

# Administrative Register of Kentucky

Published by the LEGISLATIVE RESEARCH COMMISSION  
Volume 1, No. 2

Frankfort, Ky. September 1, 1974

Subscription Price: \$24 Annually  
Pages 21-56

## Legislative Subcommittee Meets Sept. 11

The next regular meeting of the Administrative Regulation Review Subcommittee is scheduled for 10 a.m. CDT on September 11, 1974 in Room 307 at the State Capitol.

This Subcommittee of the Legislative Research Commission is composed of three members of the 1974 General Assembly appointed by the LRC. Chairman is Senator Michael R. Moloney (D., Lexington) and Representatives Jim Davis (R., Grayson) and Richard H. Lewis, (D., Benton).

LRC staff attorney for the Subcommittee is Phillip R. Patton, Room 302 in the State Capitol, telephone 502-564-3144. The Regulations Compiler is Mrs. Mabel Robertson, Room 332 in the State Capitol, telephone 502-564-4552.

### Will Review Regulations

At its September 11 meeting the Subcommittee will review all proposed regulations published in the August issue, Volume 1, Number 1, of the Administrative Register, except those for which public hearings are scheduled. Meetings of the Subcommittee are open to the public.

The Subcommittee's review of proposed regulations is confined by law (KRS 13.087) to a determination of two questions: (1) Does the regulation conform to the statutory authority under which it was promulgated? (2) Does it carry out the legislative intent of the statutes?

Regulations approved by the Subcommittee become effective immediately and will be so listed in future issues of the Administrative Register. The October issue will carry a report of the Subcommittee's actions.

### After Hearings are Held

Regulations for which public hearings are scheduled this month will be considered by the Subcommittee after the issuing agency has given "affirmative consideration" to all comments and has submitted a statement summarizing them and indicating whether any changes have been made in the original wording of the proposed regulation.

Any regulation amended by the issuing agency will be republished in the Administrative Register in its new form.

This is an official publication of the Commonwealth of Kentucky, Legislative Research Commission, giving public notice of all proposed regulations filed by administrative agencies of the Commonwealth pursuant to the authority of Kentucky Revised Statutes 13.082.

Persons having an interest in the subject matter of a proposed regulation published herein may request a public hearing or submit comments within 30 days of the date of this issue to the official designated at the end of each proposed regulation.

The Administrative Register is the monthly advance sheets service for the 1975 Edition of KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE.

## In This Issue

### Emergency Regulations Now In Effect:

Department for Finance and Administration .....	24
Kentucky Higher Education Assistance Authority .....	22
Department of Fish & Wildlife Resources .....	24

### Proposed Regulations Received Through August 20:

Department of Education:	
Bureau of Administration and Finance .....	37
Bureau of Instruction .....	46
Bureau of Pupil Personnel Services .....	42
Bureau of Vocational Education .....	47

### Department of Transportation:

Division of Aeronautics and Airport Zoning .....	36
Bureau of Highways .....	37
Bureau of Vehicle Regulation .....	35

Department of Alcoholic Beverage Control .....	50
Department for Finance and Administration .....	31
Kentucky Board of Auctioneers .....	32
Department of Fish & Wildlife Resources .....	33
Kentucky Higher Education Assistance Authority .....	30
Department of Labor .....	47
Kentucky Board of Tax Appeals .....	47

Public Hearings on Proposed Regulations .....	21
---	----

Legislative Review Subcommittee to Meet .....	21
---	----

KRS Chapter 13—Administrative Regulations .....	28
---	----

### Locator Tables:

KAR Codification System .....	26
KRS Sections Cited or Related to KAR .....	27
List of Regulations and Effective Dates .....	25

Index .....	53
-------------	----

(Index and Locator Tables are cumulative and include references to prior months' issues of the Administrative Register)

### HOW TO CITE

Cite all material in the Administrative Register of Kentucky by Volume number and page number. Example: Volume 1, Kentucky Register, page 318. (Short form: 1 Ky. R. 318).

Cite portions of the 1975 KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE by Title, Chapter and Regulation number, as follows:

601 KAR 1:010

meaning Regulation 010 of Chapter 1 of Title 601. The 600-series of Titles indicates that the issuing authority is the Department of Transportation. Title 601 is the Bureau of Vehicle Regulation. Chapter 1 relates to Motor and Regulation 010 deals with the maximum length of such vehicles on specified highways. (See details of codification system on page 26.)

## Open Hearings Are Scheduled On Regulations

The Department for Natural Resources and Environmental Protection has scheduled public hearings this month on two proposed regulations issued by the agency.

Persons having an interest in the subject matter of the proposed regulations are invited to attend the hearings and present testimony or submit written comments.

One proposed regulation (401 KAR 4:010), issued by the agency's Division of Water Resources and published in the August issue of the Administrative Register, would establish requirements for permits to withdraw water and the reporting procedure to be used in conjunction with water withdrawal permits issued by the Division.

This hearing will be held at 2 p.m. CDT on Friday, September 6, 1974 in the Auditorium of the Capital Plaza Office Building, Frankfort, Kentucky.

The second proposed regulation (402 KAR 1:010), issued by the agency's Division of Reclamation and published in the August issue of the Administrative Register, would establish procedures for control of the reclamation of surface effects of underground mining operations.

This comprehensive proposal involves reclamation plans, access roads, vegetation and screening, discontinued operations, signs, fees, drainage control, and like matters.

The hearing on this second proposed regulation will be held at 9 a.m. CDT on Friday, September 6, 1974 in the Auditorium of the Capital Plaza Office Building, Frankfort, Kentucky.

### DEADLINE FOR NEXT ISSUE

Deadline for submitting proposed regulations for publication in the October 1, 1974 issue of the Administrative Register is Friday, September 20, 1974.

### CHECK MAILING LABEL

Is your name, address and zip code correct? If not, please let us know. A coupon for reporting changes in address may be found on page 29.

### Administrative Register of Kentucky

The Administrative Register of Kentucky is published monthly by the Legislative Research Commission, Room 300, State Capitol, Frankfort, Kentucky 40601. Subscription rate, postpaid in the United States: \$24 per volume of 12 issues, beginning in August and ending with the July issue of the subsequent year.

Application to mail at second-class postage rates is pending at Frankfort, Kentucky. Copyright 1974 by the Legislative Research Commission, all rights reserved.

# Emergency Regulations

WENDELL H. FORD, GOVERNOR  
Executive Order 74-599  
August 9, 1974

## EMERGENCY REGULATION

Kentucky Higher Education Assistance Authority:  
State Student Incentive Grant Program

WHEREAS, the 1974 General Assembly enacted Senate Bill 165 authorizing the Kentucky Higher Education Assistance Authority to establish a grant program for the benefit of eligible Kentucky residents who need such assistance in order to pursue a postsecondary program at the institution of their choice; and

WHEREAS, the Kentucky Higher Education Assistance Authority has determined that a regulation implementing the grant program should become effective immediately to provide grants for students desiring to enroll for the 1974-75 academic year; and

WHEREAS, the Kentucky Higher Education Assistance Authority declares that an emergency does exist and that the attached regulation, pursuant to KRS 164.748(3), should become effective immediately; and

WHEREAS, the Kentucky Higher Education Assistance Authority has simultaneously filed with the emergency regulation a like regulation which will be processed through normal procedure before becoming effective; and

WHEREAS, by the enactment of this regulation on an emergency basis the Kentucky Higher Education Assistance Authority would receive benefits from the experience gained in administering the regulation until such time as it may become effective on a permanent basis after a hearing could be held;

NOW, THEREFORE, I, WENDELL H. FORD, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me, do hereby order and direct that the Kentucky Higher Education Assistance Authority regulation attached hereto, regarding the State Student Incentive Grant Program, be made effective on this date.

This Order is effective August 9, 1974. Done at Frankfort, Kentucky, this 9th day of August, 1974.

WENDELL H. FORD, Governor

THELMA L. STOWALL, Secretary of State

Recommended:

PAUL P. BORDEN, Executive Director,  
Kentucky Higher Education Assistance Authority

## KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY Declaration of Emergency

WHEREAS, the 1974 General Assembly enacted Senate Bill 165 authorizing the Kentucky Higher Education Assistance Authority to establish a grant program for the benefit of eligible Kentucky residents who need such assistance in order to pursue a postsecondary program at the institution of their choice; and

WHEREAS, the Kentucky Higher Education Assistance Authority has determined that a regulation implementing the grant program should become effective immediately to provide grants for students desiring to enroll for the 1974-75 academic year; and

WHEREAS, by the enactment of this regulation on an emergency basis the Kentucky Higher Education Assistance Authority would receive benefits from the experience gained in administering the regulation until such time as it may become effective on a permanent basis after a hearing could be held;

NOW, THEREFORE, based upon the above, the Kentucky Higher Education Assistance Authority, acting through its Executive Director, hereby declares that an emergency exists and that the attached regulation should become effective immediately.

Done at Frankfort, Kentucky, this 6th day of August, 1974.

PAUL P. BORDEN, Executive Director,  
Kentucky Higher Education Assistance Authority

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY  
11 KAR 1:010E

RELATES TO: KRS 164.740 to 164.764

PURSUANT TO: KRS 164.748(3) and 13.082

EFFECTIVE: August 15, 1974

EXPIRES: December 13, 1974

NECESSITY AND FUNCTION: KRS 164.748(3) requires the Kentucky Higher Education Assistance Authority to adopt rules and regulations governing the awarding of grants under the provisions of KRS 164.740 to 164.764. This regulation establishes criteria for the selection of students to receive such grants and for determining individual grant amounts.

Section 1. The grant program administered under the provisions of these rules and regulations shall be known as the State Student Incentive Grant Program.

Section 2. Definitions. Wherever used in these rules and regulations the following acronyms, words and phrases shall have the following meaning:

(1) "Academic Year" is a period of time, usually eight (8) or nine (9) months, during which a full-time student would normally be expected to complete the equivalent of two semesters, two trimesters, three quarters or 900 clock hours of instruction.

(2) "Accredited" is interpreted by the Authority to mean fully accredited. The Authority, therefore, does not recognize institutions classified as "correspondent" or "Recognized Candidate for Accreditation" or institutions having "three letter" accreditation as accredited institutions pursuant to KRS 164.740(3), (4), (5) or (6).

(3) "Agreement" is the document titled "Certification and Declarations to Participate in the State Student Incentive Grant Program" executed by the educational institution and the "Authority Declaration of Eligibility to Participate in the State Student Incentive Grant Program" executed by the Authority pursuant to KRS 164.740(13) and KRS 164.785(5), and Section 3.

(4) "Authority" is the Board of Directors of the Kentucky Higher Education Assistance Authority.

(5) "Clock Hour" is a period of time which is the equivalent of either: (a) a 50 to 60 minute class, lecture, or recitation, (b) two hours of laboratory, shop training or internship requiring outside preparation, (c) two hours of outside preparation related to (a) and (b), or (d) three hours of laboratory, shop training, or internship not requiring outside preparation.

(6) "Eligible Course of Study" is a program of training, offered by an eligible institution, which is of at least two (2) academic years duration; enrolls as regular students only those persons having a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate; and which, pursuant to KRS 164.749(1)(c) does not lead to a certificate, diploma or degree in theology, divinity or religious education.

(7) "Eligible Institution" is, pursuant to KRS 164.740(13) an educational institution in Kentucky which (a) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (b) is legally authorized by Kentucky to provide a program of education beyond secondary education, (c) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (d) is a public or other non-profit institution, and (e) is accredited, pursuant to KRS 164.740(3), (4), (5) or (6) and if required by 45 CFR 192.2, is also accredited by a nationally recognized accrediting agency or association. Such term also includes any school which provides a program of training of a least two (2) academic years duration to prepare students for gainful employment in a recognized occupation and which meets the provisions of (a), (b), (d), and (e) of this subsection unless the school is a public institution in which case it may also be accredited by the State Department of Education, and any proprietary institution of higher education which has an agreement with the U. S. Commissioner of Education containing such terms and conditions as the Commissioner determines to be necessary to insure that the availability of assistance to students at the school under this part has not resulted, and will not result, in an increase in the tuition, fees, or other charges to such students.

(8) "Full-Time Student" is a student who is carrying a full-time academic work load, other than by correspondence, measured in terms of (a) course work or other required activities as determined by the institution in which the student is enrolled, including any combination of courses, work experience, research or special studies which the institution requires of the student to consider him as being engaged in full-time study, and which amounts to the equivalent of a minimum of twelve (12) semester hours or twelve (12) quarter hours per academic term for institutions utilizing trimesters, semesters or quarter hour systems, or which consists of a program requiring a minimum of twenty-five (25) clock hours per week for those institutions that do not utilize such systems, and (b) the tuition and fees customarily charged for full-time study by the institution.

(9) "Proprietary Institution of Higher Education" means a school (a) which provides a program of training of at least two (2) academic years duration to prepare students for gainful employment in a recognized occupation, (b) which admits as regular students only persons having a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate, (c) which is legally authorized under the provisions of the Proprietary School Act of 1972 and under the provisions of Chapter 331 of the Kentucky Revised Statutes to provide a program of education beyond secondary education, (d) which, pursuant to KRS 164.740(6), is accredited by the Association of Independent Colleges and Schools, Accreditation Commission, which is successor to the Commission for Business Schools, (e) which is not a public or other nonprofit institution, and (f) which has been in existence for at least two (2) years.

(10) "Resident of Kentucky" is a person who, pursuant to KRS 164.749(1)(a), is classified as an in-state student in accordance with the Policy on Classification of Students for Fee Assessment Purposes at State-Supported Institutions of

Higher Education as adopted by the Council on Public Higher Education.

(11) "SSIG" is the State Student Incentive Grant Program as administered by the Authority under these rules and regulations.

(12) "Student Eligibility Index" or "SEI" is the expected family contribution computed by the U. S. Office of Education, or its contractor, from data on the application for a Basic Educational Opportunity Grant.

(13) "Undergraduate Student" is, pursuant to 45 CFR 192.2 and KRS 164.748(14), a student who (a) is in attendance at an institution of higher education and (b) has not earned his first baccalaureate or professional degree. A student who has not earned his first baccalaureate or professional degree and who is enrolled in a program of study at the postsecondary level which is designed to extend for more than four (4) academic years shall not be considered an undergraduate student in that portion of the program that involves study beyond the fourth academic year unless that program leads to a first degree and is designed to extend for a period of five (5) academic years.

### Section 3. Agreement.

(1) Pursuant to KRS 164.740(13) and 164.748(5), the Authority requires that any institution desiring to establish its eligibility to participate in the SSIG Program certify and/or declare to the Authority that the institution:

- is an eligible institution of higher education under the provisions of Title IV, Part A, Subpart 3 of the Higher Education Act of 1965, as amended (20 U.S.C. 1070c-1070c-3);
- is an eligible institution as defined in Section 2;
- will abide by these regulations and any amendments thereto;
- will appoint a full-time administrative official of the Institution as the Authority's Grant Program Officer who shall be the Authority's on-campus agent to certify all institutional transactions and activities with respect to the State Student Incentive Grant Program; and
- will comply with Title VI of the Civil Rights Act of 1964 (PL 88-352) and Title IX of the Education Amendments of 1974 (PL 92-318).

