filed with the division shall simultaneously be filed with the operator or surface owner. When a water test is performed, the surface owner or the operator shall be allowed to test at the same time if he so desires, and such test results may also be submitted to the division. If the surface owner or operator submits water test results to the division, either party may object to the other's test results within thirty (30) days of the postmarked date the results were mailed to the objecting party.

Section 10. Enforcement. (1) If a field inspection indicates there is noncompliance with the operations and reclamation proposal, a verbal or written notice of that noncompliance shall be given to the operator, together with a statement of the action required to correct the noncompliance. An operator who fails to make such corrections within a reasonable time frame shall receive a notice of violation issued by the inspector, who shall allow the operator forty-five (45) days to correct the violation. The operator's bond may be forfeited to the department's plugging fund, pursuant to KRS 353.590(7), if he fails to make required corrections.

(2) If the inspector observes a dangerous or environmentally damaging situation, he shall require immediate remedial action. An operator not complying with that requirement in a reasonable manner may face the penalties described in KRS 353.991.

EDWARD J. HOLMES, Secretary
JOHN FRANKLIN, Commissioner

APPROVED BY AGENCY: November 15, 1995

FILED WITH LRC: November 15, 1995 at 11 a.m.

PUBLIC HEARING: A public hearing on this proposed administrative regulation shall be held on Thursday, December 28, 1995, at 10 a.m., prevailing local time, in the first floor conference room of the Department of Mines and Minerals, Administration Building, 3572 Iron Works Pike, Lexington, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by December 23, 1995, 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 canceled. This hearing is open to the public. Any person who wishes to be heard 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 be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing, or written comments on the proposed administrative regulation, to the contact person.

CONTACT PERSON: Rick Bender, Kentucky Department of Mines and Minerals, Post Office Box 14090, Lexington, Kentucky 40512-4090, (606) 254-0367, (606) 246-2026 (effective November 29, 1995).

REGULATORY IMPACT ANALYSIS

Agency Contact: Rick Bender

(1) Type and number of entities affected: The entities affected by this proposed administrative regulation will be those persons whose property is subject to the effects of oil and gas drilling and production efforts and the oil and gas operators of Kentucky who pursue such efforts.

(2) Direct and indirect costs or savings on the:

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received:

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received: The direct costs associated with this proposal are attributable to the statutory requirement that an operator, on lands on which oil and gas minerals have been severed from the surface estate, file an operations and reclamation proposal when obtaining a permit to drill. This proposal requires a prospective operator to file detailed site drawing, a description of the area to be disturbed, steps taken to prevent erosion and the proposed vegetation treatment. Notification is required to be given to the surface owner or the operator prior to having samples taken for certified drinking water tests. It is anticipated that the in-house cost for filling out the reclamation form and submitting the detailed drawing is approximately $100. If a smaller operator does not have the expertise to satisfy the requirements of this administrative regulation, contracting for the work would require an expenditure of approximately $500. The certified drinking water test, if performed, will cost approximately $200 per test.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation: This administrative regulation requires an operator to file a copy of the lease agreement, deeds of conveyance, or other authority to cross the surface owner's tract or to drill the well on the severed tract, along with reclamation forms and drawings required with the operations and reclamation proposal. The certified drinking water tests may be filed by the surface owner or operator with the Division of Oil and Gas.

2. Second and subsequent year: It is anticipated each year will be the same as the first.

(3) Effects on the promulgating administrative body: This proposed administrative regulation will require the agency to perform technical review of the operations and reclamation proposal prior to permitting on a severed mineral tract. It will require the field inspector to perform a predrill well site inspection, a well site inspection at the time of reclamation and a final well site inspection at one (1) year from the date of reclamation. If the proposal is submitted unsigned by the surface owner and mediation is requested by the operator, the agency's general counsel shall perform the mediation and issue an order according to which the operation and reclamation shall be performed. If field violations are noted under the reclamation proposal, field inspectors will require remedial action to be taken.

(a) Direct or indirect costs or savings: As noted above, the time associated with technical review, and field inspections will cost the agency approximately $50,000 annually, most of which will be absorbed by the agency through maximization of existing resources and allocation among current fixed costs, such as salaries and travel. Little, if any, additional net costs to the agency are therefore anticipated.

1. First year: The number of permits issued on severed tracts is small, and with existing permitting and field inspection in place, the additional work for the office and field staff can be absorbed in the current work load.

2. Continuing costs or savings: Since permitting and field inspections are recurring obligations, the costs described above are anticipated to remain fairly consistent from year to year.

3. Additional factors increasing or decreasing costs: If there is an increase in permit activity on severed mineral tracts, costs may increase, just as they would be expected to decrease if such activity decreases.

(b) Reporting and paperwork requirements: Since this agency is currently permitting and performing field inspections, little additional impact on associated reporting and paperwork activities is anticipated

as a result of this proposed administrative regulation.

(4) Assessment of anticipated effect on state and local revenues: It is anticipated that this administrative regulation will have minimal effect on state and local economies, since only 70 to 100 wells will be drilled per year on lands having severed minerals, based on 1995 activity, requiring operators to satisfy the requirements of this proposal.

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: The current budget allocated for permitting and field inspection will provide for funding of this proposed regulation. It is anticipated that no additional funding will be required.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: None

(b) Kentucky: None

(7) Assessment of alternative methods; reasons why alternatives were rejected: The requirements of this administrative regulation are necessary to better provide protection of the surface owner's property from erosion and sedimentation from an operator's drilling activity and to better provide protection of his water sources. This proposal is required to implement the statutory mandate of KRS 353.5901.

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: Benefits to the surface owner will include better description of the operator's activities relating to the operations and reclamation proposal in a manner to prevent erosion, control drainage, establish permanent vegetative cover and correct slides and settlement problems.

(b) State whether a detrimental effect on environment and public health would result if not implemented: Yes

(c) If detrimental effect would result, explain detrimental effect: If this administrative regulation is not implemented the surface owner would not be able to express his concerns over the surface use and reclamation proposal of the area to be disturbed. Erosion could result and revegetation may not occur.

(9) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: This proposed administrative regulation neither conflicts with, overlaps, nor duplicates any statute, administrative regulation or government policy.

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

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

(10) Any additional information or comments: The enactment of this proposed administrative regulation will require additional annual retraining of office staff and division field inspectors in order for them to be updated on new technology and changes in reclamation and the drilling industry.

(11) TIERING: Was tiering applied? Yes. Tiering was applied in this proposed administrative regulation. Operators are required to satisfy the requirements of this regulation when their proposed drilling activity is on lands where the minerals are severed, whereas operators on lands whose minerals are unsevered from the surface will not be required to provide the reclamation forms and to satisfy the other requirements of this administrative regulation. The statutes, most of which are set out in KRS Chapter 353, require this differential treatment of operators in order to afford greater protection to the resources of the severed surface owner.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Housing, Buildings and Construction
Office of State Fire Marshal
(New Administrative Regulation)

815 KAR 10:046. Repeal of 815 KAR 10:045.

RELATES TO: KRS Chapter 227, 815 KAR 10:050

STATUTORY AUTHORITY: KRS 227.300

NECESSITY AND FUNCTION: This administrative regulation is necessary to repeal administrative regulation 815 KAR 10:045 which is no longer necessary as a separate administrative regulation since the material is now contained in the Kentucky Fire Prevention Code, 815 KAR 10:050.

Section 1. Administrative regulation 815 KAR 10:045 is repealed.

CHARLES A. COTTON, Commissioner
EDWARD J. HOLMES, Secretary

APPROVED BY AGENCY: November 8, 1995

FILED WITH LRC: November 13, 1995 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Thursday, December 21, 1995, at 10 a.m., in the office of the Department of Housing, Buildings and Construction, 1047 U.S. 127 South, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by December 16, 1995, (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 wishes to be heard 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 in which case the person requesting the transcript shall have the responsibility of paying for same. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation by the above date to: Judith G. Walden, Office of General Counsel, Department of Housing, Buildings and Construction, The 127 Building, 1047 U.S. 127 South, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith G. Walden

(1) Type and number of entities affected: This administrative regulation repeals 815 KAR 10:045 because the information contained in 815 KAR 10:045 is now located in the Kentucky Fire Prevention Code as promulgated in 815 KAR 10:050 and a separate administrative regulation is not necessary. Therefore, the impact to this repealer regulation is not applicable.

(2) Direct and indirect costs or savings on the: N/A

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received:

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comments received:

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the:

1. First year following implementation:
2. Second and subsequent years:

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

(a) Direct and indirect costs or savings:

1. First year:
2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

(4) Assessment of anticipated effect on state and local revenues: N/A

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: N/A

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on: N/A

(a) Geographical area in which administrative regulation will be implemented:

(b) Kentucky:

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

(8) Assessment of expected benefits: N/A

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky:

(b) State whether a detrimental effect on environment and public health would result if not implemented:

(c) If detrimental effect would result, explain detrimental effect:

(9) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A

(a) Necessity of proposed regulation if in conflict:

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

(10) Any additional information or comments:

(11) TIERING: Is tiering applied? No. Tiering not applicable because administrative regulation is being repealed.

CABINET FOR HUMAN RESOURCES
Department for Health Services
Division of Maternal and Child Health
(New Administrative Regulation)

902 KAR 19:010. Kentucky Birth Surveillance Registry.

RELATES TO: KRS 211.655, 211.660, 211.670

STATUTORY AUTHORITY: KRS 211.660

NECESSITY AND FUNCTION: KRS 211.655 establishes the Kentucky Birth Surveillance Registry based on the need to provide information on the incidence, prevalence, and trends of congenital anomalies, stillbirths and disabling conditions; provide information as to possible causes; and develop preventive strategies to reduce their incidence and the secondary complications associated with them. This administrative regulation is promulgated to establish uniform procedures for collection of data for the registry.

Section 1. Definitions. (1) "Board" means the Kentucky Health Policy Board.

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

(3) "Department" means the Department for Health Services.

(4) "Division" means the Division of Maternal and Child Health, the administrator of the Kentucky Birth Surveillance Registry, located within the Department for Health Services.

(5) "Registry" means the Kentucky Birth Surveillance Registry.

(6) "Hospitalization" means the inpatient medical episode identified by a patient's birth, admission date, length of stay and discharge date, and further identified by a provider-assigned patient control number unique to that inpatient episode.

(7) "UB-92" means the billing form identified by the Federal Health Care Financing Administration as HCFA Form 1450, as recommended by the National Uniform Billing Committee and adopted by the Kentucky Uniform Billing Committee for use by hospitals and other providers in billing for hospitalizations. The UB-92 Training Manual is incorporated by reference to this administrative regulation.

(8) "Coding and transmission specifications" means the technical directives concerning technical and technological matters, including codes and data for uniform provider entry into particular character positions of the UB-92 and uniform provider formatting of fields and character positions for purposes of electronic data transmissions issued by the Health Policy Board pursuant to administrative regulation 909 KAR 1:070 or, where not specified by the Health Policy Board, as are delineated in the UB-92 Training Manual.

(9) "ICD-9 Code" means the diagnosis code specifications under the International Classification of Diseases, in current usage, required for reporting diagnoses and diseases to all U.S. Public Health Service and Health Care Financing Administration programs.

(10 "Record" means the documentation of a hospitalization in the format of a UB-92 regardless of whether constituted as a paper form or on a computer-readable electronic medium.

(11) "Medical record" means the patient's actual medical record maintained by the hospital's medical record department.

(12) "Agent" means any entity with which the department may contract pursuant to carrying out the duties of the registry and may designate to act on the behalf of the registry to edit or analyze data from hospitals.