(2) The Authority will rely upon the institution's certifications and such other information as is available to the Authority from the U. S. Commissioner of Education and the accrediting agencies, recognized pursuant to KRS 164.740(3), (4), (5) and (6), to determine whether the institution does qualify as an eligible institution of higher education under the provisions of Section 2. In the absence of information contrary to that provided by the institution, the Authority will declare the institution to be eligible pursuant to KRS 164.740(13) and 164.748(5) to participate in the SSIG Program. In the event the Authority, by relying on information contrary to that provided by the Institution, declares that the Institution is not an eligible institution of higher education under the provisions of Section 2, the Authority will advise the institution by registered mail of the information upon which the declaration is based and will set forth the place and manner in which the Institution may request a hearing.

Section 4. Records and Reports. Pursuant to KRS 164.748(5) and (11) any institution which has been declared an eligible institution of higher education under the provisions of Section 2 shall, upon written request by the Authority, make available to the Authority:

- all records relied upon by that institution to certify to the Authority that any recipient of funds under this program is an eligible student pursuing an eligible course of study; and
- such other reports and information as are necessary to determine that the institution has complied with these regulations and with the certifications and declarations contained in the Agreement.

Section 5. Student Eligibility Requirements. In order to receive a SSIG a student must:

- be a national of the United States or be in the United States for other than a temporary purpose and intend to become a permanent resident thereof.
- be a resident of Kentucky pursuant to Section 2(10).
- be a full-time student pursuant to Section 2(8) and 45 CFR 192.4(a)(4).
- be enrolled in an eligible institution pursuant to Section 2 and Section 3.
- be enrolled in an eligible course of study pursuant to Section 2(6).
- be an undergraduate student pursuant to Section 2(13).
- have submitted an Application for a Basic Educational Opportunity Grant for the year during which the SSIG will be used and, on the basis of the application data, must have been determined to have a Student Eligibility Index, as defined in Section 2(12), which when ranked against the Student Eligibility Indices of all other applicants entitles the student to an award pursuant to KRS 164.749(6)(b).

Section 6. Financial Needs Analysis. Pursuant to KRS 164.749(1)(d) and 45 CFR 192.8(c)(2) the method of calculating an expected family contribution used in the Basic Educational Opportunity Grant Program is the only need analysis system presently approved by the Authority for purposes of determining eligibility for a SSIG.

Section 7. Ranking of Applicants. The U. S. Office of Edu-

cation, by contract with the American College Testing Program, Inc., periodically provides to the Authority the names, addresses, Social Security Numbers, Student Eligibility Indices and preliminary institution selections of all applicants who report a Kentucky address on their Basic Educational Opportunity Grant application. Each time USOE provides this information to the Authority, all applicants will be ranked in Student Eligibility Index sequence. Beginning with those who have the lowest SEI values, the Authority then contacts the applicant to determine whether he/she will enroll (or has enrolled) in an eligible institution. All applicants who advise the Authority that they are enrolled (or will be enrolled) in an eligible institution will then be ranked in SEI sequence and, pursuant to KRS 164.749(6)(b), SSIG grants will be offered first to those applicants who have the lowest SEI values. Cumulative rankings of all applicants will be maintained by the Authority to assure that all applicants will be considered for awards in accordance with their SEI level.

### Section 8. Determination of Award Amount.

(1) Minimum and Maximum. Pursuant to KRS 164.749(6)(a) the minimum grant which will be approved by the Authority is \$200 per fiscal year (July 1 through June 30) and the maximum amount which will be approved by the Authority is \$1,000 per fiscal year.

(2) Grant Award Determination Table. Pursuant to KRS 164.749(6)(a) the Authority has determined that grant award amounts shall be related to the Student Eligibility Index and the tuition and fees charged by the institution which the student attends. The following Grant Award Determination Table has been approved by the Authority for the 1974-75 academic year:

STATE STUDENT INCENTIVE GRANT AWARD DETERMINATION TABLE

Student Eligibility Index	Tuition and Fee Charges					
	\$ 0-149	150-499	500-999	1000-1299	1300-1599	1600-2000+
0	0	250	400	550	700	850
1-50	0	250	400	550	700	850
51-100	0	225	375	525	675	825
101-150	0	225	375	525	675	825
151-200	0	200	350	500	650	800
201-250	0	200	350	500	650	800
251-300	0	200	325	475	625	775

### Section 9. Notification of Awards.

(1) Students will receive an original and one copy of the Authority's Award Notification Letter (ANL) with instructions to retain the original and present the copy to the institution at the time of registration.

(2) Institutions will receive a copy of the ANL mailed by the Authority directly to the institution concurrent with the Authority's mailing of the ANL to the student. Prior to the institution registration period a Certification Roster including each student's Social Security Number, name, SEI and SSIG award will be forwarded to the institution. The Roster will provide space for the institutional certifications pursuant to Section 5 (1), (2), (3), (5), and (6). The student will sign the Roster to certify that the funds will be used for educational expenses.

### Section 10. Disbursement of Awards.

(1) Amount of Payment. If an award is made for a full academic year, the award will be advanced in two equal installments. The first installment will be advanced when the student first registers for an academic period which begins on or after August 1, 1974. The second installment will be advanced when the student registers for an academic period which begins on or after January 1, 1975. Failure of the student to register for the first academic period beginning after August 1, 1974, will result in cancellation of the entire award. A student whose award had been cancelled under this provision may by making prior arrangements with the Authority retain eligibility for a part of the SSIG award. Failure to register for the first academic period beginning after January 1, 1975, will result in cancellation of the second installment of the award. If an award is made for less than a full academic year the full amount of the award will be advanced when the student registers for the academic period for which the award was approved. Institutions which have academic calendars which are incompatible with this payment schedule may request alternative schedules by contacting the Kentucky Higher Education Assistance Authority, Director of Grant Programs.

(2) Method of Payment. Individual checks payable to award recipients will be forwarded to the SSIG Program Officer designated on the Agreement. The checks will be accompanied by an original and one copy of a Certification Roster. The copy is to be retained by the institution. The original is to be completed and returned to the Authority in accordance with the instructions, attached thereto, which will specify:

- the conditions under which a check must be presented to the recipient;
- the conditions under which a check must be returned to the Authority;



- (c) the date when the roster and undisbursed checks must be returned to the Authority; and,  
 (d) the method to be used to complete the Roster.

**Section 11. Power of Attorney Endorsement or Certification Prohibited.** A power of attorney or other agency relationship to which the Authority is not a party does not qualify any individual to act in the grant recipient's behalf for the purpose of endorsing checks issued by the Authority to the grant recipient or for the purpose of executing certifications which require the grant recipient's signature.

**Section 12. Refund Policy.** The refund policy established for the Basic Educational Opportunity Grants Program (45 CFR 190) as presented on page 7-14 and 7-15 of the "Basic Grants Handbook, Spring 1974," is the refund policy which will be used by the Authority for the SSIG Program. SSIG Program Officers must contact the Authority for computation of the SSIG refund for any student who receives an overpayment of a BEOG award.

PAUL P. BORDEN, Executive Director

ADOPTED: August 7, 1974

RECEIVED BY LRC: August 15, 1974 at 10:32 a.m.

WENDELL H. FORD, GOVERNOR  
 Executive Order 74-642  
 August 23, 1974

**EMERGENCY REGULATION**  
 Department for Finance and Administration:  
 Cost of Copying Records

WHEREAS, The public interest dictates reasonable access to public records; and

WHEREAS, The Department for Finance and Administration has determined that the public interest will be served at no actual money cost to the Commonwealth by lowering the cost of copying records held in custody of the Department; and

WHEREAS, The Department has determined that immediate access to these public records is in the public interest,

NOW, THEREFORE, I, WENDELL H. FORD, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me, do hereby order and direct that the attached regulation establishing the cost and method of copying public records be effective immediately upon being filed in the Office of the Legislative Research Commission as provided in KRS Chapter 13.

Done at Frankfort, Kentucky, this 23rd day of August, 1974.

WENDELL H. FORD, Governor

THELMA L. STOVALL, Secretary of State

Recommended:  
 JAMES KING, Commissioner,  
 Department for Finance and Administration

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION  
 200 KAR 1:010E

RELATES TO: KRS 171.650 and 12.080  
 PURSUANT TO: KRS Chapters 12, 13, 42, 45, 56 and 171  
 EFFECTIVE: August 26, 1974  
 EXPIRES: December 24, 1974  
 SUPERSEDES: Finance-4

**NECESSITY AND FUNCTION:** State agencies having custody of public records are authorized by KRS 171.650 and KRS 12.080 to prescribe reasonable rules as to the time and place of inspection by interested persons of the public records in their custody. This regulation is to govern the inspection of all public records in the custody of the Executive Department for Finance and Administration.

**Section 1.** All records of any matter required by law or administrative rule to be maintained and kept by the Executive Department for Finance and Administration and all records arising from the exercise by the Executive Department for Finance and Administration of functions authorized by law or administrative rule shall be made available to any person desiring to inspect such records at any reasonable time during normal working hours.

**Section 2.** Any person desiring access for purposes of inspecting any records of the Executive Department for Finance and Administration shall submit to the Commissioner, Executive Department for Finance and Administration, or his designate, a request to inspect said records. The request shall include the name of the person desiring to inspect the records, the nature of the records, the office, bureau or division having physical custody of the records if known and the date and time proposed for the inspection of the records.

**Section 3.** The inspection of all records of the Executive Department for Finance and Administration shall be made in the presence of the custodian of the records or an employee designated by the custodian at any reasonable time during normal working hours. No document in any official file shall be

removed from the premises without written authorization from the Commissioner or Deputy Commissioner of the Executive Department for Finance and Administration. Any question or dispute between the custodian of the records and the person desiring to inspect such records as to the reasonableness of the time of inspections shall be submitted to the Commissioner or Deputy Commissioner, Executive Department for Finance and Administration, for determination.

**Section 4.** Copies of any public record maintained by the Executive Department for Finance and Administration may be made by the person seeking access for purposes of inspection at a cost of 10 cents a page subject to the condition that the copy must be made in the presence of the custodian of the record or an employee designated by the custodian to assure the safe return of the record to the file.

**Section 5.** Subject to the approval by the Commissioner or Deputy Commissioner, Executive Department for Finance and Administration, of such requirement, and to avoid the undue disruption of the regular activities of any office, the director or manager of any office, bureau or division in the Executive Department for Finance and Administration, as custodian of the records of that office, bureau or division, may require persons seeking to obtain copies of 100 or more pages of such records during a single working day to submit a written request for the copies of the records sought to be obtained. The process of copying records under this section may be limited to specific times during the working day to insure that there is no undue disruption of the regular and proper conduct of the office's, bureau's or division's work, provided however there shall be reserved as needed, at least one period, not less than an hour, during each working day for processing copies of records requested by interested persons under this section.

JAMES O. KING, Acting Commissioner

ADOPTED: August 23, 1974

RECEIVED BY LRC: August 26, 1974 at 8:21 a.m.

WENDELL H. FORD, GOVERNOR  
 Executive Order 74-536  
 July 19, 1974

**EMERGENCY REGULATION**  
 Department of Fish and Wildlife Resources

WHEREAS, the Department of Fish and Wildlife Resources finds that it is impossible to comply with normal filing procedures under Chapter 13 of the Kentucky Revised Statutes for administrative regulations in order to meet the deadline for hunting seasons for migratory birds due to the federal jurisdiction in setting season limits for all migratory birds.

THEREFORE, pursuant to the authority vested in me by Section 13.085 of the Kentucky Revised Statutes as amended by Section 2 of Senate Bill 172 of the 1974 General Assembly, I, Wendell H. Ford, Governor of the Commonwealth of Kentucky, hereby acknowledge that the declaration of an emergency by the Department of Fish and Wildlife Resources exists and submit the attached regulation with the Legislative Research Commission. This is done with the intent that the Department shall process the regulation through the normal process for filing administrative regulations within 120 days if it desires that the regulation become permanent.

WENDELL H. FORD, Governor

THELMA L. STOVALL, Secretary of State

DEVELOPMENT CABINET  
 Department of Fish and Wildlife Resources  
 301 KAR 2:021E

RELATES TO: KRS 150.300, 150.305, 150.320, 150.330, 150.340, 150.360  
 PURSUANT TO: KRS 13.082  
 SUPERSEDES: KFWR-HS-MB-24  
 EFFECTIVE: August 21, 1974  
 EXPIRES: December 19, 1974

**NECESSITY AND FUNCTION:** In accordance with KRS 150.015, this regulation is necessary for the continued protection and conservation of the migratory birds listed herein, and to insure a permanent and continued supply of the wildlife resource for the purpose of furnishing sport and recreation for present and future residents of the state. The function of this regulation is to provide for the prudent taking of migratory wildlife within reasonable limits based upon an adequate supply.

**Section 1. Seasons:**

Doves	September 1 through October 31, 1974
Woodcock	December 1 through December 9, 1974
Wilson snipe	October 15 through December 18, 1974
	October 15 through December 18, 1974

## Section 2. Limits:

	<u>Bag Limits</u>	<u>Possession Limits</u>
Doves	12	24
Woodcock	5	10
Wilson snipe	3	16

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

(2) The above species (except doves) dressed in the fields, or being prepared for transportation, must have one (1) fully feathered wing or head attached to the bird for identification purposes. For further information on the above species see Federal Register.

Section 4. Shooting hours: (1) Doves: from 12 o'clock noon to one-half (1/2) hour before sunset prevailing time.

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

Section 5. Wildlife management areas open to dove hunting, (with certain exceptions):

(1) Ballard County Wildlife Management Area, located in Ballard County; September 1 through October 15, 1974. No firearms shall be permitted on the Ballard County Wildlife Management Area except during shooting hours.

(2) West Kentucky Wildlife Management Area, located in McCracken County; September 1 through October 15, 1974.

(3) Central Kentucky Wildlife Management Area, located in Madison County; September 1 through October 15, 1974.

(4) Curtis Gates Lloyd Wildlife Management Area, located in Grant County; September 1 through October 15, 1974. Closed areas are designated by refuge signs.

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

Doves September 1 through October 11, 1974  
December 1 through December 9, 1974  
Woodcock and snipe November 24 through December 18, 1974  
Doves may be taken north of the state line to Barkley Canal, except in developed public use areas, safety zones, and posted areas. Refer to General Rules and Regulations governing hunting on Land Between the Lakes.

Section 6. Closing of certain wildlife management areas to all hunting. The following Wildlife Management Areas are closed to all hunting:

(1) Grayson Wildlife Management Area in Carter and Elliott Counties.

(2) Pine Mountain Wildlife Management Area in Letcher County.

(3) Beaver Creek Wildlife Management Area, including all private inholdings, in Pulaski and McCreary Counties.

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

Section 7. This regulation will not be valid after December 18, 1974.

DR. ROBERT C. WEBB, Chairman  
Department of Fish and Wildlife Resources Commission

ARNOLD L. MITCHELL, Commissioner

ADOPTED: March 18, 1974

RECEIVED BY LRC: August 21 at 3:35 p.m.

## Regulation Locator Table and Effective Dates

<u>Regulation</u>	<u>1 Ky. R. Page No.</u>	<u>Effective Date</u>
1 KAR 1:010	7	
11 KAR 1:010E	22	Effective August 15, 1974; Expires December 13, 1974.
11 KAR 1:010	30	
31 KAR 1:010	8	
40 KAR 1:010	8	
40 KAR 1:020	8	
200 KAR 1:010E	24	Effective August 26, 1974; Expires December 24, 1974.
200 KAR 1:010	31	
201 KAR 1:120	8	
201 KAR 2:010	9	
201 KAR 2:020	9	
201 KAR 2:040	9	
201 KAR 2:050	10	
201 KAR 2:060	10	
201 KAR 2:070	10	
201 KAR 3:010	32	
201 KAR 3:020	32	
201 KAR 3:030	32	
201 KAR 3:040	32	
201 KAR 3:050	32	
201 KAR 3:060	32	
301 KAR 1:010	33	
301 KAR 1:020	33	
301 KAR 1:030	33	
301 KAR 1:040	33	
301 KAR 2:010	33	
301 KAR 2:020	33	
301 KAR 2:021E	24	Effective August 21, 1974; Expires December 19, 1974.
301 KAR 3:010	34	
301 KAR 3:020	34	
301 KAR 4:010	35	
401 KAR 1:020	10	
401 KAR 4:010	11	
402 KAR 1:010	11	
402 KAR 2:010	13	
402 KAR 2:020	14	
601 KAR 1:010	14	
601 KAR 1:020E	2	Effective July 23, 1974; Expires November 20, 1974.
601 KAR 1:020	14	
601 KAR 13:010	35	
602 KAR 1:010	15	
602 KAR 1:020	15	
602 KAR 1:030	36	
602 KAR 1:040	36	
603 KAR 5:010	37	
603 KAR 5:020	37	
702 KAR 1:010	37	
702 KAR 2:010	38	
702 KAR 2:020	38	
702 KAR 2:030	39	

<u>Regulation</u>	<u>1 Ky. R. Page No.</u>	<u>Effective Date</u>
702 KAR 2:040	39	
702 KAR 2:050	40	
702 KAR 2:060	40	
702 KAR 2:070	40	
702 KAR 2:080	40	
702 KAR 2:090	41	
702 KAR 2:100	42	
703 KAR 1:010	42	
703 KAR 1:020	42	
703 KAR 1:030	42	
703 KAR 1:040	43	
703 KAR 1:050	43	
703 KAR 1:060	43	
703 KAR 1:070	43	
703 KAR 1:080	44	
703 KAR 2:010	44	
703 KAR 2:020	44	
703 KAR 2:030	45	
703 KAR 2:040	45	
703 KAR 3:010	45	
703 KAR 3:020	45	
703 KAR 3:030	45	
703 KAR 3:040	46	
704 KAR 1:010	46	
704 KAR 2:010	46	
705 KAR 1:010	47	
801 KAR 1:010E	3,4	Effective July 25, 1974; Expires November 22, 1974.
801 KAR 1:010	4,16	
801 KAR 1:020E	3,5	Effective July 25, 1974; Expires November 22, 1974.
801 KAR 1:020	5,16	
801 KAR 1:030E	3,6	Effective July 25, 1974; Expires November 22, 1974.
801 KAR 1:030	6,16	
801 KAR 1:040E	3,7	Effective July 25, 1974; Expires November 22, 1974.
801 KAR 1:040	7,16	
802 KAR 1:010	47	
803 KAR 1:010	47	
803 KAR 1:020	48	
803 KAR 1:030	49	
803 KAR 1:040	49	
803 KAR 1:050	50	
803 KAR 4:010	50	
804 KAR 1:010	50	
804 KAR 1:020	50	
804 KAR 1:030	51	
804 KAR 1:040	51	
804 KAR 1:050	51	
804 KAR 1:060	52	
804 KAR 3:010	52	
804 KAR 3:020	52	

# KAR Codification

(Following is an outline of the codification system which has been developed for the KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE. The entries for regulations received to date are listed below. Other Cabinets, Departments and agencies of state government will be assigned Titles and Chapters as their regulations are received.)

## TITLE 1 LEGISLATIVE RESEARCH COMMISSION

- Ch. 1 Administrative Regulations
  - 010 Form of administrative regulations; Administrative Register; Codification

## TITLE 11 KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

- Ch. 1 State Student Incentive Grants
  - 010 Criteria for selection; amounts
  - 010E (same as above, filed on Emergency basis)

## TITLE 31 STATE BOARD OF ELECTIONS

- Ch. 1 Absentee Voting
  - 010 When charged with or indicted for a crime

## TITLE 40 DEPARTMENT OF LAW

- Ch. 1 Attorney General
  - 010 Procedures for Official Opinions
  - 020 Private requests for opinions

## TITLE 200 EXECUTIVE DEPARTMENT FOR FINANCE & ADMINISTRATION

- Ch. 1 Public Records
  - 010 Inspecting and copying
  - 010E (same as above, filed on emergency basis)

## TITLE 201 DIVISION OF OCCUPATIONS AND PROFESSIONS

- Ch. 1 Board of Accountancy
  - (010 through 110 reserved)
  - 120 Examinations; Subjects, grading, reexamination
- Ch. 2 Board of Pharmacy
  - 010 Schools approved by the Board
  - 020 Examinations
  - 030 (reserved for "Reciprocity")
  - 040 Registration of interns
  - 050 Licenses and permits; Fees
  - 060 Pocket certificates
  - 070 Prescription intermediary services restricted
- Ch. 3 Board of Auctioneers
  - 010 Apprenticeship requirements for principal examination
  - 020 Residence requirements for apprentices
  - 030 Reciprocity with Indiana residents
  - 040 Non-cancellation during active military duty
  - 050 Accounting of funds by licensed auctioneers
  - 060 Sale of real estate at auction

## TITLE 301 DEPARTMENT OF FISH AND WILDLIFE RESOURCES

- Ch. 1 Fish
  - 010 Boat docks and concession stands
  - 020 Snagging
  - 030 Tennessee River closing hours
  - 040 Skin diving prohibited; exceptions
- Ch. 2 Game
  - 010 Use of steel traps
  - 020 Use of devices for taking and pursuing wildlife
  - 021E Migratory birds; seasons, limits
- Ch. 3 Hunting and Fishing
  - 010 Acts of depredation prohibited
  - 020 License fees
- Ch. 4 Wildlife
  - 010 Districts

## TITLE 401 BUREAU OF ENVIRONMENTAL QUALITY

- Ch. 1 Division of Plumbing
  - (010 reserved for definitions)
  - 020 Installation permits
- Ch. 2 (reserved for Division of Solid Waste)
- Ch. 3 (reserved for Division of Air Pollution)
- Ch. 4 Division of Water Resources
  - 010 Water withdrawal permits; Criteria; Reports

## TITLE 402 BUREAU OF LAND RESOURCES

- Ch. 1 Division of Reclamation
  - 010 Reclamation plans of surface effects of underground mines; Definitions; Certificates, fees, terms; Requirements

- Ch. 2 Division of Conservation
  - 010 Direct aid eligibility of districts
  - 020 Allowable district expenditures

- Ch. 3 (reserved for Division of Forestry)

## TITLE 601 BUREAU OF VEHICLE REGULATION

- Ch. 1 Division of Motor Carriers
  - 010 Truck tractors, semi-trailers; Maximum length
  - 020 Permit for hauling industrial materials; Fee; Bond
  - 020E (same as 020, filed on Emergency basis)

- Ch. 12 (reserved for Driver's Licensing)

- Ch. 13 Driver Improvement
  - 010 Medical Review Board - Basis for examination, evaluation, test

- Ch. 14 (reserved for Driver Training Schools)

## TITLE 602 DIVISION OF AERONAUTICS AND AIRPORT ZONING

- Ch. 1 Air Carriers
  - 010 Applications for intrastate certificates of public convenience and necessity
  - 020 Rules and procedures for hearings on certificates
  - 030 Operation of aircraft in intrastate air commerce
  - 040 Insurance and indemnity bond requirements

## TITLE 603 BUREAU OF HIGHWAYS

- Ch. 1 (reserved for Construction and Materials)
- Ch. 2 (reserved for Pre-Construction)
- Ch. 3 (reserved for Maintenance)
- Ch. 4 (reserved for Right of Way)
- Ch. 5 Traffic
  - 010 Types of limited access; permits for other access
  - 020 Pedestrian traffic on limited access facilities

## TITLE 701 DEPARTMENT OF EDUCATION

## TITLE 702 EDUCATION - BUREAU OF ADMINISTRATION AND FINANCE

- Ch. 1 General Administration
  - 010 Facilities surveys
- Ch. 2 Surplus Property
  - 010 Definitions of eligible entities
  - 020 Authority for organizing and operating
  - 030 Certification of eligibles
  - 040 Donee requirements on use and disposal of Federal surplus personal property donated for public health or educational purposes
  - 050 Donee requirements on use and disposal of Federal excess property
  - 060 Nonfederal excess, surplus or purchased property; requirements on use and disposal
  - 070 Acquisition from Division
  - 080 Service charges, funds and accounting procedures
  - 090 Director of Division; duties
  - 100 Property not covered by PL 152; authority for acquisition

## TITLE 703 EDUCATION - BUREAU OF PUPIL PERSONNEL SERVICES

- Ch. 1 Food Service Programs
  - 010 Local responsibilities
  - 020 District director
  - 030 Principal's responsibilities
  - 040 Personnel; policies and procedures
  - 050 Lunch and breakfast requirements
  - 060 Time minimum for meals
  - 070 Funds and reports
  - 080 Accrual cost accounting

- Ch. 2 School Terms, Attendance and Operation
  - 010 Terms and months
  - 020 Calendar
  - 030 Census
  - 040 Experimental schools

- Ch. 3 Guidance Services
  - 010 Personnel functions
  - 020 Counselor; criteria and duties
  - 030 Counselor units
  - 040 Federal funds

## TITLE 704 EDUCATION - BUREAU OF INSTRUCTION

- Ch. 1 Handicapped Programs
  - 010 Hearing impairment

Ch. 2	Textbooks, Library and Instructional Materials
010	State plan under PL 89-10
TITLE 705	EDUCATION - BUREAU OF VOCATIONAL EDUCATION
Ch. 1	Administration
010	State plan
TITLE 801	REGISTRY OF ELECTION FINANCE
Ch. 1	Reports and Forms
010	Executive committee's report of contributions and expenditures
010E	(same as 010, filed on Emergency basis)
020	Campaign committee's report of contributions and expenditures
020E	(same as 020, filed on Emergency basis)
030	Campaign treasurer's report of contributions and expenditures
030E	(same as 030, filed on Emergency basis)
040	Notice of organization of campaign committee
040E	(same as 040, filed on Emergency basis)
TITLE 802	KENTUCKY BOARD OF TAX APPEALS
Ch. 1	Tax Appeals
010	Rules of practice and procedure

TITLE 803	DEPARTMENT OF LABOR
Ch. 1	Labor Standards; Wages and Hours
010	Registration of apprenticeship programs
020	Employment of apprentices and trainees
030	Hearings on prevailing wage determinations
040	Review of Commissioner's determination
050	Contractor's records
Ch. 2	(reserved for Occupational Safety and Health)
Ch. 3	(reserved for Fire Fighters Collective Bargaining)
Ch. 4	Elevator Safety
010	Elevators, dumbwaiters, escalators and moving walks standards
TITLE 804	DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
Ch. 1	Advertising Distilled Spirits and Wine
010	Inside signs
020	Outside signs, first and second class cities
030	Prohibited statements
040	Novelties and specialties
050	Promotion of particular brands prohibited
060	Solicitation
Ch. 2	(reserved for Advertising Malt Beverages)
Ch. 3	Fair Trade, Pricing and Sales
010	Minimum case distilled spirits values
020	Minimum resale prices

## References to Kentucky Revised Statutes

KRS Section	Regulation No.	KRS Section	Regulation No.	KRS Section	Regulation No.	KRS Section	Regulation No.
2.110	703 KAR 2:020	150.360	301 KAR 2:021E	157.420(3)	702 KAR 1:010	244.030	601 KAR 1:020
2.190	703 KAR 2:020	150.400	301 KAR 2:010	158.060	703 KAR 2:010	244.130	804 KAR 1:050
12.080	200 KAR 1:010E	150.460	301 KAR 3:010	158.070	703 KAR 2:010		804 KAR 1:060
Chapter 13	200 KAR 1:010	150.470	301 KAR 1:020	159.170	703 KAR 2:020		804 KAR 1:010
15.020	1 KAR 1:010	150.620	301 KAR 1:010	159.240	703 KAR 2:030		804 KAR 1:020
15.025	40 KAR 1:010		301 KAR 1:040	159.260	703 KAR 2:030		804 KAR 1:030
116.025	40 KAR 1:020	150.640	301 KAR 3:010	160.380	703 KAR 2:030		804 KAR 1:040
118.790	31 KAR 1:010	151.140	301 KAR 3:010		703 KAR 1:020	244.140	804 KAR 1:010
121.170	31 KAR 1:010	151.160	401 KAR 4:010		703 KAR 1:030		804 KAR 1:020
	801 KAR 1:040E	156.022	401 KAR 4:010		703 KAR 1:040	244.380	804 KAR 1:020
121.180(1)	801 KAR 1:040		702 KAR 2:010		703 KAR 1:050	244.380-	804 KAR 3:010
121.180(2)	801 KAR 1:010E		702 KAR 2:020	161.020	703 KAR 1:060	244.470	804 KAR 3:020
	801 KAR 1:010		702 KAR 2:030	161.140	703 KAR 1:020	244.450	804 KAR 3:010
	801 KAR 1:020E		702 KAR 2:040		703 KAR 1:020	262.090	401 KAR 2:010
	801 KAR 1:020		702 KAR 2:050		703 KAR 1:030		401 KAR 2:020
	801 KAR 1:030E		702 KAR 2:060		703 KAR 1:050	Chapter 315	201 KAR 2:020
131.345	801 KAR 1:030		702 KAR 2:070		703 KAR 1:060		201 KAR 2:040
146.110	802 KAR 1:010		702 KAR 2:080	161.152	703 KAR 1:040		201 KAR 2:050
	401 KAR 2:010		702 KAR 2:090	164.740-			201 KAR 2:060
	401 KAR 2:020		702 KAR 2:100	164.764	11 KAR 1:010E		201 KAR 2:070
150.022(1)	301 KAR 4:010	156.100	703 KAR 1:010		11 KAR 1:010	315.050	201 KAR 2:010
150.025	301 KAR 1:010		703 KAR 1:020	171.650	200 KAR 1:010E	Chapter 318	401 KAR 1:020
	301 KAR 1:020		703 KAR 1:030		603 KAR 5:010	325.265	201 KAR 1:120
	301 KAR 1:030		703 KAR 1:040	175.450	603 KAR 5:010	325.270	201 KAR 1:120
	301 KAR 1:040		703 KAR 1:050	176.050	603 KAR 5:010	330.020	201 KAR 3:060
	301 KAR 2:010		703 KAR 1:060	177.220	603 KAR 5:010	330.040	201 KAR 3:060
	301 KAR 2:020		703 KAR 1:070		603 KAR 5:020	330.070	201 KAR 3:010
	301 KAR 3:020		703 KAR 1:080	177.230	603 KAR 5:020		201 KAR 3:020
150.175	301 KAR 4:010		703 KAR 3:040	177.240	603 KAR 5:020		201 KAR 3:020
	301 KAR 1:020		704 KAR 2:010	177.310	603 KAR 5:010	330.095	201 KAR 3:040
	301 KAR 1:030	156.130	705 KAR 1:010	177.410	603 KAR 5:010	330.110	201 KAR 3:030
	301 KAR 3:020		703 KAR 3:010	177.440	603 KAR 5:010	336.510-	201 KAR 3:050
150.225	301 KAR 3:020		703 KAR 3:020	Chapter 183	602 KAR 1:010	336.680	803 KAR 4:010
150.237	301 KAR 3:020		703 KAR 3:030		602 KAR 1:020	337.505-	
150.280	301 KAR 2:020	156.200	703 KAR 1:070		602 KAR 1:030	337.550	803 KAR 1:020
150.300	301 KAR 3:010	156.480	703 KAR 1:070		602 KAR 1:040		803 KAR 1:030
	301 KAR 2:021E	Chapter 157	703 KAR 2:040	186.570(1) (c)	601 KAR 13:010		803 KAR 1:040
150.305	301 KAR 2:021E	157.200(6)	704 KAR 1:010	189.222	601 KAR 1:010	Chapter 343	803 KAR 1:050
150.320	301 KAR 2:021E	157.290	704 KAR 1:010		601 KAR 1:020E	350.151	803 KAR 1:010
150.330	301 KAR 2:021E	157.320(10)	704 KAR 1:010		601 KAR 1:020	424.260	402 KAR 1:010
150.340	301 KAR 2:021E	157.360(5)	704 KAR 1:010	189.271	601 KAR 1:020E		703 KAR 1:070