Section 2. Data Collection. (1) Hospitalization records. Beginning January 1, 1996 hospitals shall document on a UB-92 record each hospitalization they provide on at least all inpatients up to the age of five (5) years with diagnoses of a congenital birth anomaly or disabling condition as defined by the department and included in Section 8 of this administration regulation, and from these records shall provide to the registry not less than the data specified in Section 9 of this administrative regulation.

(2) Access to records. KRS 211.660(4) provides the registry or its agent with permission to have access to the medical records of any patient meeting the criteria in subsection (1) of this section.

Section 3. Data Finalization and Submission. (1) Submission of final data. Data shall be deemed final for purposes of submission to the registry as soon as a record is sufficiently final that the provider could submit it to a payor for billing purposes, regardless whether the record has actually been submitted to a payor.

(a) Finalized data shall not be withheld from submission to the registry on grounds that it remains subject to adjudication by a payor.

(b) Data on hospitalizations shall not be submitted to the registry before a patient is discharged or before the record is sufficiently final that it could be submitted to a payor for billing.

(2) Transmission of records.

(a) Data submitted to the registry shall be uniformly completed and formatted according to coding and transmission specifications.

(b) Hospitals that have the capacity shall submit data on computer-readable electronic media.

(c) All hospitals shall provide backup security against accidental erasure or loss of the data until any incomplete or inaccurate records identified by the registry have been corrected and resubmitted.

(d) Any data submitted by mail shall be by certified mail or other traceable carrier (i.e., United Parcel Service).

(e) Any hospital that submits records in the form of paper copies shall either deliver the copies to the registry's reporting agent, or send them in secure packaging by mail postmarked no later than the due date.

Section 4. Data Submission Timetable. Quarterly submissions. Hospitals shall submit data at least once for each calendar quarter. A quarterly submission shall contain data from all records of patients admitted on or after January 1, 1996, which during that quarter became final as specified in subsection (1) of this section, and shall be submitted to the registry not later than forty-five (45) days after the last day of that quarter.

(1) If the 45th day falls on a weekend or holiday, the submission due date shall become the next following working day.

(2) The first required data submission under this administrative regulation shall be for quarterly data collected after January 1, 1996.

Section 5. Data Corrections. (1) Editing. The following UB-92 data fields from Section 9 of this administrative regulation will be edited by the registry upon receipt to ensure completeness and validity of the data for further processing: patient name, insured's name.

(2) Time permitted for corrections. The registry shall allow hospitals thirty (30) days in which to submit corrected copies of initially submitted data the registry identifies as incomplete or invalid as a result of edits.

(a) The thirty (30) days shall begin on the postmarked date of the registry's mailed notice informing the hospital that corrections are required.

(b) Hospitals shall submit corrected data by either electronic transmission or postmarked mailing within the thirty (30) days.

Section 6. Working Contacts. (1) Beginning January 1, 1996 and annually thereafter, each hospital which is required by this administrative regulation to submit data shall report by letter to the registry the names and telephone numbers of a designated working contact person and a back-up person to facilitate technical staff follow-up in dealing with daily working details by employees of the registry or its agent. A hospital's designated contact and backup may not be the chief executive officer unless no other person(s) employed by the hospital has the required technical expertise.

(2) If the chief executive officer, designated contact person or back-up person changes during the year, the name of the replacing person shall be reported immediately to the registry.

Section 7. Required Reporting Conditions. The data which are submitted from the hospital to the registry shall be at least for those patients, from birth to five (5) years of age, for whom any reported diagnoses includes the following ICD-9 codes:

(1) All congenital anomalies codes - 740-759. (Examples: microcephaly 742.1; macrocephaly 742.4; upper GI anomalies 750; lower GI anomalies 751; gastroschisis 756.7; chromosome anomalies 758.)

(2) Dwarfism not elsewhere classified - 259.4.

(3) Metabolic/storage disorders - 270-279*. *Excluding codes 274, 276 and 278.

(4) Hereditary hemolytic anemia - 282.

(5) Neurologic disorders of brain and cord - 334-335.

(6) Cerebral palsy - 343.

(7) Omphalocele - 553.1.

(8) Teratogens (noxious influences) (include all 760.7 subcategories, current .70-.79) - 760.7.

(9) Hemolytic disease of the newborn - 773.

(10) Infant of diabetic mother - 775.0.

(11) Seizures - 779.0; 780.3.

(12) Failure to thrive - 783.4.

(13) Small for gestational age - 764.0.

Section 8. Required Data Elements. UB-92 data. Hospitals shall ensure that each copy of UB-92 data submitted to the registry contains at least the following data elements as provided on the UB-92 form. Asterisks identify elements that shall not be blank and shall conform to coding and transmission specifications.

UB-92 Field #	Element Name
*5	Federal Tax Number
*12	Patient Name
13	Patient Address
*14	Birth Date
*15	Sex
*17	Admission/Start of Care Date
*23	Medical Record #
*58	Insured's Name
59	Patient Relationship
60	Certificate/SSN/Health Insurance Claim/ID Number
*67	Principal Diagnosis Code
68-75	Other Diagnosis Codes (Up to 8)
*82	Attending Physician Unique Identification Number or Alternate Number.

Section 9. Incorporations by Reference. (1) As defined in Section 1 of this administrative regulation, the current UB-92 Training Manual.

(2) This item may be inspected or copied at the Kentucky Birth Surveillance Registry, Division of Maternal and Child Health, Department for Health Services, at 275 East Main Street, Frankfort, Kentucky 40621.

RICE C. LEACH, M.D., Commissioner
MASTEN CHILDERS, II, Secretary

APPROVED BY AGENCY: November 13, 1995

FILED WITH LRC: November 15, 1995 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on December 21, 1995 at 9 a.m. in the Health Services Auditorium, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by December 16, 1995, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: William K Moore, Deputy Counsel for Administrative Law, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621, Phone: (502) 564-7900.

REGULATORY IMPACT ANALYSIS

Contact Person: Patty J. Sewell, Health Program Administrator

(1) Type and number of entities affected: This administrative regulation affects approximately 107 hospitals.

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

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented: Indeterminable direct reduction in overall cost of living is expected to accrue to consumers statewide in consequence of their improved outcomes from referral services that will be provided by the registry. Employment is not germane of this administrative regulation.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented: The data required by this administrative regulation will be derived from the patient bills that providers already generate in order to be paid for their services. Since the elements reported are a small sample of what is currently being required by the Health Policy Board, with additional identifying information, and the registry will be contracting with the same data management vendor as the board to collect the information, minimal reformatting of some of their billing data in order to transmit a copy to the registry may possibly result in one-time setup cost to add this registry transmission to their existing data transmissions to payers, and minor ongoing cost thereafter to add the registry's data transmissions to their regular billing transmissions.

(c) Compliance, reporting and paperwork requirements, including factors increasing and decreasing costs note any effects upon

competition) for the:

1. First year following implementation: Compliance with reporting requirements consists of submitting specified data on a schedule and in conformance with other requirements specified in the administrative regulation. The administrative regulation invites hospitals to minimize paperwork or eliminate it altogether by transmitting data electronically instead of on paper forms. See also (b) above. One-time setup cost, if any, will occur in the first year only.

2. Second and subsequent years: Minor cost of routine data transmissions.

(3) Effects on the promulgating administrative body: It will be necessary for the registry to maintain a data processing system for managing the data received from hospitals.

(a) Direct and indirect costs or savings:

1. First year: Cost of staff and computer time.

2. Continued costs or savings: Same

3. Additional factors increasing or decreasing costs: Quantity of data received and nature and quantity of reports produced will affect staff cost. Quality control of record reporting may also affect staff cost.

(b) Reporting and paperwork requirements: The registry will generate reports as allowed by KRS 211.670 using collected data. The administrative regulation has no reporting or paperwork requirements beyond those specifically directed to the function of collecting data.

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

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: The budget of the Commonwealth as established in House Bill 2 enacted by the 1994 General Assembly.

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation on:

(a) Geographical area in which administrative regulation will be implemented: Referrals of patients identified by the registry to health care providers is likely to enhance economic stability of providers and community.

(b) Kentucky: The administrative regulation is statewide in scope.

(7) Assessment of alternative methods; reasons why alternatives were rejected: While vital statistics records are a major database for the registry, a large percentage of congenital anomalies are missed at birth, and KRS 211.660 requires information on all inpatients up to the age of five (5) years in order to assure comprehensive case reporting. Therefore, vital statistics information alone is insufficient for registry data. Health Policy Board collection of data does not include identifying information that is vital to the registry in assuring children and their families are made aware of available medical care and other services. This, as well as confidentiality issues, is addressed in KRS 211.670. The Advisory Committee, created by KRS 211.665, determined that statewide data collection is vital, therefore Medicaid information is insufficient for registry purposes. Attempts were made to achieve voluntary statewide hospital reporting. These attempts were not successful.

(8) Assessment of expected benefits: The registry will provide information on the incidence, prevalence, and trends of congenital anomalies, still births, and disabling conditions, thus providing information as to the possible causes of these conditions and enabling preventive actions to be implemented. Registry will also assure that children and their families identified are made aware of available medical care and other services, relieving the severe mental anguish related to these conditions, as well as possibly enabling these children to become more productive citizens of the Commonwealth.

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: The public health status of Kentuckians statewide can be expected to improve as a function to which this data collection and reporting achieve their expected benefits. Possible environmental causes of conditions, particularly in certain geographical regions, may be identified and preventive measures implemented to assure the health of the Commonwealth.

(b) State whether a detrimental effect on environment and public health would result if not implemented: There is currently no surveillance of congenital anomalies and disabling conditions in Kentucky. Many states, for instance Texas, have discovered tragic clusters of birth defects which escaped detection for several years. Without surveillance, the importance of folic acid during pregnancy to prevent neural tube defects may never have been found. Based on current university hospitals' with genetic services that serve eastern Kentucky, there appears to be a trend of congenital anomalies in Southeastern Kentucky which surpasses the national average. There may be preventable clusters of congenital anomalies occurring in Kentucky.

(c) If detrimental effect would result, explain detrimental effect: Detrimental effect may be systemic and pervasive as explained in (b) above.

(9) Identify any statute, administrative regulation or governmental policy which may be in conflict, overlapping or duplicative: This administrative regulation overlaps House Bill 250 relating to the Health Policy Board data collection, 909 KAR 1:070. It is not in conflict or duplicative because identifying information is required by the registry.

(a) Necessity of proposed administrative regulation if in conflict: Not in conflict; the Health Policy Board and the registry have different purposes, and require different data.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not in conflict; however, efforts were made to request Health Policy Board retrieve the same elements. This was not successful as the agencies' purposes are different. In efforts to simplify data reporting requirements on hospitals, the registry will be contracting with the same data clearinghouse to retrieve hospital information as used by the Health Policy Board.

(10) Any additional information or comments: None

(11) TIERING: Is tiering applied? Tiering is not applied because this administrative regulation applies equally to all affected entities statewide.

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. May relate to any hospitals which are governed by local government.

2. State whether this administrative regulation will affect the local government or only a part or division of the local government. May affect only a part of local government as noted in question 1 above.

3. State the aspect or service of local government which this administrative regulation may affect. Will not affect services of local government, but may relate to aspects of local government as noted in question 1 above.

4. How does this administrative regulation affect the local government or any service it provides? May relate to administrative issues of local government for those hospitals governed by local government.