# KENTUCKY REVISED STATUTES

## Chapter 13

### ADMINISTRATIVE REGULATIONS

**13.075 Definition of Commission.** — As used in this chapter unless the context requires otherwise: "Commission" means the Legislative Research Commission. (Enact. Acts 1956, ch. 97, sec. 1, eff. May 18, 1956.)

**13.080 Definitions and construction.** — As used in KRS 13.080 to 13.125,

(1) "Administrative Body" means each state board, bureau, commission, department, division, authority, officer, or other entity, except the legislature and the courts, authorized by law to make regulations.

(2) "Subcommittee" means Administrative Regulation Review Subcommittee.

(3) "Regulation" means each statement of general applicability issued by an administrative body that implements, interprets, or prescribes law or policy, or describes the organization procedure, or practice requirements of any administrative body. The term includes the amendment or repeal of a prior regulation, but does not include

(a) statements concerning only the internal management of an administrative body and not affecting private rights or procedures available to the public, or

(b) declaratory rulings, or

(c) intradepartmental memoranda.

(4) "Affirmative consideration" means that an administrative body must either adopt suggestions or recommendations regarding a regulation or issue a concise statement setting forth the reasons for not adopting suggestions or recommendations regarding a regulation.

(5) Compliance with the provisions of KRS 13.080 to 13.125 does not dispense with the requirements of any other law necessary to make the regulation effective. (Enact. Acts 1952, ch. 63, sec. 1; 1972, ch. 180, sec. 1; 1974, ch. 73, sec. 1, eff. July 1, 1974.)

**13.082 Uniformity of power to adopt regulations — Repeal of conflicting provisions.** — (1) The power vested in every administrative body to adopt regulations shall be uniform and shall be confined to the direct implementation of the functions and duties assigned to an administrative body by the General Assembly, or by executive order.

(2) All grants of authority to adopt regulations inconsistent with this provision are hereby repealed and the Legislative Research Commission is hereby directed to identify and to draft legislation for introduction in the 1976 General Assembly repealing all provisions of the Kentucky Revised Statutes in conflict with this section. (Enact. Acts 1974, ch. 73, sec. 5, eff. July 1, 1974.)

**13.084 Refiling of regulations — Rescinding of regulations not refiled.** — (1) Each administrative body shall file within one (1) year of July 1, 1974, in accordance with the provisions of KRS Chapter 13, all regulations which were adopted by such administrative body prior to July 1, 1974, and which are still effective and all regulations which were adopted by such administrative body prior to July 1, 1974 and which do not become effective until after July 1, 1974.

(2) All regulations filed prior to July 1, 1974, whether or not they shall have become effective, are rescinded effective one (1) year after July 1, 1974. (Enact. Acts 1974, ch. 73, sec. 6, eff. July 1, 1974.)

**13.085 Publication, hearing, and review of proposed administrative regulation — Requisites of proposal — Public hearing.** — (1) Except as provided in subsection (2) of this section no regulation made by any administrative body after July 1, 1974, shall become effective until after an original and five (5) duplicate copies of the regulation are forwarded to the office of the Legislative Research Commission, and:

(a) the proposed regulation has been published in the Administrative Register as required by KRS 13.096; and

(b) a public hearing is held, if requested, by a person having an interest in the subject matter, within thirty (30) days following publication of proposed regulation, as provided by subsection (4) of this section; Provided, however, that if no public hearing is requested within thirty (30) days of publication the regulation shall be submitted to the Administrative Regulation Review Subcommittee;

(c) the proposed regulation has been reviewed by the Administrative Regulation Review Subcommittee as required by KRS 13.087; and

(d) the proposed regulation is reviewed by the appropriate interim or standing committees of the General Assembly, if required by KRS 13.087.

(2) The requirements of subsection (1) of this section shall not apply when the administrative body finds that an emergency exists, and the Governor issues an executive order that the regulation become effective immediately upon being filed in the office of the Legislative Research Commission. A regulation so filed shall expire at the end of 120 days, during which time the proposed regulation may be processed in accordance with this section if the administrative body desires it to become permanent. The General Assembly hereby declares that it is the state policy that emergencies are held to a minimum.

(3) Each proposed regulation submitted to the Legislative Research Commission shall include a citation of the authority pursuant to which it, or any

part of it, was adopted, a brief statement which sets forth the necessity for issuing the regulation, a summary of the functions sought to be implemented by the regulation, and the place and manner in which interested persons may present their views.

(4) If within thirty (30) days following publication of the text of a proposed regulation a request is received by the administrative body from a person having an interest in the subject matter of the regulation to offer comment upon the proposed regulation, the administrative body shall fix a date, time and place for a hearing, open to the public, on the proposed regulation. Every hearing shall be conducted in such a manner so as to guarantee each person who wishes to offer comment a fair and reasonable opportunity to do so; Provided, However, every hearing shall be conducted so as to be completed within sixty (60) days from the date the proposed regulation was first published in the Administrative Register. No transcript need be taken of the hearing 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. Following the hearing the administrative body shall give affirmative consideration to all written and oral statements submitted regarding the proposed regulation. The administrative body shall then forward to the Legislative Research Commission a copy of the regulation as originally published in the Register accompanied by a statement indicating whether any changes have been made in the original wording and by a statement summarizing the comments submitted to the administrative body at the hearing.

(5) The Legislative Research Commission shall cause to be endorsed on the original and duplicate copies of each regulation submitted the time and date of the filing thereof and shall maintain a file of such regulations for public inspection, with suitable indexes. (Enact. Acts 1952, ch. 63, sec. 2; 1972, ch. 180, sec. 3; 1974, ch. 73, sec. 2, eff. July 1, 1974.)

**13.087 Administrative Regulation Review Subcommittee—Procedure upon objection to regulations.**—(1) There is hereby created a permanent subcommittee of the Legislative Research Commission to be known as the Administrative Regulation Review Subcommittee. The subcommittee shall be composed of three (3) members, no more than two (2) of whom shall be members of the same political party. The Legislative Research Commission shall appoint from the membership of the General Assembly, the members of the subcommittee for terms of two (2) years, and the members so appointed shall elect one (1) of their number to serve as chairman. Any vacancy which may occur in the membership of the subcommittee shall be filled by the Legislative Research Commission at its next regularly scheduled meeting after the occurrence of the vacancy.

(2) The subcommittee shall meet monthly at such time and place as the chairman may determine. The members of the subcommittee shall be compensated for attending meetings, as provided in KRS 7.090(2).

(3) Any professional, clerical or other employees required by the subcommittee shall be provided in accordance with the provisions of KRS 7.090(4) and (5).

(4) Prior to filing, all regulations shall be submitted to the Administrative Regulation Review Subcommittee to determine if the regulation conforms to the statutory authority under which it was promulgated and if it carries out the legislative intent of the statutory authority under which it was promulgated. The subcommittee's finding that a regulation does not conform to the statutory authority or carry out the legislative intent shall be reported to the promulgating administrative body and to the Director of the Legislative Research Commission. In the event the subcommittee determines that a regulation, other than an emergency filing approved by the Governor, does not conform to the statutory authority, or does not coincide with the legislative intent, the subcommittee shall attach to the regulation a written notation of its objection, including a statement of the reasons therefor, and shall return the regulation to the promulgating administrative body. Notice of such objection shall be given by the subcommittee to the Director of the Legislative Research Commission. The subcommittee shall act on a regulation submitted to the Legislative Research Commission within thirty (30) days of the submission of the regulation.

(5) The promulgating administrative body may revise a regulation to comply with the subcommittee's objections, and may return the revised regulation to the subcommittee, or it may return the regulation, with the subcommittee's notation attached, without change. The Legislative Research Commission shall immediately accept a regulation as filed if it is not objected to by the subcommittee.

(6) In the event an administrative body returns a regulation, objected to by the subcommittee, to the Legislative Research Commission, without change, the regulation shall be referred by the Director to the standing committee of the House of Representatives and Senate or to the Interim Committee with appropriate jurisdiction as determined by the Rules of the House and Senate then in effect or in effect during the most recent session of the General Assembly. The standing committees of the House and Senate or the interim committee to which a regulation is referred under this section shall review the regulation in the same manner as did the Administrative Regulation Review Subcommittee and shall not expand their review beyond determining whether the regulation conforms to the statutory authority under which it was promulgated and whether the regulation carries out the legislative intent of the statute it seeks to implement. In the event the standing committee of the House



and Senate or the Interim Committee determines that a regulation does not conform to the statutory authority under which it was promulgated, or does not coincide with the legislative intent of the statute it seeks to implement the standing committees or the interim committee shall attach to the regulation a written notation of its objection, including a statement of the reasons therefor, and the Director shall return the regulation to the promulgating administrative body. Notice of such objection shall be given by the standing committees or by the interim committee to the Director of the Legislative Research Commission. The standing committees or interim committee shall act on a regulation submitted in accordance with this section within thirty (30) days of the date the administrative body returns the regulation.

(7) The promulgating administrative body may revise a regulation to comply with the subcommittee's interim or standing committee's objections, and may return the revised regulation to said subcommittee or committee, or may return the regulation with the subcommittee's interim or standing committee's notation attached, without change. The Legislative Research Commission shall immediately accept the regulation as filed.

(8) The subcommittee shall report monthly to the Legislative Research Commission all action taken on administrative bodies' regulations. The Director of the Legislative Research Commission shall report to the Commission all action taken by the standing committee or by the interim committee.

(9) All regulations objected to by the subcommittee and by the standing committees or interim committee and not revised by the promulgating administrative body together with the notations of the subcommittee's and the standing committee's or interim committee's objection shall be transmitted by the Director to the clerk of the Senate and the clerk of the House of Representatives on or before the first day of each regular session of the General Assembly. The clerk of the Senate and the clerk of the House of Representatives shall lay all regulations so transmitted before the Senate and the House of Representatives, respectively, for such action as the respective legislative bodies may determine to be appropriate. (Enact. Acts 1972, ch. 180, sec. 4; 1974, ch. 73, sec. 3, eff. July 1, 1974.)

**13.090 Functions of Legislative Research Commission.**—(1) The commission shall prescribe rules governing the manner and form in which regulations shall be prepared, to the end that all regulations shall be prepared in a uniform manner. The commission may refuse to accept for filing any regulation that does not conform to the rules.

(2) The Legislative Research Commission shall furnish advice and assistance to all administrative bodies in the preparation of their regulations, and in revising, codifying and editing existing or new regulations. (Enact. Acts 1952, ch. 63, sec. 3; 1972, ch. 180, sec. 5.)

**13.096 Kentucky Administrative Regulations Service—Administrative Register.**—(1) The Legislative Research Commission shall compile, publish and distribute the regulations filed by administrative bodies in a manner which will accommodate changes in regulations and allow distribution of any topical or organizational part of the regulations as well as all of them. This compilation shall be known as the Kentucky Administrative Regulations Service and shall constitute the official state publication of administrative regulations.

(2) There is hereby created a publication known as "The Administrative Register" to be printed and published on a monthly basis by the Legislative

Research Commission for the purpose of giving notice of proposed regulations filed in accordance with KRS 13.085. Every regulation forwarded to the Legislative Research Commission shall have its complete text printed in the Administrative Register along with the accompanying statements required by KRS 13.085.

(3) The Commission shall prescribe reasonable fees for subscription to the Kentucky Administrative Regulations Service and the Administrative Register. All fees paid to the Commission for these publications shall be placed in the State Treasury to the credit of a revolving, trust or agency fund account, for use by the Legislative Research Commission in carrying out the provisions of this section. (Enact. Acts 1956 (1st Ex. Sess.) ch. 6, sec. 1; 1972, ch. 180, sec. 6; 1974, ch. 73, sec. 4, eff. July 1, 1974.)

**13.097 Regulations Compiler—Certificate—Filing of publication with Secretary of State.**—The Kentucky Administrative Regulations Service shall be prepared under the direct supervision of an employee appointed by the director of the Legislative Research Commission and designated the Regulations Compiler. The Director shall cause to be prepared a certificate to the effect that the text of the regulations as printed in this service is correct. One (1) copy of the Kentucky Administrative Regulations Service with the original certificate therein shall be maintained in the office of the Secretary of State. All other copies shall contain a printed copy of the certificate and shall constitute prima facie evidence of the law in all courts and proceedings. (Enact. Acts 1956 (1st Ex. Sess.) ch. 6, sec. 2; 1974, ch. 370, sec. 2.)

**13.100 Effect of Commission's file stamp on regulation or publication of regulation.**—The Legislative Research Commission's authenticated file stamp on a rule or regulation, or publication of a rule or regulation in the Kentucky Administrative Regulations Service shall raise a rebuttable presumption that the rule or regulation was adopted and filed in compliance with all requirements necessary to make it effective. (Enact. Acts 1952, ch. 63, sec. 5; 1956 (1st Ex. Sess.), ch. 6, sec. 3.)

**13.102 Administrative body's publication of informational copies.**—No administrative body other than the Legislative Research Commission shall publish administrative rules or regulations unless the rules or regulations are included in a booklet or binder on which the words "Informational Copy" are clearly stamped or printed. (Enact. Acts 1958, ch. 47, sec. 1; repealed and reen. Acts 1966, ch. 255, sec. 5; 1972, ch. 180, sec. 7.)

**13.105 Judicial notice.**—The courts shall take judicial notice of any regulation duly filed under the provisions of KRS Chapter 13, after the regulation has become effective. (Enact. Acts 1952, ch. 63, sec. 6; 1972, ch. 180, sec. 8.)

**13.115 File of ineffective regulations to be kept.**—When any regulation filed with the Legislative Research Commission expires by its own terms, or is superseded or revoked, the commission shall cause the same to be placed in a "dead" file. (Enact. Acts 1952, ch. 63, sec. 8.)

**13.125 Notice and hearings on proposed regulations.**—Where practicable to do so, state agencies are encouraged to give notice, to interested persons, of proposed regulations, and conduct hearings upon the proposed regulations prior to adoption thereof. (Enact. Acts 1952, ch. 63, sec. 10, eff. June 19, 1952.)

### Subscription Order Form

Here is my subscription to the Administrative Register of Kentucky for the year beginning August, 1974 and ending July, 1975. Enclosed is my check for \$24 made payable to the KENTUCKY STATE TREASURER.

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

Zip Code \_\_\_\_\_

MAIL TO: The Administrative Register  
Legislative Research Commission  
State Capitol  
Frankfort, Kentucky 40601

### Change of Address Notification

If information on mailing label is incorrect, please note correct address in spaces below and mail to:

The Administrative Register  
Legislative Research Commission  
State Capitol  
Frankfort, Kentucky 40601

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

Zip Code \_\_\_\_\_

# Proposed Regulations

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY  
(11 KAR 1:010)

RELATES TO: KRS 164.740 to 164.764

PURSUANT TO: KRS 164.748(3) and 13.082

NECESSITY AND FUNCTION: KRS 164.748(3) requires the Kentucky Higher Education Assistance Authority to adopt rules and regulations governing the awarding of grants under the provisions of KRS 164.740 to 164.764. This regulation establishes criteria for the selection of students to receive such grants and for determining individual grant amounts.

Section 1. The grant program administered under the provisions of these rules and regulations shall be known as the State Student Incentive Grant Program.

Section 2. Definitions. Wherever used in these rules and regulations the following acronyms, words and phrases shall have the following meaning:

(1) "Academic Year" is a period of time, usually eight (8) or nine (9) months, during which a full-time student would normally be expected to complete the equivalent of two semesters, two trimesters, three quarters or 900 clock hours of instruction.

(2) "Accredited" is interpreted by the Authority to mean fully accredited. The Authority, therefore, does not recognize institutions classified as "correspondent" or "Recognized Candidate for Accreditation" or institutions having "three letter" accreditation as accredited institutions pursuant to KRS 164.740(3), (4), (5) or (6).

(3) "Agreement" is the document titled "Certification and Declarations to Participate in the State Student Incentive Grant Program" executed by the educational institution and the "Authority Declaration of Eligibility to Participate in the State Student Incentive Grant Program" executed by the Authority pursuant to KRS 164.740(13) and KRS 164.785(5), and Section 3.

(4) "Authority" is the Board of Directors of the Kentucky Higher Education Assistance Authority.

(5) "Clock Hour" is a period of time which is the equivalent of either: (a) a 50 to 60 minute class, lecture, or recitation, (b) two hours of laboratory, shop training or internship requiring outside preparation, (c) two hours of outside preparation related to (a) and (b), or (d) three hours of laboratory, shop training, or internship not requiring outside preparation.

(6) "Eligible Course of Study" is a program of training, offered by an eligible institution, which is of at least two (2) academic years duration; enrolls as regular students only those persons having a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate; and which, pursuant to KRS 164.749(1) (c) does not lead to a certificate, diploma or degree in theology, divinity or religious education.

(7) "Eligible Institution" is, pursuant to KRS 164.740(13) an educational institution in Kentucky which (a) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (b) is legally authorized by Kentucky to provide a program of education beyond secondary education, (c) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (d) is a public or other non-profit institution, and (e) is accredited, pursuant to KRS 164.740(3), (4), (5) or (6) and if required by 45 CFR 192.2, is also accredited by a nationally recognized accrediting agency or association. Such term also includes any school which provides a program of training of a least two (2) academic years duration to prepare students for gainful employment in a recognized occupation and which meets the provisions of (a), (b), (d), and (e) of this subsection unless the school is a public institution in which case it may also be accredited by the State Department of Education, and any proprietary institution of higher education which has an agreement with the U. S. Commissioner of Education containing such terms and conditions as the Commissioner determines to be necessary to insure that the availability of assistance to students at the school under this part has not resulted, and will not result, in an increase in the tuition, fees, or other charges to such students.

(8) "Full-Time Student" is a student who is carrying a full-time academic work load, other than by correspondence, measured in terms of (a) course work or other required activities as determined by the institution in which the student is enrolled, including any combination of courses, work experience, research or special studies which the institution requires of the student to consider him as being engaged in full-time study, and which amounts to the equivalent of a minimum of twelve (12) semester hours or twelve (12) quarter hours per academic term for institutions utilizing trimesters, semesters or quarter hour systems, or which consists of a program requiring a minimum of twenty-five (25) clock hours per week for those institutions that do not utilize such systems, and (b) the tuition and fees customarily charged for full-time study by the institution.

(9) "Proprietary Institution of Higher Education" means a school (a) which provides a program of training of at least two (2) academic years duration to prepare students for gainful employment in a recognized occupation, (b) which admits as

regular students only persons having a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate, (c) which is legally authorized under the provisions of the Proprietary School Act of 1972 and under the provisions of Chapter 331 of the Kentucky Revised Statutes to provide a program of education beyond secondary education, (d) which, pursuant to KRS 164.740(6), is accredited by the Association of Independent Colleges and Schools, Accreditation Commission, which is successor to the Commission for Business Schools, (e) which is not a public or other nonprofit institution, and (f) which has been in existence for at least two (2) years.

(10) "Resident of Kentucky" is a person who, pursuant to KRS 164.749(1) (a), is classified as an in-state student in accordance with the Policy on Classification of Students for Fee Assessment Purposes at State-Supported Institutions of Higher Education as adopted by the Council on Public Higher Education.

(11) "SSIG" is the State Student Incentive Grant Program as administered by the Authority under these rules and regulations.

(12) "Student Eligibility Index" or "SEI" is the expected family contribution computed by the U. S. Office of Education, or its contractor, from data on the application for a Basic Educational Opportunity Grant.

(13) "Undergraduate Student" is, pursuant to 45 CFR 192.2 and KRS 164.748(14), a student who (a) is in attendance at an institution of higher education and (b) has not earned his first baccalaureate or professional degree. A student who has not earned his first baccalaureate or professional degree and who is enrolled in a program of study at the post-secondary level which is designed to extend for more than four (4) academic years shall not be considered an undergraduate student in that portion of the program that involves study beyond the fourth academic year unless that program leads to a first degree and is designed to extend for a period of five (5) academic years.

## Section 3. Agreement.

(1) Pursuant to KRS 164.740(13) and 164.748(5), the Authority requires that any institution desiring to establish its eligibility to participate in the SSIG Program certify and/or declare to the Authority that the institution:

- is an eligible institution of higher education under the provisions of Title IV, Part A, Subpart 3 of the Higher Education Act of 1965, as amended (20 U.S.C. 1070c-1070c-3);
- is an eligible institution as defined in Section 2;
- will abide by these regulations and any amendments thereto;
- will appoint a full-time administrative official of the Institution as the Authority's Grant Program Officer who shall be the Authority's on-campus agent to certify all institutional transactions and activities with respect to the State Student Incentive Grant Program; and
- will comply with Title VI of the Civil Rights Act of 1964 (PL 88-352) and Title IX of the Education Amendments of 1974 (PL 92-318).

(2) The Authority will rely upon the institution's certifications and such other information as is available to the Authority from the U. S. Commissioner of Education and the accrediting agencies, recognized pursuant to KRS 164.740(3), (4), (5) and (6), to determine whether the institution does qualify as an eligible institution of higher education under the provisions of Section 2. In the absence of information contrary to that provided by the institution, the Authority will declare the institution to be eligible pursuant to KRS 164.740(13) and 164.748(5) to participate in the SSIG Program. In the event the Authority, by relying on information contrary to that provided by the Institution, declares that the Institution is not an eligible institution of higher education under the provisions of Section 2, the Authority will advise the institution by registered mail of the information upon which the declaration is based and will set forth the place and manner in which the Institution may request a hearing.

Section 4. Records and Reports. Pursuant to KRS 164.748(5) and (11) any institution which has been declared an eligible institution of higher education under the provisions of Section 2 shall, upon written request by the Authority, make available to the Authority:

- all records relied upon by that institution to certify to the Authority that any recipient of funds under this program is an eligible student pursuing an eligible course of study; and
- such other reports and information as are necessary to determine that the institution has complied with these regulations and with the certifications and declarations contained in the Agreement.

Section 5. Student Eligibility Requirements. In order to receive a SSIG a student must:

- be a national of the United States or be in the United States for other than a temporary purpose and intend to become a permanent resident thereof.
- be a resident of Kentucky pursuant to Section 2(10).
- be a full-time student pursuant to Section 2(8) and 45 CFR 192.4(a) (4).
- be enrolled in an eligible institution pursuant to Section 2 and Section 3.
- be enrolled in an eligible course of study pursuant to Section 2(6).
- be an undergraduate student pursuant to Section 2(13).

(7) have submitted an Application for a Basic Educational Opportunity Grant for the year during which the SSIG will be used and, on the basis of the application data, must have been determined to have a Student Eligibility Index, as defined in Section 2(12), which when ranked against the Student Eligibility Indices of all other applicants entitles the student to an award pursuant to KRS 164.749(6) (b).

Section 6. Financial Needs Analysis. Pursuant to KRS 164.749(1) (d) and 45 CFR 192.8(c) (2) the method of calculating an expected family contribution used in the Basic Educational Opportunity Grant Program is the only need analysis system presently approved by the Authority for purposes of determining eligibility for a SSIG.

Section 7. Ranking of Applicants. The U. S. Office of Education, by contract with the American College Testing Program, Inc., periodically provides to the Authority the names, addresses, Social Security Numbers, Student Eligibility Indices and preliminary institution selections of all applicants who report a Kentucky address on their Basic Educational Opportunity Grant application. Each time USOE provides this information to the Authority, all applicants will be ranked in Student Eligibility Index sequence. Beginning with those who have the lowest SEI values, the Authority then contacts the applicant to determine whether he/she will enroll (or has enrolled) in an eligible institution. All applicants who advise the Authority that they are enrolled (or will be enrolled) in an eligible institution will then be ranked in SEI sequence and, pursuant to KRS 164.749(6) (b), SSIG grants will be offered first to those applicants who have the lowest SEI values. Cumulative rankings of all applicants will be maintained by the Authority to assure that all applicants will be considered for awards in accordance with their SEI level.

#### Section 8. Determination of Award Amount.

(1) Minimum and Maximum. Pursuant to KRS 164.749(6) (a) the minimum grant which will be approved by the Authority is \$200 per fiscal year (July 1 through June 30) and the maximum amount which will be approved by the Authority is \$1,000 per fiscal year.

(2) Grant Award Determination Table. Pursuant to KRS 164.749(6) (a) the Authority has determined that grant award amounts shall be related to the Student Eligibility Index and the tuition and fees charged by the institution which the student attends. The following Grant Award Determination Table has been approved by the Authority for the 1974-75 academic year:

STATE STUDENT INCENTIVE GRANT AWARD DETERMINATION TABLE

Student Eligibility Index	Tuition and Fee Charges						
	\$ 0-149	150-499	500-999	1000-1299	1300-1599	1600-1999	2000+
0	0	250	400	550	700	850	1000
1-50	0	250	400	550	700	850	1000
51-100	0	225	375	525	675	825	975
101-150	0	225	375	525	675	825	975
151-200	0	200	350	500	650	800	950
201-250	0	200	350	500	650	800	950
251-300	0	200	325	475	625	775	925

#### Section 9. Notification of Awards.

(1) Students will receive an original and one copy of the Authority's Award Notification Letter (ANL) with instructions to retain the original and present the copy to the institution at the time of registration.

(2) Institutions will receive a copy of the ANL mailed by the Authority directly to the institution concurrent with the Authority's mailing of the ANL to the student. Prior to the institution registration period a Certification Roster including each student's Social Security Number, name, SEI and SSIG award will be forwarded to the institution. The Roster will provide space for the institutional certifications pursuant to Section 5 (1), (2), (3), (5), and (6). The student will sign the Roster to certify that the funds will be used for educational expenses.

#### Section 10. Disbursement of Awards.

(1) Amount of Payment. If an award is made for a full academic year, the award will be advanced in two equal installments. The first installment will be advanced when the student first registers for an academic period which begins on or after August 1, 1974. The second installment will be advanced when the student registers for an academic period which begins on or after January 1, 1975. Failure of the student to register for the first academic period beginning after August 1, 1974, will result in cancellation of the entire award. A student whose award had been cancelled under this provision may by making prior arrangements with the Authority retain eligibility for a part of the SSIG award. Failure to register for the first academic period beginning after January 1, 1975, will result in cancellation of the second installment of the award. If an award is made for less than a full academic year the full amount of the award will be advanced when the student registers for the academic period

for which the award was approved. Institutions which have academic calendars which are incompatible with this payment schedule may request alternative schedules by contacting the Kentucky Higher Education Assistance Authority, Director of Grant Programs.

(2) Method of Payment. Individual checks payable to award recipients will be forwarded to the SSIG Program Officer designated on the Agreement. The checks will be accompanied by an original and one copy of a Certification Roster. The copy is to be retained by the institution. The original is to be completed and returned to the Authority in accordance with the instructions, attached thereto, which will specify:

- the conditions under which a check must be presented to the recipient;
- the conditions under which a check must be returned to the Authority;
- the date when the roster and undisbursed checks must be returned to the Authority; and,
- the method to be used to complete the Roster.

Section 11. Power of Attorney Endorsement or Certification Prohibited. A power of attorney or other agency relationship to which the Authority is not a party does not qualify any individual to act in the grant recipient's behalf for the purpose of endorsing checks issued by the Authority to the grant recipient or for the purpose of executing certifications which require the grant recipient's signature.

Section 12. Refund Policy. The refund policy established for the Basic Educational Opportunity Grants Program (45 CFR 190) as presented on page 7-14 and 7-15 of the "Basic Grants Handbook, Spring 1974," is the refund policy which will be used by the Authority for the SSIG Program. SSIG Program Officers must contact the Authority for computation of the SSIG refund for any student who receives an overpayment of a BEOG award.