CABINET FOR HUMAN RESOURCES
Department for Social Insurance
Division of Management and Development
(New Administrative Regulation)

904 KAR 2:431. Repeal of 904 KAR 2:430.

RELATES TO: KRS 194.050, 42 USC 602
STATUTORY AUTHORITY: KRS 194.050
NECESSITY AND FUNCTION: The Cabinet for Human Resources has the responsibility for administering public assistance programs as defined in KRS 205.010. Administrative regulation 904 KAR 2:430 was promulgated to incorporate by reference materials related to the programs of Aid to Families with Dependent Children and State Supplementation. Since the promulgation of 904 KAR 2:430, the Department for Social Insurance has filed amended existing administrative regulations which address the public assistance programs administered by the Department for Social Insurance separately. As these administrative regulations have been amended, topical information has been incorporated by reference into the topical administrative regulations as specified in KRS 13A.221. Therefore 904 KAR 2:430 is no longer necessary.

Section 1. 904 KAR 2:430, Supplemental Policy for Money Payment Programs, is repealed.

JOHN L. CLAYTON, Commissioner
MASTEN CHILDERS II, Secretary
APPROVED BY AGENCY: November 14, 1995
FILED WITH LRC: November 15, 1995 at 11 a.m.
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on December 21, 1995 at 9 a.m., at the Health Services Auditorium, 1st Floor, CHR Building. Individuals interested in being heard at this hearing shall notify this agency in writing by December 16, 1995, 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 wishes to be heard will be given an opportunity to comment on this 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 be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to: William K. Moore, Deputy Counsel for Administrative Law, Cabinet for Human Resources, 275 East Main Street, 4th Floor West, Frankfort, Kentucky 40621, (502) 564-7900.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Marty Mason, Director
(1) Type and number of entities affected: There should be no entities affected by this regulation as it merely repeals another regulation.
(2) Direct and indirect cost or savings to those affected: There should be no cost or savings as a result of this regulation being promulgated.
(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comment received: No hearing was requested as a result of the Notice of Intent being published and no comments were received.
(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comment received: No hearing was requested as a result of the Notice of Intent being published and no comments were received.
(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the: None
1. First year following implementation: None
2. Second and subsequent years: None
(3) Effects on the promulgating administrative body: There should be no effects on the promulgating administrative body as a result of this administrative regulation being promulgated. It merely repeals another administrative regulation.
(a) Direct and indirect cost or savings: None
1. First year: None
2. Continuing cost or savings: None
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: None
(4) Assessment of anticipated effect on state and local revenues: None
(5) Source of revenue to be used for implementation and enforcement of administrative regulation: None
(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:
(a) Geographical area in which administrative regulation will be implemented: There was no hearing requested as a result of the Notice of Intent being published and no comments were received.
(b) Kentucky: There was no hearing requested as a result of the Notice of Intent being published and no comments were received.
(7) Assessment of alternative methods; reasons why alternatives were rejected: None
(8) Assessment of expected benefits:
(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: There are no effects on public health and environmental welfare of the area in which implemented and or on Kentucky. This regulation merely repeals another regulation where information has been incorporated into topical regulations.
(b) State whether a detrimental effect on environment and public health would result if not implemented: Same as item (a) above.
(c) If detrimental effect would result, explain detrimental effect: Same as item (a) above.
(9) Identify any statute, administrative regulation or governmental policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict: None
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: None
(10) Any additional information or comments: None
(11) TIERING: Is tiering applied? Equitable conditions for AFDC must be applied on a consistent and equitable basis in accordance with Federal regulations at 45 CFR 233.10(a)(1).

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. There is no federal statue or regulation that mandates the promulgation of this regulation. We are merely repealing an administrative regulation in which information has been incorporated into other topical regulations and is no longer needed.
2. State compliance standards. Same as above.
3. Minimum or uniform standards contained in the federal mandate. None
4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate. None
5. Justification for the imposition of the stricter standards, or additional or different responsibilities or requirements. None

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? No

2. State whether this administrative regulation will affect the local government or only a part or division of the local government. No

3. State the aspect or service of local government to which this administrative regulation relates. None

4. How does this administrative regulation affect the local government or any service it provides? None

CABINET FOR HUMAN RESOURCES
Department for Social Insurance
Division of Management and Development
(New Administrative Regulation)

904 KAR 3:111. Repeal of 904 KAR 3:110.

RELATES TO: KRS 194.050, 7 USC 2011 to 2030

STATUTORY AUTHORITY: KRS 194.050

NECESSITY AND FUNCTION: The Cabinet for Human Resources has the responsibility for administering a Food Stamp Program. Administrative regulation 904 KAR 3:110 was promulgated to incorporate by reference materials related to the Food Stamp Program. Since 904 KAR 3:110 was promulgated, the Department for Social Insurance has amended existing administrative regulations which address the Food Stamp Program administered by the Department for Social Insurance separately. As these administrative regulations have been amended, topical information has been incorporated by reference into the topical administrative regulations as specified in KRS 13A.221. Therefore 904 KAR 3:110 is no longer necessary.

Section 1. 904 KAR 3:110, Supplemental policy for the Food Stamp Program, is repealed.

JOHN L. CLAYTON, Commissioner
MASTEN CHILDERS II, Secretary

APPROVED BY AGENCY: November 14, 1995

FILED WITH LRC: November 15, 1995 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on December 21, 1995 at 9 a.m., at the Health Services Auditorium, 1st Floor, CHR Building. Individuals interested in being heard at this hearing shall notify this agency in writing by December 16, 1995, 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 wishes to be heard will be given an opportunity to comment on this 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 be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to: William K. Moore, Deputy Counsel for Administrative Law, Cabinet for Human Resources, 275 East Main Street, 4th Floor West, Frankfort, Kentucky 40621, (502) 564-7900.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Marty Mason, Director

(1) Type and number of entities affected: There should be no entities affected by this regulation as it merely repeals another regulation.

(2) Direct and indirect cost or savings to those affected: There should be no cost or savings as a result of this regulation being promulgated.

(a) Cost of living and employment in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comment received: No hearing was requested as a result of the Notice of Intent being published and no comments were received.

(b) Cost of doing business in the geographical area in which the administrative regulation will be implemented, to the extent available from the public comment received: No hearing was requested as a result of the Notice of Intent being published and no comments were received.

(c) Compliance, reporting, and paperwork requirements, including factors increasing or decreasing costs (note any effects upon competition) for the: None

1. First year following implementation: None

2. Second and subsequent years: None

(3) Effects on the promulgating administrative body: There should be no effects on the promulgating administrative body as a result of this administrative regulation being promulgated. It merely repeals another administrative regulation.

(a) Direct and indirect cost or savings: None

1. First year: None

2. Continuing cost or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

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

(5) Source of revenue to be used for implementation and enforcement of administrative regulation: None

(6) To the extent available from the public comments received, the economic impact, including effects of economic activities arising from administrative regulation, on:

(a) Geographical area in which administrative regulation will be implemented: There was no hearing requested as a result of the Notice of Intent being published and no comments were received.

(b) Kentucky: There was no hearing requested as a result of the Notice of Intent being published and no comments were received.

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

(8) Assessment of expected benefits:

(a) Identify effects on public health and environmental welfare of the geographical area in which implemented and on Kentucky: There are no effects on public health and environmental welfare of the area in which implemented or on Kentucky. This regulation merely repeals another regulation where information has been incorporated into topical regulations.

(b) State whether a detrimental effect on environment and public health would result if not implemented: Same as item (a) above.

(c) If detrimental effect would result, explain detrimental effect: Same as item (a) above.

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

(a) Necessity of proposed regulation if in conflict: None

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: None

(10) Any additional information or comments: None

(11) TIERING: Is tiering applied? (Explain why tiering was or was not used) 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. There is no federal statute or regulation that mandates the promulgation of this regulation. We are merely repealing an administrative

regulation in which information has been incorporated into other topical regulations and is no longer needed.

2. State compliance standards. Same as above.

3. Minimum or uniform standards contained in the federal mandate. None

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate. None

5. Justification for the imposition of the stricter standards, or additional or different responsibilities or requirements. None

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? No

2. State whether this administrative regulation will affect the local government or only a part or division of the local government. No

3. State the aspect or service of local government to which this administrative regulation relates. None

4. How does this administrative regulation affect the local government or any service it provides? None

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of the November 6, 1995

The November meeting of the Administrative Regulation Review Subcommittee was held on Monday, November 6, 1995, at 10 a.m. in Room 149 of the Capitol Annex. Representative Jesse Crenshaw, Chairman, called the meeting to order, and the secretary called the roll. The minutes of the October 2, 1995 meeting were approved.

Present were:

Members: Representative Jesse Crenshaw, Chairman; Senators Fred Bradley, John David Preston and Nick Kafoglis; Representatives Woody Allen, James Bruce and Jimmy Lee.

LRC Staff: Greg Karambellas, O. Joseph Hood, Tom Troth, Patrice Carroll, Susan Wunderlich, Peggy Jones, Donna Valencia, Don Hines.

Guests: Dan Egbers, Department of Personnel; Pam Johnson, William Hanes, Kentucky Retirement Systems; Gail Prewitt, Beth Hilliard, Ed Ross, Angela C. Robinson, Finance and Administration Cabinet; Beatrice Hood, Larry L. Arnett, Kentucky Veterans Center; Nancy Brinly, Board of Physical Therapy; Roy A. Grimes, Tom Bennett, Don Walker, Mac Quarles, Ronald D. Pritchert, Department of Fish and Wildlife Resources; James Hale, Deborah Conway, Doyle Mills, Thomas A. Koos, Aaron Keatley, Kathy Adams, Linda Stacy, Pat Haight, Bob Logan, Robert Daniell, Lori Terry, Natural Resources and Environmental Protection Cabinet; Laurence McCabe, David Wicker, Petroleum Storage Tank Environmental Assurance Fund; Tamela Biggs, Brenda Priestley, Charles V. Hughes, Jack Damron, Department of Corrections; Gene Peter, Jean Ann Gabbard, Charles Johnson, Justice Cabinet; Joe G. Hall, Kentucky Revenue Cabinet; Sandra G. Pullen, David Garnett, Transportation Cabinet; Preston Lewis, Mike Waford, Laura McCullough, Hal Hayden, Johnnie Grissom, Department of Education; Beverly H. Haverstock, Shauna King-Simms, R. C. Story, William H. Gaunce, Workforce Development Cabinet; William L. Ralston, Tim Chancellor, Michael Wood, Bruce Curry, Valerie Salven, Labor Cabinet; Gary Davis, Frank Dickerson, Workers' Compensation Funding Commission; Judith Walden, Department of Housing, Buildings and Construction; Paul Gibson, Ralph Von Derau, Cookie Whitehouse, Karen Doyle, Ann Hager, Michael Cheek, Teri Raque, Carol Sauers, Marion Guarnieri, Jeanne Southworth, Cabinet for Human Resources; Jack Hall, Sherry M. Cooper, Health Policy Board; Mike Helton, Kentucky Petroleum Marketers Association; Robert R. Spencer, IAIABC; Duane Miller, Owensboro Schools; Anita Cole, Gladys Baker, Johnson-Magoffin Home Health Agency; Roslyn Allison, Lynn Conner, Lifeline Home Health; Richard E. Fitzpatrick, Julie Watts McKee, Home Care Health Services; Karen Hinkle, Kentucky Home Health Association; Lavona Edwards, David R. Patrick, American Nursing Care; Rosie Miklavcic, Franklin County Home Health; Kathy A. Mefford, Three Rivers District Health Department & Kentucky Health Department Association; Steven R. Isaac, Willis Curruon; Nancy Galvagni, Kentucky Hospital Association; Tami D. McGee, KECSAC; Karen H. Hardin, Kentucky Employer's Mutual Insurance; Mike Mullins, GOPM; Carl Breeding, AIK/CIC; Matt Klein, Baptist Healthcare System, Inc.; Eileen Dare; Hart A. Perry; Roy Strange, Ashland, Inc.; Richard Tanner, Kentucky Magistrates/Commissioners.