PAUL P. BORDEN, Executive Director

ADOPTED: August 7, 1974

RECEIVED BY LRC: August 9, 1974 at 11:30 a.m.

SUBMIT COMMENT OR REQUEST FOR A HEARING TO: The Executive Director, Kentucky Higher Education Assistance Authority, Capital Plaza Tower, Frankfort, Kentucky 40601.

#### EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION (200 KAR 1:010)

RELATES TO: KRS 171.650 and 12.080

PURSUANT TO: KRS Chapters 12, 13, 42, 45, 56 and 171

SUPERSEDES: Finance-4

NECESSITY AND FUNCTION: State agencies having custody of public records are authorized by KRS 171.650 and KRS 12.080 to prescribe reasonable rules as to the time and place of inspection by interested persons of the public records in their custody. This regulation is to govern the inspection of all public records in the custody of the Executive Department for Finance and Administration.

Section 1. All records of any matter required by law or administrative rule to be maintained and kept by the Executive Department for Finance and Administration and all records arising from the exercise by the Executive Department for Finance and Administration of functions authorized by law or administrative rule shall be made available to any person desiring to inspect such records at any reasonable time during normal working hours.

Section 2. Any person desiring access for purposes of inspecting any records of the Executive Department for Finance and Administration shall submit to the Commissioner, Executive Department for Finance and Administration, or his designate, a request to inspect said records. The request shall include the name of the person desiring to inspect the records, the nature of the records, the office, bureau or division having physical custody of the records if known and the date and time proposed for the inspection of the records.

Section 3. The inspection of all records of the Executive Department for Finance and Administration shall be made in the presence of the custodian of the records or an employee designated by the custodian at any reasonable time during normal working hours. No document in any official file shall be removed from the premises without written authorization from the Commissioner or Deputy Commissioner of the Executive Department for Finance and Administration. Any question or dispute between the custodian of the records and the person desiring to inspect such records as to the reasonableness of the time of inspections shall be submitted to the Commissioner or Deputy Commissioner, Executive Department for Finance and Administration, for determination.

Section 4. Copies of any public record maintained by the Executive Department for Finance and Administration may be made by the person seeking access for purposes of inspection at a cost of 10 cents a page subject to the condition that the copy must be made in the presence of the custodian of the record or an employee designated by the custodian to assure the safe return of the record to the file.

Section 5. Subject to the approval by the Commissioner or



Deputy Commissioner, Executive Department for Finance and Administration, of such requirement, and to avoid the undue disruption of the regular activities of any office, the director or manager of any office, bureau or division in the Executive Department for Finance and Administration, as custodian of the records of that office, bureau or division, may require persons seeking to obtain copies of 100 or more pages of such records during a single working day to submit a written request for the copies of the records sought to be obtained. The process of copying records under this section may be limited to specific times during the working day to insure that there is no undue disruption of the regular and proper conduct of the office's, bureau's or division's work, provided however there shall be reserved as needed, at least one period, not less than an hour, during each working day for processing copies of records requested by interested persons under this section.

JAMES O. KING, Acting Commissioner

ADOPTED: August 23, 1974

RECEIVED BY LRC: August 26, 1974 at 8:21 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Executive Department for Finance and Administration, 301 Capitol Annex Building, Frankfort, Kentucky 40601

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION  
Kentucky Board of Auctioneers  
(201 KAR 3:010)

RELATES TO: KRS 330.070

PURSUANT TO: KRS 330.050 and 13.082

NECESSITY AND FUNCTION: This Regulation requires an apprentice auctioneer to furnish proof that he has gained some measure of experience while serving as an apprentice before taking the principal auctioneer's examination.

Section 1. Upon application for a principal auctioneer's license, each apprentice auctioneer must present a statement signed by his principal auctioneer that said apprentice has participated in at least five (5) auction sales during the course of his apprenticeship.

A. ROGER LEWIS, Chairman

ADOPTED: July 11, 1974

RECEIVED BY LRC: August 8, 1974 at 11:12 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Kentucky Board of Auctioneers, 912 Kentucky Home Life Building, Louisville, Kentucky 40202.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION  
Kentucky Board of Auctioneers  
(201 KAR 3:020)

RELATES TO: KRS 330.070

PURSUANT TO: KRS 330.050 and 13.082

NECESSITY AND FUNCTION: This Regulation requires that an apprentice auctioneer reside no further than fifty (50) miles from the branch or main office of the principal auctioneer so as to insure that the apprentice auctioneer receives proper professional guidance.

Section 1. In the absence of a showing of special circumstances satisfactory to the Board, no principal auctioneer shall sponsor an apprentice whose residence is located outside a fifty-mile (50) radius of the principal auctioneer's main or branch office.

A. ROGER LEWIS, Chairman

ADOPTED: July 11, 1974

RECEIVED BY LRC: August 8, 1974 at 11:12 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Kentucky Board of Auctioneers, 912 Kentucky Home Life Building, Louisville, Kentucky 40202.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION  
Kentucky Board of Auctioneers  
(201 KAR 3:030)

RELATES TO: KRS 330.095

PURSUANT TO: KRS 330.050 and 13.082

NECESSITY AND FUNCTION: This Regulation puts Kentucky and Indiana on an equal footing insofar as licenses are concerned since Indiana does not require an apprenticeship.

Section 1. Due to the fact that the State of Indiana does not require licensees to serve an apprenticeship, reciprocity with Indiana shall hereinafter be granted only to nonresidents of Kentucky who have held Indiana licenses for a minimum of one (1) year.

A. ROGER LEWIS, Chairman

ADOPTED: July 11, 1974

RECEIVED BY LRC: August 8, 1974 at 11:12 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Kentucky Board of Auctioneers, 912 Kentucky Home Life Building, Louisville, Kentucky 40202.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION  
Kentucky Board of Auctioneers  
(201 KAR 3:040)

RELATES TO: KRS 330.070

PURSUANT TO: KRS 330.050 and 13.082

NECESSITY AND FUNCTION: This Regulation allows licensees who are on active duty in the military service of the United States to avoid the cancellation of their licenses during the pendency of their active duty.

Section 1. Any individual holding a valid apprentice or principal Kentucky auctioneer's license who enters the military service of the United States shall not be required to maintain his bond or his license during the period that he is on active duty for said military service. Within sixty (60) days of such individual's honorable discharge from the service, he may request reinstatement of his license and said request shall be granted by the Board.

A. ROGER LEWIS, Chairman

ADOPTED: July 11, 1974

RECEIVED BY LRC: August 8, 1974 at 11:12 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Kentucky Board of Auctioneers, 912 Kentucky Home Life Building, Louisville, Kentucky 40202.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION  
Kentucky Board of Auctioneers  
(201 KAR 3:050)

RELATES TO: KRS 330.110

PURSUANT TO: KRS 330.050 and 13.082

NECESSITY AND FUNCTION: This Regulation defines more particularly the requirement of KRS 330.110 concerning the accounting for funds by a licensed auctioneer.

Section 1. (1) Any principal or apprentice auctioneer licensed by the Kentucky Board of Auctioneers shall be required to provide a receipt or receipts to all individuals or businesses placing merchandise with him for sale by him at auction. Every apprentice and principal auctioneer shall keep a copy of each receipt given for merchandise as provided herein, and shall give a true copy of said receipt or receipts to the owner of the property accepted for sale at auction.

(2) A principal auctioneer shall further render an accounting and settlement with the seller of any property sold at auction within thirty (30) days after the conclusion of such sale unless there is a legal requirement that funds held in escrow by that principal auctioneer be held longer than said thirty (30) days.

A. ROGER LEWIS, Chairman

ADOPTED: July 11, 1974

RECEIVED BY LRC: August 8, 1974 at 11:12 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Kentucky Board of Auctioneers, 912 Kentucky Home Life Building, Louisville, Kentucky 40202

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION  
Kentucky Board of Auctioneers  
(201 KAR 3:060)

RELATES TO: KRS 330.020 and 330.040

PURSUANT TO: KRS 330.050 and 13.082

SUPERSEDES: KBA-1

NECESSITY AND FUNCTION: This Regulation answers a question raised by many real estate brokers and auctioneers pursuant to an opinion of the Kentucky Attorney General.

Section 1. (1) Pursuant to an opinion of the Attorney General, OAG 65-759 dated October 20, 1965, which held that a licensed real estate broker may not sell real estate at auction without an auctioneer's license and a licensed auctioneer may not sell real estate at auction without a real estate broker's license, it shall be considered improper dealing for an auctioneer to engage in any practice to obtain or negotiate a contract for the sale of real estate at auction, or advertise, or conduct a sale of real estate at auction without a license issued by the Kentucky State Real Estate Commission.

(2) Nothing contained in this regulation shall prevent a licensed real estate broker and a licensed auctioneer from participating jointly in such transactions for the sale of real estate at auction.

A. ROGER LEWIS, Chairman

ADOPTED: July 11, 1974

RECEIVED BY LRC: August 8, 1974 at 11:12 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Kentucky Board of Auctioneers, 912 Kentucky Home Life Building, Louisville, Kentucky 40202.

DEVELOPMENT CABINET  
Department of Fish and Wildlife Resources  
(301 KAR 1:010)

RELATES TO: KRS 150.025 and 150.620  
PURSUANT TO: KRS 13.082  
SUPERSEDES: KPWR-P-23

NECESSITY AND FUNCTION: This regulation prohibits boat docks and concessions on lakes and property owned by the Department of Fish and Wildlife Resources without the written consent of the commissioner. It is necessary in order that the Department may have control over boat docks and concessions.

Section 1. No person, firm, or corporation shall build or attempt to build any boat docks, or operate, or attempt to operate any boat docks, or have and maintain any boats for hire, or maintain or operate any concession stands on any of the Department of Fish and Wildlife Resources lakes or property without written consent to do so from the Commissioner of the Department of Fish and Wildlife Resources and with the approval of the Fish and Wildlife Resources Commission.

Section 2. This regulation applies only to lakes and property owned by the Department of Fish and Wildlife Resources.

ARNOLD L. MITCHELL, Commissioner

ADOPTED: August 20, 1974  
RECEIVED BY LRC: August 20, 1974 at 12:19 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, Capital Plaza Tower - 4th Floor, Frankfort, Kentucky 40601.

DEVELOPMENT CABINET  
Department of Fish and Wildlife Resources  
(301 KAR 1:020)

RELATES TO: KRS 150.025, 150.175 and 150.470  
PURSUANT TO: KRS 13.082  
SUPERSEDES: KPWR-P-46

NECESSITY AND FUNCTION: This regulation permits and controls snagging of fish in the Tennessee River below Kentucky Dam. It is necessary to insure that snagging is done in a lawful manner.

Section 1. Snagging of fish shall be permitted in the Tennessee River below Kentucky Dam at any time during the year from the banks only. The daily creel limit shall not exceed fifteen (15) fish in the aggregate, and shall not exceed the daily creel limit for any game species in which the creel limit is under fifteen (15), nor shall it exceed fifteen (15) for any game species whose creel limit is over fifteen (15).

Section 2. No rod to be used in snagging shall exceed a length of seven and one-half (7 1/2) ft. including the handle, and it must be equipped with line, guides and reel. Only one hook may be attached to the line, either a single or treble hook. All fish snagged must be kept, except shad or herring, and if the legal limit of ten (10) black bass or ten (10) sauger is reached before the aggregate limit of fifteen (15), the fisherman must immediately stop snagging.

Section 3. Any person in the act of snagging shall not have in his or her possession at any time more fish than the aggregate creel limit, or legal limit on black bass and sauger as set forth in this regulation.

ARNOLD L. MITCHELL, Commissioner

ADOPTED: August 20, 1974  
RECEIVED BY LRC: August 20, 1974 at 12:20 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, Capital Plaza Tower-4th Floor, Frankfort, Kentucky 40601.

DEVELOPMENT CABINET  
Department of Fish and Wildlife Resources  
(301 KAR 1:030)

RELATES TO: KRS 150.025 and 150.175  
PURSUANT TO: KRS 13.082  
SUPERSEDES: KPWR-P-57

NECESSITY AND FUNCTION: This regulation prohibits fishing from a boat immediately below Kentucky Dam during winter months. It is necessary to insure that no fishing by illegal means takes place in this area.

Section 1. The Tennessee River from directly below Kentucky Dam downstream approximately three-quarters of a mile to the Old Ferry Crossing is hereby closed to all fishing from a boat during the time of one-half hour after sunset to one-half hour before sunrise from November 15 to March 15, both dates inclusive.

Section 2. This regulation applies to the Tennessee River from Kentucky Dam at Gilbertsville, Kentucky, downstream

approximately three-quarters of a mile to the Old Ferry Crossing.

ARNOLD L. MITCHELL, Commissioner  
ADOPTED: August 20, 1974  
RECEIVED BY LRC: August 20, 1974 at 12:20 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, Capital Plaza Tower, 4th Floor, Frankfort, Kentucky 40601.

DEVELOPMENT CABINET  
Department of Fish and Wildlife Resources  
(301 KAR 1:040)

RELATES TO: KRS 150.025 and 150.620  
PURSUANT TO: KRS 13.082  
SUPERSEDES: KPWR-P-67

NECESSITY AND FUNCTION: This regulation prohibits skin diving in lakes owned or controlled by the Department of Fish and Wildlife Resources. This regulation is necessary in order to protect the fish and wildlife population of state-owned lakes and to insure continued enjoyment of these lakes by sportsmen.

Section 1. The Commissioner of the Department of Fish and Wildlife Resources, with concurrence of the Department of Fish and Wildlife Resources Commission does hereby prohibit skin diving (the use of air breathing apparatus while swimming underwater) in all lakes owned and/or controlled by the Department of Fish and Wildlife Resources, except as stated in Sections 2 and 3.

Section 2. Skin diving will be permitted in salvage operations upon receipt of written permission by the diver from the Regional Director or the local conservation officer assigned to the specific body of water in which the diving is to take place.

Section 3. Skin diving is permitted anytime without prior authorization in cases of emergency involving the possibility of saving human life or in the recovery of a victim of drowning.

ARNOLD L. MITCHELL, Commissioner  
ADOPTED: August 20, 1974  
RECEIVED BY LRC: August 20, 1974 at 12:19 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, 4th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

DEVELOPMENT CABINET  
Department of Fish and Wildlife Resources  
(301 KAR 2:010)

RELATES TO: KRS 150.025 and 150.400  
PURSUANT TO: KRS 13.082  
SUPERSEDES: KPWR-G-43

NECESSITY AND FUNCTION: This regulation pertains to the design and approval of traps used in taking wild animals. In accordance with KRS 150.400 (1) and (2), this regulation is necessary to insure the use of relatively humane traps that are capable of effectively harvesting a furbearing resource that is annually renewable. The function of this regulation is to insure that the most efficient and relatively humane traps are used in taking furbearers.