The Subcommittee determined that the following administrative regulations, as amended by the promulgating agency and the Subcommittee, complied with statutory requirements:

Finance and Administration Cabinet: Kentucky Retirement Systems: General Rules

Subcommittee staff stated that the reference in the following two administrative regulations to "The Albert Jones Act of 1994", commonly referred to as the Administrative Procedures Act, and enacted as KRS Chapter 13B, was not necessary because Sections 1 to 17 of the Act will not become effective until the normal effective date for legislation enacted by the 1996 Regular Session of the General Assembly.

These administrative regulation were amended to delete language in the NECESSITY AND FUNCTION statement referring to KRS Chapter 13B.

105 KAR 1:210. Disability procedures.

105 KAR 1:215. Administrative hearing.

Board of Physical Therapy

201 KAR 22:070. Requirements for foreign trained physical therapists. Nancy Brinley appeared before the Subcommittee. Senator Kafoglis stated that it appeared that, before licensure in Kentucky, the administrative regulation required a foreign trained physical therapist, who had graduated from a recognized physical therapy program in another country to complete 120 U.S. semester hours in a program equivalent to a U.S. bachelor's degree, 60 hours of which shall be in physical therapy. Senator Kafoglis asked what requirements a U.S. graduate had to meet.

Ms. Brinley stated that: (1) a U.S. graduate had to have a minimum of a bachelor's degree; and (2) the requirements for foreign trained physical therapists were not more stringent because: (a) the administrative regulation did not establish general education requirements; (b) their educational program was converted into a U.S. bachelor's degree; and (c) they were not required to earn a bachelor's degree in the United States. Senator Kafoglis stated that the language of the administrative regulation, providing that foreign trained physical therapists "shall have earned 120 U.S. semester credits in a program equivalent to a U.S. bachelor's degree" appeared to require earning the 120 credits in the U.S. Ms. Brinley stated that the word "equivalent" should have been inserted, and agreed to amend the administrative regulation to make it clear that: (1) an educational program equivalent to that required to earn a U.S. bachelor's degree was sufficient; and (2) the foreign trained physical therapist, who had completed an equivalent educational program, was not required to earn 120 U.S. semester credits in the U.S..

This administrative regulation was amended as follows: (1) the RELATES TO and STATUTORY AUTHORITY paragraphs were amended to correct the citations of statutes; (2) Section 1(2) was amended to delete "U.S." after "120" to make it clear that: (a) the foreign trained physical therapist was not required to earn 120 U.S. semester credits in the U.S.; and (b) completion abroad of an educational program equivalent to a U.S. bachelor's degree was sufficient for licensure. (3) Section 1(2),(3), and (5) were amended to comply with the drafting requirements of KRS 13A.222(4); (4) the format of Sections 1(6) and 2(1) was amended to more clearly state the requirements established by these sections; (5) a new section, Section 3, was created to incorporate the "Supervisory Agreement For Physical Therapists Educated In A Foreign Country" form; and (6) a copy of the "Supervisory Agreement" form was filed with the Regulations Compiler.

Tourism Cabinet: Department of Fish and Wildlife Resources: Water Patrol

301 KAR 6:050. Requirements for personal watercraft. Commissioner Tom Bennett, representing the Cabinet, appeared before the Subcommittee. Commissioner Bennett stated that this administrative regulation requires four things for personal water craft operation: 1) lifejackets; 2) a kill switch; 3) operation only during daylight; and 4) idle speed only in "no ski areas".

Representative Lee discussed the problem that there are areas where home owners use this type of watercraft for transportation for extensive distances in finger areas to get to a dock. He said that to

require idle speed in these fingers, which sometimes extend for several miles is unworkable. He therefore offered an amendment to treat personal watercraft like other boats.

Commissioner Bennett stated that the Cabinet never intended to prohibit this type of transportation, and agreed to the amendment.

Section 5 was amended to require that personal watercraft be operated as other boats.

Justice Cabinet: Department of Corrections: Class D Felons

501 KAR 2:060. Procedures for housing of Class D felons. Jack Damron, attorney for the Department, and Richard Tanner, representing the Magistrates and Commissioners Association, appeared before the Subcommittee. This administrative regulation had been reviewed by the Subcommittee at its October, 1995, meeting, and deferred to enable Mr. Damron and Mr. Tanner to resolve issues relating to the release of Class D Felons to other counties or jurisdictions.

At the October meeting of the Subcommittee, Mr. Tanner stated that he and the Association were opposed to this administrative regulation because: (1) Section 4(2) provides that a Class D felon shall not be released by a jailer to other counties, another state, or federal authority unless approved, after notice to, by the Director of Local Facilities; (2) contrary to Section 4(2), current law permits negotiation among jailers to move the felon to another county without the permission of the Director of Local Facilities; and (3) the General Assembly enacted a statute that all Class D felons would be held in county jails, and the requirement of Section 4(2) that jailers receive permission to move felons could hamper jail management by jailers, especially in counties with a large prison population and with a large number of beds available. (See, pages 16-17, Report of the Administrative Regulation Review Subcommittee, October 5, 1995.)

Mr. Damron and Mr. Tanner stated that they had resolved the issues relating to the release of Class D felons to other counties by amending this administrative regulation to delete the requirement for prior approval by the Director of Local Facilities.

Pursuant to KRS 13A.320(1)(b)3., Mr. Damron requested the Subcommittee to propose amendments relating to Sections 3, 6(2)(b),(c), 7, and 8 to: (1) require jail staff to prepare an "Assessment Summary Report." for Class D felons to be used by the Parole Board at its parole hearings; (2) require a furlough may be granted every quarter; (3) prohibit an inmate furlough to the jurisdiction in which he was sentenced, if the judge who sentenced him objects; and (4) provide that an inmate will not be granted another furlough while serving the same sentence, if he commits another offense or violates a prison rule while he is on furlough.

In response to questions by Chairman Crenshaw, Mr. Damron stated that: (1) a denial of a furlough to the jurisdiction in which an inmate was sentenced that was based upon the sentencing judge's objection would not preclude furlough to another jurisdiction; (2) although an inmate is no longer under the jurisdiction of the sentencing judge, under the discretion granted by statute to the Commissioner of Corrections to grant furloughs, the Commissioner has determined to deny furlough to the jurisdiction in which the inmate was sentenced if the sentencing judge objects; and (3) the policy was established because it was determined to accommodate judges who objected to furlough of a felon to the jurisdiction in which the felon was sentenced.

Mr. Tanner thanked the Subcommittee for its help in resolving the issues relating to release of Class D felons. Chairman Crenshaw complimented Mr. Damron and Mr. Tanner for working together to reach a solution that was in the best interest of all parties.

In addition to approving the amendments set out in items (1) and (2) below and proposed pursuant to LRC staff review, the Subcommittee approved a motion to amend Sections 3, 6(2)(b),(c), 7, and 8 as requested by Mr. Damron.

This administrative regulation was amended as follows: (1) The NECESSITY AND FUNCTION paragraph, Sections 1(5), 6(2)(b) and (i), 7, and 10 were amended to comply with the drafting requirements of KRS 13A.222(4); (2) Section 5(2) was amended to: (a) require notice to, and delete the requirement for approval by, the Director of Local Facilities of the release of a Class D felon to other counties; and (b) require notice and approval of the Director of Local Facilities prior to the release of a Class D felon to another state or to federal authorities; and (3) Sections 3, 6(2)(b),(c), 7, and 8 were amended to: (a) require jail staff to prepare an "Assessment Summary Report." for Class D felons to be used by the Parole Board at its parole hearings; (b) require a furlough may be granted every quarter; (c) prohibit an inmate furlough to the jurisdiction in which he was sentenced, if the judge who sentenced him objects; and (d) provide that an inmate will not be granted another furlough while serving the same sentence, if he commits another offense or violates a prison rule while he is on furlough.

Office of the Secretary

501 KAR 6:020. Corrections Policies and Procedures. In response to questions by Senator Kafoglis relating to the administration of involuntary psychotropic medication, Mr. Damron stated that: (1) the initial decision to administer psychotropic medication involuntarily: (a) had to be made by a physician who is required to have seen the inmate; and (b) is not based simply on a standing order; and (2) if administration is to container beyond 48 hours, a committee consisting of a psychiatrist, a psychologist, and a staff member who have nothing to do with the medical treatment of the patient, review the physician's recommendation on the prescription, in a due process procedure required by a U.S. Supreme Court decision.

CPP 13.7, incorporated by reference in this administrative regulation, was amended to comply with the drafting requirements of KRS 13A.222(4) relating to the expression of a duty or obligation.

501 KAR 6:050. Luther Luckett Correctional Complex. This administrative regulation was amended as follows: (1) LLCC 15 -01-01, incorporated by reference in this administrative regulation, was amended to provide that nurses shall dispense medication to inmate pursuant to a standing order of a physician, rather than prescribe medication; (2) LLCC 11-13-01, incorporated by reference in this administrative regulation, was amended to: (a) clarify the permissible length of walking shorts and cutoffs; and (b) establish policy relating to: 1. canteen purchases; 2. tobacco products; and 3. the location of telephones authorized for inmate use.

Workforce Development Cabinet: Department for Adult Education and Literacy: Adult Education and Literacy

785 KAR 1:100. Provision of instruction for individuals sentenced by a court to participate in educational programs. Subcommittee staff stated that while the: (1) Department of Adult Education and Literacy was deferring to local program providers for licensing and qualifications of instructors, KRS 533.210 requires the Department to set qualification and licensing requirements; and (2) local program providers could make recommendations relating to licensing and qualifications, only the Department could establish licensing and qualifications and approve applications.

The Subcommittee approved a motion to request LRC to refer the issue of statutory authority to the appropriate legislative committee for drafting of clarifying legislation.

This administrative regulation was amended to make it clear that licensing and qualifications of instructors shall be determined by local program providers rather than the Department of Adult Education and Literacy.

785 KAR 1:110. Qualifications for progressing satisfactorily through a GED program. This administrative regulation was amended to delete various sections that conflicted with KRS 161.011.

Department for Employment Services: Office of Training and Reemployment

788 KAR 2:010 & E. Job Training Partnership Act. Beverly Haverstock stated that the: (1) subject matter of this administrative regulation had been transferred to the jurisdiction of the Workforce Development Cabinet; and (2) only change by the Cabinet was the

location of the records and material incorporated by reference. This administrative regulation was amended to comply with the drafting requirements of KRS 13A.222(4) and to correct the address of the office at which records and material incorporated by reference were maintained.

Labor Cabinet: Department of Workers' Claims

803 KAR 25:170. Filing of claims information with the Department of Workers' Claims. Valerie Salven, General Counsel for the Department of Workers Claims appeared on behalf of the agency.

Ms. Salven stated that: (1) the Subcommittee received a letter requesting some additional amendments to this administrative regulation; (2) this administrative regulation implemented KRS 342.039, enacted by the General Assembly in 1994; (3) insurance carriers, self insured employers and self insurance groups will be required to provide first reports of injury, subsequent reports, and medical claims data through electronic filing; (4) the amendment requested today: (a) phases in these reporting requirements; and (b) provides that reporting will begin on January 1, 1996; and (5) the first report of the medical data will not be required to be filed with the Department until on or after April 22, 1996

Representative Crenshaw asked: (1) if this amendment related to issues discussed at the public hearing; and (2) if all parties had notice that these issues would be addressed by the Department;

Cabinet personnel stated that: (1) the phase in requirement was one of the requests made at the public hearing; and (2) the other amendment was simply to clarify that acknowledgment of these reports was to be made electronically.