Section 1. All commercially manufactured traps that take animals alive and unhurt or kill instantly are approved by the Commissioner of the Department of Fish and Wildlife Resources.

Section 2. All commercially manufactured steel traps with smooth jaws only, are approved by the Commissioner of the Department of Fish and Wildlife Resources.

ARNOLD L. MITCHELL, Commissioner  
ADOPTED: August 20, 1974  
RECEIVED BY LRC: August 20, 1974 at 12:22 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, Capital Plaza Tower, Frankfort, Kentucky 40601.

DEVELOPMENT CABINET  
Department of Fish and Wildlife Resources  
(301 KAR 2:020)

RELATES TO: KRS 150.025 and 150.280  
PURSUANT TO: KRS 13.082  
SUPERSEDES: KPWR-G-45

NECESSITY AND FUNCTION: This regulation pertains to the use of devices for the purpose of training bird dogs. This regulation is necessary to insure that wild quail are protected from indiscriminate trapping by devices utilized by persons training bird dogs while attempting to retrieve legally propagated and banded quail. The function of this

regulation is to carry out the provisions of KRS 150.280 and insure that trapped wild quail are returned to the wild.

Section 1. Trapping and training devices may be used to retrieve propagated and banded quail used solely as a means of training bird dogs.

Section 2. Permits for trapping and training devices will be issued on a calendar year basis at a fee of \$2 by the Department of Fish and Wildlife Resources after approval by the local conservation officer.

Section 3. All trapping and training devices holding quail shall have a tag attached giving the name and address of owner and permit number. Tags will be furnished at cost by the Department of Fish and Wildlife Resources.

Section 4. Only legally propagated quail may be used for this purpose and all quail must be banded. Bands will be furnished by the Department of Fish and Wildlife Resources at cost.

Section 5. Wild or unbanded quail retrieved by means of a trapping or training device, must be immediately released unharmed. Any evidence that wild birds are being retained shall be prima facie evidence for prosecution and the owner's permit shall be revoked.

ARNOLD L. MITCHELL, Commissioner

ADOPTED: August 20, 1974

RECEIVED BY LRC: August 20, 1974 at 12:22 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, Capital Plaza Tower, Frankfort, Kentucky 40601.

#### DEVELOPMENT CABINET

Department of Fish and Wildlife Resources  
(301 KAR 3:010)

RELATES TO: KRS 150.300, 150.460, 150.620 and 150.640

PURSUANT TO: KRS 13.082

SUPERSEDES: KFRW-H&P-5

NECESSITY AND FUNCTION: In accordance with KRS 150.640, this regulation is necessary to protect from any acts of depredation lands and waters owned or controlled by the Department of Fish and Wildlife Resources as fishing waters, wildlife management areas, fish hatcheries and refuges. The function of this regulation is to contribute to the protection, maintenance and development of these lands and waters and their associated wildlife through regulated and prudent use by the public.

Section 1. No person shall misuse the lands or waters owned or controlled by the Department of Fish and Wildlife Resources by acts such as, but not limited to, the cutting of trees, dumping of trash and littering, stealing or gleaning crops, permitting livestock to enter, cutting of fences, burning, damaging roads by entry of unauthorized equipment, or by any other act of depredation.

Section 2. Vehicles must use designated parking areas if such are available.

Section 3. Camping is permitted only in designated camping areas on Department-owned or controlled lands or waters.

Section 4. No person may place any substance on or in Department-owned or controlled lands or waters that may be injurious to aquatic life, wildlife or wildlife habitat, or allow any substances to escape onto lands or into waters or drainage systems of a water area.

Section 5. No persons, except Department of Fish and Wildlife Resources employees, U. S. Fish and Wildlife Service Special Agents, and U. S. Army Corps of Engineers personnel shall go upon the premises of Goose Island Refuge on Barren River Lake for any reason other than official or assigned duties.

Section 6. No vehicle, motorcycle or other mechanized equipment is permitted, except on maintained roads of state-owned or controlled lands unless authorized in writing by the Commissioner.

ARNOLD L. MITCHELL, Commissioner

ADOPTED: August 20, 1974

RECEIVED BY LRC: August 20, 1974 at 12:23 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, Capital Plaza Tower, Frankfort, Kentucky 40601.

#### DEVELOPMENT CABINET

Department of Fish and Wildlife Resources  
(301 KAR 3:020)

RELATES TO: KRS 150.025, 150.175, 150.237 and 150.225

PURSUANT TO: KRS 13.032

SUPERSEDES: KFRW-H&P-6

NECESSITY AND FUNCTION: This regulation sets the license fees for hunting and fishing as provided for in KRS 150.225.

Section 1. License fees for hunting and fishing, effective August 1, 1972, are as follows:

- I. Sport fishing license:
  - Statewide fishing license (resident) \$ 5.00
  - Statewide fishing license (nonresident) 10.00
  - Ohio River fishing license (resident) 5.00
  - Ohio, Indiana & Illinois only 5.00
  - 15-day fishing license (nonresident only) 4.00
  - 3-day fishing license (nonresident only) 2.50
  - Trout stamp 2.25
  - Fishing and hunting license (combination resident) 9.00
- II. Commercial fishing license:
  - Commercial fishing license (resident) 16.50
  - Commercial fishing license (nonresident) 35.50
  - Ohio River Commercial fishing license (resident Ohio, Indiana and Illinois only) 16.50
- III. Hoop net tag:
  - Commercial trotline tag (resident) 2.50
  - Commercial trotline tag (nonresident) 6.00
  - Ohio River commercial tag (resident Ohio, Indiana & Illinois only) 2.50
- IV. Seine tag for each 100 ft. seine, gill net, trammel net or part thereof:
  - (resident) 2.50
  - (nonresident) 4.50
  - Ohio River commercial seine tag (resident Ohio, Indiana & Illinois only) 2.50
- V. Live fish and bait dealers license:
  - Live fish and bait dealers license (resident); separate license required for each place of business 17.00
  - Live fish and bait dealers license (nonresident) 30.00
- VI. Musseling license (resident) 17.00  
Musseling license (nonresident) 250.00
- VII. Hunting license:
  - Statewide hunting license (resident) 5.00
  - Statewide hunting license (nonresident) 27.50
  - Statewide hunting license (3-day nonresident) (small game only) 10.00
  - Statewide Jr. Hunting license (resident only) 3.50
  - Hunting and fishing license (combination resident) 9.00
- VIII. Trapping license (resident) 5.00  
Trapping license (nonresident) 27.50  
Trap tags .05
- IX. Big Game permit (deer) (resident or nonresident) 10.50
- X. Taxidermist license 5.00
- XI. Commercial guide license (resident) 10.00  
Commercial guide license (nonresident) 30.00
- XII. Fur processor's license (resident) 100.00  
Fur buyer's license (resident) 7.50  
Fur buyer's license (nonresident) 100.00
- XIII. Special nonresident hunting preserve license valid only for preserve issued (not required if hunter has valid hunting license) 5.00
- XIV. Kentucky regulated shooting preserve permit 25.00
- XV. Propagation permit (either fish or game) including pet permit 5.00
- XVI. Scientific permit 1.00
- XVII. Mussel buyer's license (resident) 100.00  
Mussel buyer's license (nonresident) 300.00
- XVIII. Food permit for selling bobwhite quail from propagation farms only 100.00  
Retail food permit for propagated quail 1.00
- XIX. Commercial waterfowl shooting permit fee (operator's license) 25.00
- XX. Falconry permit (birds of prey) 10.00
- XXI. Pay lake license (minimum \$50 for first two acres or less; \$10 per additional acre or part thereof up to maximum of \$100)



Section 2. The kind of license or tags authorized by this regulation shall not be changed, altered or defaced in any manner, except trout stamp, which must carry the licensee's signature in ink across the face of stamp and be attached to the back of the proper fishing license. All licenses, permits, tags and stamps are nontransferable.

ARNOLD L. MITCHELL, Commissioner

ADOPTED: August 20, 1974

RECEIVED BY LRC: August 20, 1974 at 12:21 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Commissioner, Department of Fish and Wildlife Resources, Capital Plaza Tower, Frankfort, Kentucky 40601.

DEVELOPMENT CABINET

Department of Fish and Wildlife Resources  
(301 KAR 4:010)

RELATES TO: KRS 150.022(1) and 150.025

PURSUANT TO: KRS 13.082

SUPERSEDES: KPR-W-4

NECESSITY AND FUNCTION: This regulation designates the counties within each Wildlife District. It is necessary in order to simplify travel and provide coordinated services within an area as set forth in KRS 150.022(1).

Section 1. The Commissioner of the Department of Fish and Wildlife Resources with the concurrence of the Department of Fish and Wildlife Resources Commission after giving due regard to the division of the state into Wildlife Districts so as to simplify travel and economy, does hereby set aside and divide the state into nine Wildlife Districts, with the counties of each district designated as follows:

DISTRICT I

Fulton  
Hickman  
Carrles  
Ballard  
McCracken  
Graves  
Calloway  
Marshall  
Livingston  
Lyon  
Trigg  
Caldwell  
Crittenden  
Christian

DISTRICT II

Union  
Webster  
Hopkins  
Muhlenberg  
Todd  
Henderson  
McLean  
Logan  
Simpson  
Allen  
Warren  
Butler  
Ohio  
Davies  
Rancock

DISTRICT III

Meade  
Bullitt  
Jefferson  
Spencer  
Oldham  
Breckinridge  
Shelby

DISTRICT IV

Hardin  
Grayson  
Nelson  
Washington  
Marion  
Larue  
Taylor  
Adair  
Cumberland  
Monroe  
Barren  
Green  
Hart  
Edmonson  
Metcalfe

DISTRICT V

Carroll  
Owen  
Grant  
Harrison  
Robertson  
Bracken  
Pendleton  
Gallatin  
Boone  
Kenton  
Campbell  
Trimble  
Henry

DISTRICT VI

Franklin  
Scott  
Anderson  
Woodford  
Fayette  
Mercer  
Jessamine  
Boyle  
Casey  
Lincoln  
Garrard  
Rockcastle  
Lee  
Estill  
Powell  
Clark  
Madison

DISTRICT VII

Lawrence  
Hagoffin  
Johnson  
Martin  
Pike  
Floyd  
Breathitt  
Knott  
Perry  
Letcher  
Leslie  
Elliott

DISTRICT VIII

Mason  
Lewis  
Greenup  
Carter  
Boyd  
Morgan  
Wolfe  
Menifee  
Montgomery  
Bath  
Rowan  
Fleming  
Nicholas  
Bourbon

DISTRICT IX

Clinton  
Russell  
Wayne  
Pulaski  
McCreary  
Whitley  
Laurel  
Clay  
Owsley  
Knox  
Bell  
Harlan  
Jackson

ARNOLD L. MITCHELL, Commissioner

ADOPTED: August 20, 1974

RECEIVED BY LRC: August 20, 1974 at 12:21 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Commissioner, Department of Fish and Wildlife Resources, Capital Plaza Tower, Frankfort, Kentucky 40601.

DEPARTMENT OF TRANSPORTATION  
Bureau of Vehicle Regulation  
(601 KAR 13:010)

RELATES TO: KRS 186.570(1)(c)

PURSUANT TO: KRS 13.082

SUPERSEDES: Psfty-DI-6-1, Psfty-DI-7, Psfty-DI-8-2

NECESSITY AND FUNCTION: The Medical Review Board has existed by virtue of administrative regulations since February, 1965. Subjects who come to the Bureau's attention because of physical or mental problems which may affect the driving ability are required to submit to physical examinations. The results of these exams are then reviewed by the physicians on the Board. Based on their professional experience they recommend either total denial of a license or a limited one (e.g., daylight hours, left and right rear-view mirrors, another exam in three months, etc.), or they determine that the disability suffered should not affect the driving ability. This professional recommendation eliminates the arbitrariness and capriciousness which could exist in the great discretion granted the Bureau by the Legislature in KRS 186.570. Whenever the recommendation of the Board is for suspension or an extremely limited license, the subject is entitled to a hearing on the matter (since the Supreme Court's *BELL v. BURSON* decision) and this regulation sets out the procedure for same.

Section 1. The Medical Review Board will determine whether any applicant for or any holder of a valid Kentucky Operator's License has physical or mental infirmities which affect or limit the driving ability or make it unsafe for said person to operate a motor vehicle upon the public highways. The Board consists of the Commissioner of the Bureau of Vehicle Regulation of the Department of Transportation or his representative, the Commissioner of the Bureau for Health Services of the Department of Human Resources or his representative, and not less than three physicians licensed to practice medicine in the Commonwealth of Kentucky. The physicians on the Board shall be appointed by the Commissioner of the Bureau of Vehicle Regulation with the concurrence of the Commissioner of the Bureau for Health Services. The Commissioner of the Bureau of Vehicle Regulation or his representative shall prescribe the time and place for the Board to meet. Any proceeding conducted by the Board shall be construed to be a meeting within the meaning of this section when three physician members are present and participating. Members of the Board who participate in a meeting shall be reimbursed for necessary expenses incurred in attending such meeting.

Section 2. (1) Whenever the Commissioner of the Bureau of Vehicle Regulation has reason to believe, within the meaning of Section 4 of this regulation, a person is afflicted with physical or mental infirmities rendering it unsafe for him to operate a motor vehicle upon the public highways, he shall refuse to issue an operator's license or he shall suspend the existing driving privilege of said person unless he shall submit to an examination by a qualified physician within forty-five (45) days of notification of the Commissioner's intentions.

(2) The required medical examination shall be conducted at the subject's own expense by any state-licensed physician of his choice or at no expense to the subject by the County Health Officer of the county in which the subject resides. The examining physician shall report within thirty (30) days the results of his examination directly to the Medical Review Board on a form furnished him by the Bureau.

(3) As soon as possible after receipt of the completed form, the Medical Review Board shall meet to evaluate it and make recommendations thereon, such as total suspension of the driving privilege, further medical or psychiatric examinations, or complete driver's test. When the Board recommends further examination or driver testing, the Commissioner of the Bureau of Vehicle Regulation shall notify the subject how much time he has in which to comply to retain his driving privilege if he possesses a valid Kentucky Operator's License.

Section 3. Whenever the Medical Review Board, pursuant to subsection (3) of Section 2 of this regulation, recommends total suspension of a person's driving privilege or any limitations thereon, the Commissioner of the Bureau of Vehicle Regulation shall notify the person by certified mail that this action will be taken unless a written request for a hearing before the Board is received within fifteen (15) days following delivery of the notice. The hearing shall be scheduled as early as practical at a time and place designated by the Commissioner and notice of same shall be mailed to the person involved no later than ten (10) days prior to the hearing date. The Commissioner or his representative shall preside at the hearing before the Medical Review Board and at least three (3) physician members shall be present. The presiding officer may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers. The scope of the hearing will be limited to the presentation of the evidence upon which the Medical Review Board made their recommendation and any medical evidence the petitioner wishes to present in explanation or refutation of this evidence. Evidence may be presented in the form of depositions. All testimony at the hearing shall be recorded and together with any depositions or exhibits introduced at the hearing shall form the complete record. Within ten (10) days after the hearing, the Commissioner shall issue a decision and this shall be promptly forwarded to the Petitioner.