This administrative regulation was amended to: (1) clarify that the administrative regulation applies to occupational injuries or diseases reported to the employer after January 1, 1996; (2) extend the deadline for first filings of medical data until April 22, 1996; and (3) provide that acknowledgment and requests for missing data be handled electronically.

Department of Housing, Buildings and Construction: Heating, Ventilation, and Air Conditioning Licensing Requirements

815 KAR 8:010. Master heating, ventilation, and air conditioning (HAVAC) contractor licensing requirements. In response to questions by Representative Jimmie Lee, Judith Walden, General Counsel for the Department, stated that: (1) no fees were being changed in the proposed amendments; (2) the grandfather clause in Section 6 had expired and that language needed to be deleted; and (3) the Department will now grandfather, or permit approve persons for licensure who have met the experience requirements of Section 5.

This administrative regulation was amended to: (1) insert language in Section 1(1) and (2) so that these subsections read as complete sentences; (2) correct a number in Section 2(4) which cross-references Section 7; and (3) delete a cross-reference in Section 3(1)(e) to "Section 6".

815 KAR 8:020. Journeyman heating, ventilation, and air conditioning (HAVAC) mechanic licensing requirements. This administrative regulation was amended to insert language in Section 1(1) and (2) so that these subsections read as complete sentences.

Plumbing

The following two administrative regulations were amended to delete a reference to KRS Chapter 13A in the STATUTORY AUTHORITY section.

815 KAR 20:078. Storage and installation of SDR 11, CPVC plastic pipe and fittings.

815 KAR 20:120. Water supply and distribution.

Cabinet for Human Resources: Department for Social Insurance: Public Assistance

904 KAR 2:001. Definitions. This administrative regulation was amended to correct the reference to "Aid to Families with Dependent Children" in Section 1(12) and (23).

Department for Mental Health and Mental Retardation: Substance Abuse

908 KAR 1:320. Confidential record of treatment for federally assisted alcohol and other drug abuse programs. This administrative regulation was amended: (1) to correct Code of Federal Regulation citations in the RELATES TO and STATUTORY AUTHORITY sections; and (2) to remove superfluous language in Sections 1(1) and 2.

Kentucky Health Policy Board: Administration

909 KAR 1:055 & E. Certificate of need. Sherry Cooper, representing the Health Policy Board, requested an amendment to comply with the drafting requirements of KRS Chapter 13A.

The Subcommittee determined that the following administrative regulations complied with statutory requirements:

Personnel: Department of Personnel: Classified

101 KAR 2:100E. Leave administrative regulations.

Unclassified

101 KAR 3:010E. Leave administrative regulations.

Finance and Administration Cabinet: Travel Expense and Reimbursement

200 KAR 2:006. Employees' reimbursement for travel. Angela Robinson, attorney for the Cabinet, and Ed Ross, State Controller, appeared before the Subcommittee. In response to a question by Chairman Crenshaw, Ms. Robinson stated that reimbursement rates were increased as follows: (1) mileage, from 22 to 25 cents per mile; (2) subsistence: (a) breakfast, from $4.00 to $5.00; (b) lunch, from $5.00 to $6.00; (c) dinner, from $11.00 to $13.00; and (3) high-rate subsistence: (a) breakfast, from $5.00 to $6.00; (b) lunch, from $6.00 to $7.00; and (c) dinner, from $15.00 to $17.00.

In response to a question by Representative Lee, Mr. Ross stated that: (1) the subsistence rates were not based on federal reimbursement for federal employees, and were generally lower than federal rates; (2) federal reimbursement for mileage was 30 cents per mile; and (3) there were a number of federal reimbursement rate schedules, depending upon the city.

In response to questions by Chairman Crenshaw, Mr. Ross stated that: (1) the rates were for in and out-of-state state employee travel; (2) the high-rate reimbursement was for cities out of Kentucky; (3) unless the out-of-state destination was a city listed as high-rate, the normal reimbursement rates would apply; and (4) most major out-of-state cities were high-rate.

Personnel Pilot Program

200 KAR 22:080. Comprehensive Employment Manual of the Kentucky Veteran Center for use in the Pilot Personnel Program. Larry Arnett, Executive Director of the Kentucky Veterans' Center, and Ms. Bea Hood, administrator of the Center, and Gail Prewitt, Project Director of the Pilot Personnel Program, appeared before the Subcommittee. Mr. Arnett stated that this administrative regulation established the comprehensive employment manual for the Center. Subcommittee staff stated that: (1) initial review had stated that evidence of approval of the manual as conforming the Guideline for employment manuals established under the Pilot Personnel Program had not been filed; and (2) approval had been made, and the letter attesting to the approval had been filed with LRC.

Tourism Cabinet: Department of Fish and Wildlife Resources: Game

301 KAR 2:225E. Dove, wood duck, teal and other migratory game bird hunting.

Licensing

301 KAR 5:001E. Definitions for 301 KAR Chapter 5.

301 KAR 5:010E. License agent selection criteria.

Natural Resources and Environmental Protection Cabinet: Department for Environmental Protection: Underground Storage Tanks

401 KAR 42:005. Definitions related to 401 KAR Chapter 42.

401 KAR 42:011. Scope of Underground Storage Tank Program.

401 KAR 42:020. Performance standards for new UST systems.

401 KAR 42:040. Release detection.

401 KAR 42:060 & E. Release response and corrective action for UST systems containing petroleum or hazardous substances.

401 KAR 42:070 & E. Out-of-service UST systems, temporary closure and permanent closure of UST systems, and change in service of UST systems.

401 KAR 42:071. Voluntary closure for facilities that permanently closed a UST system or had a confirmed release prior to April 18, 1994.

401 KAR 42:080 & E. Classification of petroleum underground storage tank systems and listing of associated cleanup levels.

401 KAR 42:090. Financial responsibility.

401 KAR 42:200. Underground storage tank system owner registration fees.

Mr. Bob Logan, Commissioner of the Department of Environmental Protection, and Pat Haight, Director, Division of Waste Management, appeared to speak on behalf of the Cabinet for Natural Resources.

Chairman Crenshaw stated that: (1) he had received at least one letter from certain industry representatives voicing qualified support for this package of administrative regulations; and (2) the letter stated that the administrative regulations were not perfect, but they appeared to be the best that could be done under the circumstances.

Commissioner Logan stated that: (1) these administrative regulations have been promulgated as a result of: (a) House Bill 647 enacted during the 1992 General Assembly; and (b) House Bill 481 enacted during the 1994 General Assembly; (2) the administrative regulations establish clean up standards for soil and groundwater, contaminated as a result of leaking underground storage tanks; (3) the regulatory package includes 10 separate administrative regulations; (4) a notice of intent for these administrative regulations was filed on December 15, 1994; (5) a notice of intent public hearing was held January 31, 1995; (6) 177 comments were received from 22 different individuals or entities; (7) a number of these administrative regulations were amended as a result of the public comments; (8) the administrative regulations resolve a number of concerns relating to the clean up of gasoline, diesel fuel and waste oil components; (9) a study was prepared by the University of Kentucky, which established various cleanup levels using risk based assessment criteria for benzene, ethyl benzene, tolyulene, zylanene, which are components of gasoline as well as the components of diesel fuel and waste oil; (10) the University went through a process of identifying: (a) the necessary components to be cleaned up; (b) the risk associated with cleaning up those components; and (c) appropriate cleanup levels; (11) special attention was given to clean up levels for: (a) benzene; (b) lead; and (c) various other components associated with the clean up of those chemicals; (12) the cabinet has incorporated the contamination levels identified by the University of Kentucky study in these administrative regulations; (13) a clean up classification scheme was also adopted as a result of the study; (14) off-site contamination of benzene and diesel fuel were also dealt with as a part of the study; (15) industry and others in the regulated community have had a great deal of input in the development of these administrative regulations; and (16) some minor concerns still remain but the cabinet feels it has complied with the appropriate statutes and has promulgated these administrative regulations accordingly.

Chairman Crenshaw asked if the 177 comments had been adequately addressed by the amendments to these administrative regulations.

Cabinet personnel stated that: (1) the 177 comments were received from 23 commentors; (2) many of those comments fell into similar categories; (3) the cabinet has attempted to adequately consider those comments; (4) several changes were made as a result of those comments; (5) while there are still some differences relating to off site contamination and what the proper clean up levels should be for adjoining property owners, the cabinet feels compelled to promulgate the administrative regulation in their current form.

Representative Bruce asked: (1) if 401 KAR 42:200 increased any owner registration fees; and (2) why the administrative regulation was necessary if the statute set the fee.

Cabinet personnel stated that: (1) a thirty ($30) dollar registration fee per underground storage tank was set by statute; (2) the administrative regulation: (a) provides for the implementation of that fee; and (b) incorporates by reference the form necessary for collecting the fee.

Representative Bruce asked: (1) who was financially responsible for clean up of the underground storage tanks pursuant to 401 KAR 42:090; and (2) who qualified for membership in the underground storage tank fund.

Cabinet personnel stated that: (1) the financial responsibility requirement for most underground storage tank owners is satisfied by being a member of the underground storage tank fund; (2) owners of underground storage tanks are required by statute to be financially responsible for any contamination resulting from leaking underground storage tanks; and (3) the underground storage tank fund was established to provide funds for the clean up of underground storage tank contamination; (4) the Underground Storage Tank Commission controls the fund and reimbursement from the fund.

Representative Lee stated that: (1) he wanted to commend Commissioner Logan, Pat Haight and all those involved for reaching a consensus on this regulatory package; and (2) even though these administrative regulations were not perfect, they were certainly a step in the right direction.

Representative Crenshaw stated that: (1) while there were problems in compliance with the schedule established by statute, it appeared there was substantial compliance by the agency; and (2) the Subcommittee will outline the problems with the filing of the administrative regulation in a letter, so that in the future, the cabinet can fully comply with KRS Chapter 13A and other applicable statutes.

In response to a question from Representative Lee, cabinet personnel stated that these administrative regulations did not establish a deadline for registration of underground storage tanks for reimbursement by the Commission.

Justice Cabinet: Department of State Police: Candidate Selection

502 KAR 45:005E. Definitions.

502 KAR 45:015E. Qualifications.

502 KAR 45:025E. Disqualification.

502 KAR 45:035E. Application.

502 KAR 45:045E. Written examination.

502 KAR 45:055E. Oral interview.

502 KAR 45:065E. Background investigation.

502 KAR 45:075E. Register.

502 KAR 45:085E. Medical examination.

502 KAR 45:145E. Merit Pay Program. (Deferred from October)

502 KAR 45:150E. Content Based Task Test (CBTT).

Transportation Cabinet: Administration

600 KAR 1:120. Purchase, use, lease, maintenance and disposal of state-owned motor vehicles. Sandy Pullen, representing the Cabinet, stated that this administrative regulation is pursuant to an executive order that transferred this function from the Finance Cabinet, that Finance will repeal their administrative regulation on this matter, and will submit legislation to confirm the executive order.

Department of Vehicle Regulation: Motor Vehicle Tax

601 KAR 9:220. Motor vehicle dealer plates.

Department of Highways: Traffic

603 KAR 5:075. Safety requirements and permits for the

transportation of overweight or overdimensional motor vehicles.

603 KAR 5:301. Weight classification of the state-maintained system of highways.

Workforce Development Cabinet: Department for Adult and Technical Education: Adult Education

780 KAR 9:131. Repeal of State Board for Adult and Technical Education administrative regulations: 780 KAR 9:010, 9:030, 9:040, 9:050, 9:060, 9:070, 9:080, 9:090, 9:100, 9:110, 9:120 and 9:130. Beverly Haverstock, General Counsel for the Workforce Development Cabinet, stated that: (1) this repealer administrative regulation was inadvertently left out of the large group of administrative regulations which the Subcommittee approved at its October, 1995 meeting; and (2) because of agency reorganization that split the Department for Adult and Technical Education into two departments, these administrative regulations were moved from one KAR chapter to another.

Department of Housing, Buildings and Construction: Plumbing

815 KAR 20:020. Parts of materials list.

Cabinet for Human Resources: Department for Health Services: Health Services and Facilities

902 KAR 20:270. Mobile health services. Karen Hinkle, Executive Director of the Kentucky Home Health Association, Dr. Julie Watts McKee, Public Health Director of Home Care Health Services; District Health Department, Kathy Mefford, Director of Three Rivers District Health Department and President of the Kentucky Health Department Association, opposed this administrative regulation.

They stated that: (1) Section 5(2)(d) was amended because of a ruling by Franklin Circuit Court that language requiring infusion companies to have a written agreement with home health agencies prior to providing services in an area was unconstitutional; (2) the amendments go beyond technical amendments; (3) amendments relating to in-home intravenous therapy: (a) should have required the higher standards applicable to home health agencies regulated under the provisions of other Cabinet administrative regulations and established by the Certificate Of Need, rather than standards applicable only to mobile health services; (b) established lower standards for infusion companies than for home health agencies; (c) prevented the continuity of care for a patient, fragmented the provision of services to the patient; (d) placed patients at an unnecessary risk; (e) resulted in a duplication of services; and (f) did not comply with House Bill 250; (4) skilled nursing services, including skilled nurse intravenous services, are currently regulated by 902 KAR 20:081, and these services as well as those provided by public not-for-profit services are required to meet stringent requirements and to provide complete service that meets the patient's needs, which in-home intravenous services are not required to meet; (5) licensure for similar services should establish the same requirements for each provider of those services; (6) changes to the provision of intravenous therapy should be made to the Cabinet administrative regulations that establish standards for home health agencies, rather than in this administrative regulation; (7) in-home services do not consider all aspects of the treatment a patient may require; and (8) third-party payor concerns will arise because Medicare requirements for the provision of skilled home health care services will preclude payment for ancillary services provided by home health care agencies if the patient receives in-home intravenous therapy from a mobile service.

In response questions by Chairman Crenshaw, Mr. Von Dereau stated that the: (1) determination by the Franklin Circuit Court related only to a finding that the agreement required for the provision of mobile services by competing home health care agencies unconstitutionally permitted home health care agencies to determine the geographical area in which its competitors, mobile services, could conduct business, and to prevent competition by refusing to enter into an agreement; (2) the standard of home health care services provided by mobile services is equivalent to that provided by home health care agencies; (3) complete service for patients, and consideration of all a patient's health needs, is insured by new Section 5(2)(d)4.b which requires written documentation of a common plan of treatment made with other service providers, and a coordination of treatment, services, and referrals; and (4) if amendments to administrative regulations governing other health service providers are required to ensure coordination of services and provision of complete health services, the Cabinet will amend them.

In response to a question by Senator Kafoglis, Mr. Von Dereau stated that the mobile service providers:(1) could provide services only: (a) under the orders of a physician; (b) by a registered nurse; (c) under the supervision of a licensed physician; and (d) had to meet the same requirements as home health care providers.

In response to questions by Senator Preston, Mr. Von Dereau stated that the Franklin Circuit Court seemed to have determined that the issue was one of unfair restriction of competition by home health care providers.

In response to questions by Chairman Crenshaw, Ms. Hinkle stated that: (1) while some people may not need the full spectrum of care provided by home health care providers, home health care providers were available to provide additional services that might be needed; (2) patients who live in rural areas will be some distance from the mobile service provider that is located in an urban area; (3) mobile service providers may not be able to provide the complete range of services in addition to in-home intravenous therapy that is needed by a patient; and (4) since mobile service providers are not obligated to provide the complete range of services, their may not be a home health care provider available to the patient for other required services.

In response to questions by Chairman Crenshaw, Mr. Von Dereau stated that: (1) while home health care agencies did provide a broader range of services, the mobile services were provided by a registered nurse under a licensed physician's orders; (2) if ordered by a physician, home health services would be required and the patient entitled to receive them and not restricted to mobile services or limited services; and (3) that while the requirements are not the same because of the difference in the type and extent of services provided, mobile in-home intravenous service providers are required to meet the same requirements for that service.

Department for Employment Services: Unemployment Insurance

903 KAR 5:001E. Repeal of 903 KAR 1:010 through 903 KAR 6:010 and 903 KAR 6:040 through 903 KAR 6:070 in their entirety. Karen Doyle, representative for the Cabinet, stated that: (1) this repealer administrative regulation was necessary to delete administrative regulations formerly under the jurisdiction of the Department for Employment Services (DES); and (2) Executive Order 95-289 transferred all former statutory authority delegated to the DES to the Cabinet for Workforce Development.

Department for Social Insurance: Food Stamp Program

904 KAR 3:010. Definitions.

Kentucky Health Policy Board: Administration

909 KAR 1:021 & E. State Health Plan. Sherry Cooper, a member of the Health Policy Board, appeared before the Subcommittee. It was pointed out to Ms. Cooper that an amended version of this administrative regulation was filed with the Statement of Consideration and the Subcommittee needs a statement from the Board that shows the amendment in proper form. She agreed to submit whatever was proper and necessary.

Matt Klein, appeared representing the Baptist Health Care Systems, Inc.

He requested one change relating to the certificate of need review criteria for psychiatric beds. He said review criterion two for psychiatric beds in the Health Plan states no new psychiatric beds for children or adolescents shall be approved except for beds converted from existing acute care beds. He then said Baptist certainly agrees that it is appropriate to convert existing acute care beds to use as

psychiatric beds for children and adolescents, but that Baptist believes that it is also appropriate to convert adult psychiatric beds to use for psychiatric care for children and adolescents and that allowing conversion of adult beds for the use of children and adolescents is very consistent with the scheme for Certificate of Need regulation as it is currently drafted. He said the reason for permitting the conversion of acute beds, which is currently in the plan, from one type of service to the other is because it promotes the transfer of underutilized services to services that make better use of the resources. He said Baptist believes that right now the plan is configured to allow an institution to convert acute care beds to serve children and adolescent psychiatric patients. He stated they would like to see in the regulation a provision that allows adult psychiatric beds to children and adolescent psychiatric beds. He said the conversion process in changing licensing categories for beds make sense in general terms from a health planning perspective, and that there are even stronger reasons for amending this criterion so adult psychiatric beds can be converted to use for psychiatric care for children and adolescents. He explained that conversion of acute beds to care for children and adolescents involves a change in the level of care, that it involves changing the care from medical and surgical services or a typical hospital acute services to psychiatric services, while in conversion of adult psychiatric beds to psychiatric beds for children or adolescents the type of care will remain exactly the same

Ms. Cooper responded that they looked at this and there is a need in almost every ADD for adult psychiatric beds. She said it seems more appropriate to them, that because the utilization was down so low in the acute care that the appropriate conversion would be from acute care to psychiatric, not from adult psychiatric, adding that they don't have enough of those kinds of beds based on the utilization they have seen, to let those be converted and then not have enough adult psychiatric beds. She said they decided to leave it the way it is and allow conversion of any acute care beds that they want to convert to child psychiatric. She said they felt a need to keep the adult psychiatric beds.

Nancy Galvagni, representing the Kentucky Hospital Association (KHA), said that KHA shares the same concern. She stated that they felt like it made a lot more sense to allow adult psychiatric beds to be converted to treat children, since they are already providing psychiatric care that would be a more natural conversion. She said if you have an institution that has empty adult care beds and there is a need to serve children it just seems to make sense that would be permitted as opposed to saying you had to convert medical surgical beds. She asked if an institution has empty beds for adult psychiatric and there is a need for children why not allow beds to be converted and why prohibit that.

She said another concern deals with cardiac catheterization. She explained that there are two different types of procedures, done in cardiac labs. (1) Diagnostic procedures where they go in and look at whether there is a blockage; and (2) Therapeutic procedures. She said hospitals that perform therapeutic procedures have to have open heart surgery and there is a whole set of different requirements that they have to meet in order to do these therapeutic procedures. She said hospitals that have laboratories that only do diagnostic studies are not allowed to do the therapeutic procedures, because you have to have additional staff and services in order to do that. She said the concern is that the plan looks at all of these laboratories as being the same and KHA feels like they are comparing apples and oranges. She said if someone wants to do therapeutic services, something that a diagnostic lab cannot do, KHA doesn't feel it is appropriate to look at the approval of the therapeutic lab based upon what the diagnostic labs are doing. She added that if there is a diagnostic lab in an area that is underutilized we don't think it is appropriate to say that you can't have another lab to do therapeutic studies because there is excess capacity at a diagnostic lab that can't do the therapeutic studies. She said they should be compared with other labs that are doing therapeutic studies.

Chairman Crenshaw asked Ms. Cooper to respond.

Ms. Cooper said the Board knows there is a need for adult beds and knows there are acute beds that aren't being used in every hospital so they feel like it is more appropriate to convert the acute beds rather than the adult psychiatric.

Chairman Crenshaw asked if she were saying that you shouldn't convert adult to adolescents or was she saying it is more appropriate to use the acute ones.

Ms. Cooper responded that she was saying it is more appropriate to do the acute ones instead of converting the adult to the adolescents, but that the needs are different and that makes the major difference. She added that they did discuss the cardiac catheterization a lot, and until they had more data though it was best just to leave it until they could study it further.

Mr. Klein said compliance with the State Health Plan is mandatory, not optional, and if the plan were simply amended to reflect the change to allow us to convert existing adult psychiatric beds to adolescent beds the Board would still have the responsibility to evaluate the situation on a case by case basis to determine whether or not it was possible or whether it was appropriate in that particular instance to make that conversion.

Representative Bruce raised the issue of a lack of money for child psychiatric services.

Senator Kafoglis asked if conversion is permanent.

Ms. Cooper responded that if the Board allowed this adult-child conversion they could go back and forth and that is one of the reasons she is against it, because if they convert to children that is a whole different set of staffing, and she said you need different methods of dealing with them, and you can't go back and forth.

Senator Kafoglis asked if there are any financial incentives to go one way or the other.

Ms. Cooper said that she did not know of any.

Senator Preston asked Mr. Klein if he was saying the regulation prohibits his people from having a choice of two ways to go.

Mr. Klein responded yes sir. He said that right now it only allows for conversion from the acute care beds, and not from the adult psychiatric beds.

Senator Preston asked Ms. Cooper why not let the hospitals decide.

Ms. Cooper said right now in the acute areas the utilization is down very low, meaning there are lots of empty beds. She added that the adult psychiatric is up very high, there is a need for that, and it shows a need in excess of what we have now. She said it just seems appropriate that if a conversion is necessary that some of those empty acute care beds be made into child adolescent beds for psychiatric care instead of taking adult beds which we show we need.

Senator Kafoglis agreed that staffing needs are different in treating children and adolescents and then he asked about the need for adult psychiatric and acute care beds.

Ms. Cooper responded that there is a greater need shown for psychiatric beds for adults and a lesser need for acute care bed.

Senator Kafoglis asked if there is a need for more beds for children and adolescent psychiatric.

Ms. Cooper said she was sure there is.

Representative Lee asked if once you convert an acute care bed to a psychiatric bed can you then convert it back.

Ms. Cooper said she assumed you can.

Representative Lee asked whether traditionally throughout Kentucky acute care beds are not being utilized to the point that the psychiatric beds are being utilized for adolescents and children and for adult psychiatric care and are there always acute care beds empty where you could transfer those beds to be used for psychiatric services.

Ms. Cooper responded that the utilization reports indicate that most hospitals are running at 50% or less; but that some are over that.

The regulation was approved without objection.

The following administrative regulations were deferred to the next Subcommittee meeting, unless otherwise noted, upon agreement by the Subcommittee and the promulgating agency:

Registry of Election Finance: Reports and Forms
32 KAR 1:160E. Reporting of joint in-kind donations.
Practice and Procedure
32 KAR 2:210. Three (3) judge panel procedures.

Board of Hairdressers and Cosmetologists
201 KAR 12:082. School's course of instruction.

Tourism Cabinet: Department of Travel Development: Travel Development
300 KAR 1:010. Procedure for regional marketing and matching funds program.

Petroleum Storage Tank Environmental Assurance Fund Commission
415 KAR 1:114E. Contractor certification.

Department of Education: Office of District Support: School Administration and Finance
702 KAR 3:280. School district Medicaid providers.

Labor Cabinet: Occupational Safety and Health
803 KAR 2:320E. Adoption of 29 CFR Part 1910.1000-.1500.
803 KAR 2:403E. Adoption of 29 CFR Part 1926.50-.66.
803 KAR 2:425E. Adoption of 29 CFR Part 1926.1100-.1148.
803 KAR 2:500E. Adoption of 29 CFR Part 1915, 1917, 1918 and 1919, Maritime employment.
Workers' Compensation Funding Commission
803 KAR 30:010. Special fund assessments.

Cabinet for Human Resources: Department for Social Services: Children's Residential Services

905 KAR 7:250. Kentucky educational collaborative for state agency children. Michael Cheek, Department of Social Services and Paul Gibson, Assistant Director, Division of Youth Services, Cabinet for Human Resources, appeared on behalf of the agency.

Dwayne Miller, an employee of the Owensboro Public School System, appeared to speak against certain portions of the administrative regulation.

Mr. Cheek stated that this administrative regulation: (1) implemented Senate Bill 260, enacted by the General Assembly in 1992 and amended by House Bill 826 in 1994; (2) established guidelines for the Kentucky Department of Education and the Cabinet for Human Resources' collaborative effort in handling the education of children who have been committed to the Cabinet for Human Resources ("state agency children"); and (3) established standards for the: (a) governance and curriculum of the Kentucky Education Collaborative for State Agency Children (KECSAC); (b) development and implementation of interagency agreements between the local school districts, the KECSAC, the Department of Social Services, and the Kentucky Department of Education; (c) implementation of various provisions of the Kentucky Education Reform Act relating to school based decision making for state agency children; (d) technology, accountability, staff development, and salary plans for the KECSAC; and (f) other guidelines for the operation of the KECSAC.

Mr. Gibson stated that: (1) this administrative regulation was based upon Senate Bill 260 enacted in 1992, and House Bill 826 enacted in 1994; (2) administrative regulations were drafted to implement the provisions of Senate Bill 260 but were never promulgated; (3) when House Bill 826 was enacted in 1994, additional changes in the administrative regulation were required.

Mr. Miller stated that: (1) he worked for the Owensboro Public Schools ("OPS"); (2) the OPS has served state agency children for well over 20 years; (3) he was concerned about some of the provisions of the administrative regulation; (4) some school districts have been criticized for: (a) issues surrounding the establishment of the KECSAC; and (b) the requirements of the contracts between the various agencies involved in the KECSAC; (5) OPS was not opposed to this administrative regulation in its entirety, because it established guidelines for implementation of the KECSAC; (6) a draft form of this administrative regulation had existed for the last two years; (7) when House Bill 826 was enacted, the draft administrative regulation was altered, but the administrative regulation probably should have been scrapped and a new administrative regulation developed; (8) the administrative regulation in its current form does not provide adequate guidance for school districts in the handling of state agency children; (9) the Owensboro area has two residential facilities; (10) a provision in the administrative regulation requires a certain number of special education teachers who meet special certification requirements; (10) in one Owensboro facility, all the children require specially certified instructors; (11) the other facility for dependent and neglected children would not necessarily require specially certified teachers; (12) this administrative regulation now appears to require teachers to be specially certified in both schools; and (13) while the intention of the Cabinet was good, school districts need latitude to operate.

Mr. Miller further stated that six sections of the administrative regulation need clarification: (1) Section 3(3): (a) appears to provide for taking funds from local school districts in a particular year, even though those funds have already been earned by the district; (b) was very unpopular with local school districts; and (c) had been opposed by local school districts at the public hearing; (2) Although Section 3(14) required a state level interagency agreement to be in place by June 30, 1995: (a) to date the agreement had not been signed; (b) Section 3(14) is fairly ambiguous, and the agreement is necessary to provide clarification of the requirements to be imposed on local school districts; (c) local districts need to know what is required of them pursuant to this interagency agreement in order to provide their students with the best education possible; (3) Section 4(4)(a): (a) requires a specific adult-to-student ratio for state agency children; and (b) refers to an existing special education administrative regulation in 707 KAR Chapter 1; and (c) has been amended to provide that local districts shall abide by the provisions of the KECSAC administrative regulation and all the administrative regulations found in 707 KAR Chapter 1; (4) local districts cannot abide by this administrative regulation and 707 KAR Chapter 1 because the provisions of these administrative regulations conflict; (5) Section 4(4)(c): (a) is the major area of concern for local school districts because it is not being interpreted consistently; and (b) requires a 230 day school year only when the KECSAC functions as a school district which has been applied to local school district programs, at residential facilities, and at the local school district facility; (6) while Section 3(11) requires notice to affected parties when new programs or unruly children come into a local school district: (a) the notice is provided only to the Kentucky Department of Education, the KECSAC and the Cabinet for Human Resources ("CHR"); (b) local school districts also need some advance warning when programs or particularly unruly children are going to be placed at the local district; and (c) this early warning system should be expanded so that local districts can be made aware when troublesome state agency children are to be educated by the local district; (7) Section 2(3)(a)1.a. requires local school districts to notify the KECSAC whether the district will serve state agency children for the coming school year by January one of the previous year; (8) notification 7 and 1/2 months before school opens is almost impossible, because the local district does not know what the budget for the coming year will be; and (9) local districts should not have to notify the KECSAC until February or March.

Mr. Miller stated that: (1) this is a very important administrative regulation; (2) local school districts need to know what is required of them; (3) many local districts are confused about the requirements of the administrative regulation; (4) it appears even the drafters of the

administrative regulation were confused about its provisions at times; and (5) this administrative regulation should be clarified so that no one is confused about what is required.

Chairman Crenshaw asked that Mr. Gibson respond to Mr. Miller's concerns one item at a time beginning with the January 1 notification date for schools that wish to opt out of the KECSAC.

Regarding the January 1, notification deadline, Mr. Gibson stated that: (1) the KECSAC needs to know which schools intended to opt out of the program as soon as possible so that teachers and instructional services can be contracted to provide an appropriate education for state agency children; and (2) the January 1 deadline could be changed to allow schools more time to decide whether or not to opt out; (3) the KECSAC would rather contract with local school districts; and (4) changes in this administrative regulation must be approved by the State Board of Elementary and Secondary Education.

Representative Lee stated that: (1) he was the sponsor of House Bill 826; (2) the parties need to do everything they can to come to agreement on this administrative regulation; (3) it is very difficult to get agencies of state government to enter into interagency agreements; (4) nothing seems to ever get done as a result of interagency meetings and discussions; (5) agreement and compromise with the local school district is vital if KECSAC is to function properly; (6) it is also essential that local school districts be made aware of the type of children that will be coming to their district; and (7) the January 1 notification deadline is not statutory and is an issue on which KECSAC should be flexible.

Mr. Gibson stated that the KECSAC: (1) has tried to work with local school districts; and (2) would like to contract with local school districts wherever possible.

In response to questions from Representative Lee, Mr. Gibson stated that: (1) the KECSAC has attempted to give school districts as much notice as possible when difficult programs are being implemented, or difficult children are being brought into the district; (2) if the Division of Youth Services establishes a new program, the local school district is notified well in advance of any new programs; and (3) the KECSAC hopes to provide the same kind of notice when new programs are begun through private agencies.

In response to questions from Chairman Crenshaw, Mr. Gibson stated that: (1) this administrative regulation required that: (a) each KECSAC program have at least one certified special education teacher for the 1995-96 school year; and (b) at least half the teachers in each KECSAC program be certified for special education for the 1996-97 school year; (2) while currently at least 30 percent of students in the KECSAC are special education children, the percentage may be as high as 50 percent; (3) KECSAC is attempting to provide sufficient special education instructors for the student population; (4) Section 3(3) relates partially to the opt out provision; (5) if a school district opts out of the KECSAC, Section 3(3) allows the KECSAC to use local district funds to educate the state agency children appropriately; (6) the 230 day school year is required by KRS 158.135(5); and (7) while the administrative regulation provides that each local school district have a 230 day school calendar for each child, the local district has the flexibility to provide less than the full 230 days if a child has an Individual Education Plan (IEP) that allows for less than 230 days of instruction.

Mr. Miller stated while the interpretation of the 230 day calendar offered by Mr. Gibson would be acceptable to the local school districts, the interpretation of the 230 day provision is not consistently applied

In response to questions from Representative Crenshaw, Mr. Gibson stated that: (1) perhaps the Kentucky Department of Education is misinterpreting the 230 calendar day provision; and (2) the administrative regulation may need further clarification.

Chairman Crenshaw stated that: (1) KRS 158.135(5) provides that "Notwithstanding the provisions of any other statute, the Kentucky Educational Collaborative for State Agency Children shall operate a two hundred thirty (230) day school program."

Mr. Gibson stated that the KECSAC is not requiring a 230 day school year pursuant to that section, but only a 230 day school calendar.

In response to questions from Representative Lee, Mr. Gibson stated that: (1) if an individual student's IEP does not require a full 230 day school year, the local school district is not required to provide 230 days of instruction; and (2) the plain language of the administrative regulation allows for this flexibility.

Representative Lee stated that the KECSAC needs to clarify its interpretation of the 230 day school calendar so that the local school districts, CHR, and the Kentucky Department of Education (KDE) have the same understanding.

Mr. Gibson stated that: (1) Senate Bill 260 was enacted to deal with the programs of the Division of Youth Services; (2) Youth Services operates a 24 hour a day, 7 day a week treatment program, and a day treatment program that runs 8 hours a day, 5 days a week; (3) House Bill 826 was: (a) enacted to cover private child care facilities; and (b) not intended to require that dependent and neglected children have a full 230 day school year.

Representative Lee stated that: (1) he did not want to make a motion to find the administrative regulation deficient; (2) the administrative regulation is a good starting place and needs further clarification; and (3) the administrative regulation should not pass as it is unless everyone is clear on the appropriate interpretation of the questionable provisions.

Chairman Crenshaw stated that Section 4(4)(c) of the administrative regulation provides that "A two hundred and thirty...day school calendar year shall be in operation unless specified otherwise in the youth's IEP and ITP."

Chairman Crenshaw asked if Mr. Gibson would be willing to defer this administrative regulation in order to clarify the language relating to the 230 day school calendar in Section 4(4)(c).

Representative Lee stated that he supported deferring the administrative regulation for one month.

Mr. Gibson stated he would be willing defer consideration of the administrative regulation as long as everyone understood that any proposed amendments must be approved by the State Board of Education.

Subcommittee staff requested that any remaining issues be submitted to the Subcommittee in writing for consideration at the next meeting.

This administrative regulation was deferred without objection.

Department for Medicaid Services: Medicaid Services

907 KAR 1:060E. Medical transportation.

907 KAR 1:061E. Payments for transportation services.

Kentucky Health Policy Board: Administration

909 KAR 1:100E. Provider network certification.

The Subcommittee adjourned at 1 p.m. until December 4, 1995 at 10 a.m. in Room 149 of the State Capitol Annex.

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 HEALTH AND WELFARE
Meeting of October 19, 1995

The following administrative regulations were available for consideration by the Interim Joint Committee on Health and Welfare during its meeting of October 19, 1995, having been referred to the Committee on October 2, 1995, pursuant to KRS 13A.290(6):

201 KAR 32:010 & E
201 KAR 32:020 & E
902 KAR 14:080 & E
902 KAR 14:090 & E
904 KAR 2:460E
907 KAR 1:585

No formal motion was made on any of the regulations referred.

The following administrative regulations were found to be deficient pursuant to KRS 13A.290(7) and 13A.030(2): None.

The following administrative regulations were approved as amended at the Committee meeting pursuant to KRS 13A.320: None.

The following administrative regulations were deferred pursuant to KRS 13A.300: None.

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the October 19, 1995 meeting, which are hereby incorporated by reference.

INTERIM JOINT COMMITTEE ON LABOR AND INDUSTRY
Meeting of October 19, 1995

The following administrative regulations were available for consideration by the Interim Joint Committee on Labor and Industry during its meeting of October 19, 1995, having been referred to the Committee on October 5, 1995, pursuant to KRS 13A.290(6): 803 KAR 25:150.

The following administrative regulations were found to be deficient pursuant to KRS 13A.290(7) and 13A.030(2): None

The Committee rationale for each finding of deficiency is attached to and made a part of this memorandum.

The following administrative regulations were approved as amended at the Committee meeting pursuant to KRS 13A.320: 803 KAR 25:150.

The wording of the amendment of each such administrative regulation is attached to and made a part of this memorandum.

The following administrative regulations were deferred pursuant to KRS 13A.300: None

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the October 19, 1995 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

INTERIM JOINT COMMITTEE ON EDUCATION
Meeting of November 2, 1995

The following administrative regulations were available for consideration by the Interim Joint Committee on Education during its meeting of November 2, 1995, having been referred to the Committee on October 2, 1995, pursuant to KRS 13A.290(6):

702 KAR 3:300
702 KAR 7:010
750 KAR 1:010
785 KAR 1:010
785 KAR 1:020
785 KAR 1:030
785 KAR 1:040
785 KAR 1:050
785 KAR 1:060
785 KAR 1:070
785 KAR 1:080
785 KAR 1:090

The following administrative regulations were found to be deficient pursuant to KRS 13A.290(7) and 13A.030(2): none.

The Committee rationale for each finding of deficiency is attached to and made a part of this memorandum.

The following administrative regulations were approved as amended at the Committee meeting pursuant to KRS 13A.320: none.

The wording of the amendment of each such administrative regulation is attached to and made a part of this memorandum.

The following administrative regulations were deferred pursuant to KRS 13A.300: none.

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the November 2, 1995 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

INTERIM JOINT COMMITTEE ON TRANSPORTATION
Meeting of November 1, 1995

The following administrative regulations were available for consideration by the Interim Joint Committee on Transportation during its meeting of November 1, 1995, having been referred to the Committee on October 4, 1995, pursuant to KRS 13A.290(6):

603 KAR 5:070
603 KAR 5:071

The following administrative regulations were found to be deficient pursuant to KRS 13A.290(7) and 13A.030(2): None.

The Committee rationale for each finding of deficiency is attached to and made a part of this memorandum.

The following administrative regulations were approved as amended at the Committee meeting pursuant to KRS 13A.320: 603 KAR 5:070

The wording of the amendment of each such administrative regulation is attached to and made a part of this memorandum.

After Section (6) by inserting the following language: "(3) Recreational Vehicle. A recreational vehicle which has a registration license plate issued pursuant to KRS 186.050(11), KRS 186.655, or equivalent statute from another licensing jurisdiction shall have access to any public state-maintained roadway in the Commonwealth of Kentucky as long as the dimensions of the recreational vehicle do not exceed those set forth in Section 4 of this administrative regulation. This shall not be considered a waiver of the weight restrictions of any highway."; and

In Section 3(3)(e) by replacing "0.915" with "0.914"; and

In Section 4(2)(a) by replacing "2.59" with "2.5908".

The following administrative regulations were deferred pursuant to KRS 13A.300: None

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the November 1, 1995 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

INTERIM JOINT COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES
Meeting of November 14, 1995

The following administrative regulations were available for consideration by the Interim Joint Committee on Agriculture and Natural Resources during its meeting of November 14, 1995, having been referred to the Committee on November 7, 1995, pursuant to KRS 13A.290(6):

Department of Fish and Wildlife Resources
- 301 KAR 2:225E
- 301 KAR 5:001E
- 301 KAR 5:010E
- 301 KAR 6:050

Natural Resources and Environmental Protection Cabinet
- 401 KAR 42:005
- 401 KAR 42:011
- 401 KAR 42:020
- 401 KAR 42:040
- 401 KAR 42:060 & E
- 401 KAR 42:070 & E
- 401 KAR 42:071
- 401 KAR 42:080 & E
- 401 KAR 42:090
- 401 KAR 42:200

The following administrative regulations were found to be deficient pursuant to KRS 13A.290(7) and 13A.030(2): none

The Committee rationale for each finding of deficiency is attached to and made a part of this memorandum.

The following administrative regulations were approved as amended at the Committee meeting pursuant to KRS 13A.320: none

The wording of the amendment of each such administrative regulation is attached to and made a part of this memorandum.

The following administrative regulations were deferred pursuant to KRS 13A.300: none

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the November 14, 1995, meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

CUMULATIVE SUPPLEMENT

Locator Index - Effective Dates F2

The Locator Index lists all administrative regulations published in VOLUME 22 of the Administrative Register from July, 1995 through June, 1996. It also lists the page number on which each administrative regulation is published, the effective date of the administrative regulation after it has completed the review process, and other action which may affect the administrative regulation. NOTE: The administrative regulations listed under VOLUME 21 are those administrative regulations that were originally published in the Volume 21 (last year's) issues of the Administrative Register but had not yet gone into effect when the 1995 bound Volumes were published.

KRS Index F11

The KRS Index is a cross-reference of statutes to which administrative regulations relate. These statute numbers are derived from the RELATES TO line of each administrative regulation submitted for publication in VOLUME 22 of the Administrative Register.

Subject Index F17

The Subject Index is a general index of administrative regulations published in VOLUME 22 of the Administrative Register, and is mainly broken down by agency.

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	22 Ky.R Page No.	Effective Date

VOLUME 21

The administrative regulations listed under VOLUME 21 are those administrative regulations that were originally published in the Volume 21 (last year's) issues of the Administrative Register but had not yet gone into effect when the 1995 bound Volumes were published.

EMERGENCY ADMINISTRATIVE REGULATIONS: (Note: Emergency regulations expire 170 days from publication, or 170 days from publication plus number of days of requested extensions, or upon replacement or repeal, whichever occurs first)

32 KAR 1:130E	1865	12-20-94
Expired		7-21-95
32 KAR 1:150E	2646	3-22-95
Expired		10-15-95
200 KAR 22:030E	2648	3-24-95
Replaced		10-13-95
201 KAR 32:010E	2969	4-27-95
Replaced		10-19-95
201 KAR 32:020E	2970	4-27-95
Replaced		10-19-95
201 KAR 32:030E	2972	4-27-95
Replaced		10-19-95
302 KAR 20:076E	2972	5-12-95
Replaced		10-11-95
401 KAR 42:060E	20 Ky.R.	2-15-94
Replaced		11-14-95
401 KAR 42:070E	20 Ky.R.	2-15-94
Replaced		11-14-95
401 KAR 42:080E	20 Ky.R.	2-15-94
Replaced		11-14-95
416 KAR 1:010E	2657	3-24-95
Replaced		8-24-95
500 KAR 11:001E	2430	3-15-95
Replaced		9-7-95
500 KAR 11:030E	2431	3-15-95
Replaced		10-13-95
500 KAR 11:040E	2434	3-15-95
Replaced		10-13-95
500 KAR 11:050E	2436	2-28-95
Replaced		10-13-95
500 KAR 11:060E	2437	2-28-95
Replaced		10-13-95
500 KAR 11:070E	2438	3-15-95
Replaced		9-7-95
500 KAR 11:080E	2439	2-28-95
Replaced		9-7-95
500 KAR 11:090E	2440	2-28-95
Replaced		9-7-95
500 KAR 11:100E	2441	2-28-95
Replaced	9-7-95	
600 KAR 5:010E	2973	5-11-95
Replaced		10-3-95
902 KAR 14:070E	2442	3-1-95
Expired (170 days following publication)		9-18-95
902 KAR 14:080E	2444	3-1-95
Expired		10-18-95
902 KAR 14:090E	2450	3-1-95
Expired		9-18-95
904 KAR 3:050E	2454	2-17-95
Expired (170 days following publication)		9-18-95
904 KAR 3:060E	2458	2-17-95
Expired (170 days following publication)		9-18-95
905 KAR 7:250E	2461	2-17-95
Expired		10-18-95
907 KAR 1:013E	2974	5-12-95
Withdrawn		9-28-95
907 KAR 1:585E	2665	3-21-95
Replaced		10-19-95
909 KAR 1:080E	2667	4-14-95
Replaced		9-20-95
909 KAR 1:090E	2980	5-2-95
Replaced		9-20-95

ORDINARY ADMINISTRATIVE REGULATIONS:

201 KAR 1:064	3088	8-10-95
201 KAR 11:400	3089	(See Volume 22)
201 KAR 30:140		
Amended	2731	8-10-95
501 KAR 6:020		
Amended	3067	8-10-95
501 KAR 6:130		
Amended	3069	8-10-95
704 KAR 20:010		
Repealed	3073	8-3-95
704 KAR 20:020		
Amended	3073	8-3-95
704 KAR 20:021	3100	8-3-95
907 KAR 1:025		
Amended	3079	(See Volume 22)

*Statement of Consideration not filed by deadline (KRS 13A.280)

LOCATOR INDEX - EFFECTIVE DATES

VOLUME 22

EMERGENCY ADMINISTRATIVE REGULATIONS: (Note: Emergency regulations expire 170 days from publication, or 170 days from publication plus number of days of requested extensions, or upon replacement or repeal, whichever occurs first)

Regulation Number	22 Ky.R Page No.	Effective Date
9 KAR 1:021E	214	7-11-95
Expires		1-18-96
11 KAR 8:030E	215	7-12-95
31 KAR 5:020E	882	10-12-95
32 KAR 1:160E	694	8-30-95
32 KAR 1:170E	883	10-10-95
101 KAR 2:100E	217	7-14-95
101 KAR 3:010E	223	7-14-95
200 KAR 22:060E	20	6-15-95
Replaced	415	10-13-95
200 KAR 22:090E	884	10-13-95
202 KAR 4:010E	1050	11-6-95
301 KAR 2:221E	1051	11-3-95
301 KAR 2:222E	1054	11-3-95
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301 KAR 2:224E	1059	11-3-95
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