Section 4. The Commissioner of the Bureau of Vehicle Regu-

lation shall promptly notify the person involved to submit to the physical examination set out in Section 2 of this regulation when one or more of the following conditions exist:

- (1) Driver has been involved in three (3) or more reportable motor vehicle accidents within a twenty-four (24) month period;
- (2) Driver has received three (3) or more convictions for operating a motor vehicle while under the influence of intoxicants or drugs within the last five (5) years;
- (3) Driver has indicated that he "blacked out" or lost consciousness prior to a reportable motor vehicle accident;
- (4) Driver has been named in an affidavit by at least two (2) citizens as being incapable of properly operating a motor vehicle due to physical or mental infirmities;
- (5) Driver has been reported by a physician as being incapable of driving safely due to physical or mental condition or due to medication prescribed for an extended time;
- (6) Driver has been reported by a law enforcement officer after being observed driving or behaving in an erratic or dangerous manner which indicates a possibility of physical or mental infirmity;
- (7) Applicant for operator's license or for renewal of same has obvious physical or mental impairment;
- (8) Driver's official record kept by the Bureau of Vehicle Regulation indicates a possibility of physical or mental impairment.

BILLY PAXTON, Secretary

ADOPTED: July 29, 1974

RECEIVED BY LRC: July 30, 1974 at 11:49 a.m. CDT

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Bureau of Vehicle Regulation, State Office Building, Frankfort, Kentucky 40601.

DEPARTMENT OF TRANSPORTATION  
Division of Aeronautics and Airport Zoning  
(602 KAR 1:030)

RELATES TO: KRS Chapter 183

PURSUANT TO: KRS 13.082, 174.080, 183.080 and 183.530

NECESSITY AND FUNCTION: This regulation sets forth rules regarding the operation of aircraft in intrastate air commerce.

Section 1. The Federal Aviation Administration's rules contained in 14 CFR 135 (Code of Federal Regulations) as of January 1, 1974, are hereby adopted and incorporated by reference as regulations of this Department insofar as they do not conflict with the laws of Kentucky or the regulations of this Department. These rules, commonly known as Federal Aviation Regulations, part 135, provide aircraft operating rules, crewmember qualifications, aircraft and equipment requirements, and rules governing persons holding air taxi/commercial operator (ATCO) operating certificates.

Section 2. The date of incorporation by reference is July 31, 1974.

Section 3. The above mentioned material has been published in the 1974 Code of Federal Regulations and may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Section 4. The rules contained in the above mentioned material are applicable to the operation of aircraft in intrastate air commerce.

BILLY PAXTON, Secretary

ADOPTED: July 31, 1974

RECEIVED BY LRC: August 8, 1974 at 3:48 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Director, Division of Aeronautics and Airport Zoning, 421 Ann Street, Frankfort, Kentucky 40601

DEPARTMENT OF TRANSPORTATION  
Division of Aeronautics and Airport Zoning  
(602 KAR 1:040)

RELATES TO: KRS Chapter 183

PURSUANT to: KRS 183.590 and 13.082

SUPERSEDES: KAV-3

NECESSITY AND FUNCTION: This regulation sets forth the insurance and indemnity bond requirements for charter operators and common carriers.

Section 1. Each common carrier or charter operator (hereinafter called common carrier or carrier) engaging in intrastate air transportation shall maintain in effect liability insurance coverage which complies with the laws of this state and the regulations of this Department. A copy of such policy of insurance with an attached standard endorsement shall be filed with the Department. The policy of insurance shall be available for inspection by the Department or the public at the common carrier's principal place of business. No common carrier shall operate or perform services in air transportation unless it complies with this regulation.

Section 2. The policy of insurance shall provide the following minimum limits of liability coverage:

(1) Common carriers of passengers in air transportation:

- (a) Liability for bodily injury to or death of aircraft passengers. A limit for any one passenger of at least seventy-five thousand dollars (\$75,000), and a limit for each occurrence in any one aircraft of at least an amount equal to the sum produced by multiplying seventy-five thousand dollars (\$75,000) by seventy-five percent (75%) of the total number of passenger seats installed in the aircraft.
  - (b) Liability for bodily injury to or death of persons (excluding passengers). A limit of at least seventy-five thousand dollars (\$75,000) for any one person in any one occurrence, and a limit of at least three hundred thousand dollars (\$300,000) for each occurrence.
  - (c) Liability for loss or damage to property. A limit of at least one hundred thousand dollars (\$100,000) for each occurrence.
- (2) The minimum limits of liability coverage maintained by a common carrier who restricts his operations in air transportation to the carriage of mail or property, or both shall be those specified in subsection 1, paragraphs (b) and (c) of this section.

Section 3. Insurance contracts shall provide for payment by the insurer on behalf of the common carrier within the specified limits of liability of all sums which the carrier shall become legally obligated to pay as damages for bodily injury to or death of persons, or for loss or damage to property of others resulting from the carrier's negligent operation, maintenance or use of aircraft in intrastate air transportation.

Section 4. The liability of the insurer shall apply to all operations by the carrier in intrastate air transportation. The liability of the insurer shall not be subject to any exclusion by virtue of violations, by the carrier of any applicable safety or economic provision of the Federal Aviation Act or of any applicable safety or economic rule, regulation, order, or other legally imposed requirement prescribed thereunder by the Federal Aviation Administration or the Civil Aeronautics Board or any other state or federal law or regulation. No special waiver or exemption issued by the Federal Aviation Administration or the Civil Aeronautics Board shall affect the insurance afforded by the policy.

Section 5. The liability of the insurer shall not be contingent upon the financial condition, solvency, or freedom from bankruptcy of the carrier. The limits of the insurer's liability for the amounts prescribed herein shall apply separately to each occurrence. Any payment made because of any one occurrence shall not reduce the liability of the insurer for payment of other damages resulting from any other occurrence.

Section 6. Within the limits of liability herein prescribed, the insurer shall not be relieved from liability by any condition, warranty, or exclusion in the policy or any endorsement thereon, or violation thereof by the carrier other than the exclusions set forth in Section 9 or as may be individually approved by the Secretary.

Section 7. The policy of insurance shall state that the Secretary of the Department of Transportation shall be the insurer's agent upon whom may be served process in any action arising out of the policy of insurance.

Section 8. The policy of insurance shall state that, while an aircraft owned by the named carrier and declared in the policy is withdrawn from normal use because of its breakdown, repair, servicing, loss or destruction, such insurance with respect to such aircraft shall apply also with respect to another aircraft of similar type, horsepower, and seating capacity, whether or not owned by the insured, while temporarily used as the substitute for such aircraft.

Section 9. Unless other exclusions are individually approved by the Department, no policy of insurance required by this regulation shall contain any exclusion other than the following authorized exclusions:

- (1) Bodily injury, sickness, disease, mental anguish, or death of any employee of the named carrier while engaged in the duties of his employment, or any obligation for which the named carrier or any company as his insurer may be held liable under any workmen's compensation or occupational disease law;
- (2) Loss of or damage to property owned, rented, occupied, or used by, or in the care, custody, or control of the named carrier, or carried in or on any aircraft with respect to which the insurance applies;
- (3) Any loss arising from operation of an aircraft (a) without a copilot, if one is required under the policy of insurance or (b) by a pilot (or pilot and copilot) not named in or meeting the qualification, experience, and currency requirements provided in the policy of insurance;
- (4) Any loss arising from the ownership, maintenance, or use of any aircraft of a type or class not specified for coverage in the policy, or any aircraft not declared in accordance with the terms and conditions of the policy, other than substitute aircraft as provided in Section 8;
- (5) Any loss arising from operations other than the carriage by aircraft of persons or property as a common carrier for compensation or hire, or the carriage of mail by aircraft, in intrastate air transportation;

(6) Any loss arising from operations with aircraft for which an airworthiness certificate has not been issued, has been surrendered, or has been suspended or revoked by the Administrator of the Federal Aviation Administration, or has expired by its terms;

(7) Any loss arising from operations with aircraft which, at takeoff, have not had inspections, maintenance, preventive maintenance, and alterations performed when required by the Federal Aviation Regulations, or which have not had such inspections, maintenance, preventive maintenance, and alterations performed by persons authorized by the Federal Aviation Regulations.

Section 10. (1) Each policy of insurance shall specify that, unless replaced as provided in subsection (2) of this section, it may not be canceled, withdrawn or modified to reduce the limits of liability, by the insurer until after twenty (20) days' written notice by certified mail to the Secretary, Department of Transportation, New State Office Building, Frankfort, Kentucky 40601. Each policy shall further provide that, in the event of cancellation by the carrier, the insurer shall, within ten (10) days after receipt of such notice of cancellation, notify the Secretary of this action. In addition, each policy shall provide that the insurer will notify the Secretary twenty (20) days before the expiration date of the policy unless it has been renewed.

(2) In the event a carrier replaces a policy of aircraft liability insurance by another policy of insurance conforming with these regulations, the liability of the retiring insurer shall be considered terminated as of the effective date of the replacement policy.

Section 11. The requirements of this regulation are applicable to any indemnity bond filed with the Department pursuant to KRS 183.590(4). An indemnity bond may be filed in lieu of a policy of insurance.

BILLY PAXTON, Secretary

ADOPTED: August 2, 1974

RECEIVED BY LRC: August 8, 1974 at 3:49 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Director, Division of Aeronautics and Airport Zoning, 421 Ann Street, Frankfort, Kentucky 40601.

DEPARTMENT OF TRANSPORTATION  
Bureau of Highways  
(603 KAR 5:010)

RELATES TO: KRS 175.450, 176.050, 177.220, 177.310, 177.410 and 177.440

PURSUANT TO: KRS 13.082 and 174.080

SUPERSEDES: ACC CONTR

NECESSITY AND FUNCTION: The need exists to define, design, construct, and maintain a system of roads whereby the access (ingress and egress) is controlled. A highway facility will operate at a level of service proportional to the control of access; therefore, the greater the control or access, the higher the level of operation service. In order that the public is properly informed as to the access provided on a specific highway, the roadway plans designate the type of facility that is used to serve this function.

Section 1. Limited Access as defined in KRS 177.220 and 177.240 shall be of the following two types:

(1) A fully controlled access highway which gives preference to through-traffic and which shall have access only at selected public roads or streets and which shall have no highway grade crossings or intersections.

(2) (a) A partially controlled access highway gives preference to through-traffic. However, access to selected public roads and streets will be provided and there may be some highway grade and some private driveway connections.

(b) On a partially controlled access highway, access shall be provided during construction of the road only where specifically shown on plans. No new or additional points of access other than those indicated on the approved plans shall be allowed. An access point on this type of facility may be modified as to width and type provided that the modification is approved by Department permit. Access points shall not be relocated or shifted.

Section 2. On all state highways which are not constructed as limited access facilities, access will be controlled by permits. New points of access may be controlled by permits. New points of access may be added and existing ones modified, shifted or relocated, provided that a permit to do so is approved by the Department.

Section 3. All applications for permits pertaining to access shall be filed with the district highway office for the county in which the highway is located.

Section 4. One of the three appropriate boxes with applicable notes inserted, shown below, shall be placed on the title sheet and summary sheet of the plans for all state and federal aid projects.

THIS PROJECT IS A FULLY CONTROLLED ACCESS HIGHWAY.

THIS PROJECT IS A PARTIALLY CONTROLLED ACCESS HIGHWAY. ACCESS SHALL BE PROVIDED ONLY WHERE SPECIFICALLY SHOWN ON PLANS.

THE CONTROL OF ACCESS ON THE PROJECT SHALL BE BY PERMIT.

Section 5. Every deed of conveyance of property acquired by the Department of Transportation for purposes of right of way for any state or federal project shall, in addition to the official order number, show the designation of the type of access highway involved as defined in Sections 1 and 2.

Section 6. The Department of Transportation shall maintain records for public inspection at its office in Frankfort, Kentucky, of all completed state and federal projects, together with the designation of the type of access to be allowed on that project as defined in Sections 1 and 2.

BILLY PAXTON, Secretary

ADOPTED: August 1, 1974

RECEIVED BY LRC: July 30, 1974 at 4:28 p.m. CDT

SUBMIT COMMENT OR REQUEST FOR HEARING TO: William L. Willis, Attorney, Department of Transportation, State Office Building, Frankfort, Kentucky 40601

DEPARTMENT OF TRANSPORTATION  
Bureau of Highways  
(603 KAR 5:020)

RELATES TO: KRS 177.220, 177.230 and 177.240

PURSUANT TO: KRS 13.082 and 174.080

SUPERSEDES: HIWA-LIM ACC, Sec. 6, para.a

NECESSITY AND FUNCTION: This regulation is considered necessary to define pedestrian traffic and to protect such traffic on fully controlled limited access facilities which are especially designed for through traffic. The Department of Transportation will erect and maintain such signs as are required to notify pedestrian traffic where prohibition exists.

Section 1. The Department of Highways hereby prohibits pedestrian traffic within the rights of way of its existing fully controlled limited access facilities, and of its fully controlled limited access facilities to be built in the future. This regulation shall apply to all pedestrian traffic except the following:

(1) Persons actually engaged in work requiring their presence within the rights of way.

(2) Persons using facilities, within the rights of way, which were, by design, intended for use by pedestrians such as sidewalks, pedestrian overpasses or underpasses, intersections tolerated during stage construction, etc.

(3) Persons who, because of emergencies or other conditions beyond their control, find it necessary to travel on foot within the rights of way.

BILLY PAXTON, Secretary

ADOPTED: August 1, 1974

RECEIVED BY LRC: July 30, 1974 at 4:29 p.m. CDT

SUBMIT COMMENT OR REQUEST FOR HEARING TO: William L. Willis, Attorney, Department of Transportation, State Office Building, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Administration and Finance  
(702 KAR 1:010)

RELATES TO: KRS 157.420(3)

PURSUANT TO: KRS 156.070, 156.160, and 13.082

SUPERSEDES: SBE 8.305, SBE 8.310, SBE 8.315, SBE 8.320, SBE 8.325, SBE 8.330, SBE 8.335, and SBE 8.340

NECESSITY AND FUNCTION: To provide a written plan describing construction and use of school facilities to guide school administrators in meeting the needs of the district.

Section 1. The Superintendent of Public Instruction shall conduct or cause to be conducted a facilities survey of each school district at least every five (5) years, and shall deliver to the local board of education a report which contains an assessment of existing conditions; and a recommended facilities plan which designates an organizational pattern, classification of school centers, and a priority schedule for construction needs.

Section 2. Recommendations of a facilities survey report shall become the adopted facilities plan for the district unless an appeal is submitted to the Superintendent of Public Instruction within sixty (60) days following receipt of the facilities survey report. All appeals shall include a full facilities plan with a priority listing of construction needs.

Section 3. The Superintendent of Public Instruction shall review and report to the local board of education within a



period of thirty (30) days the acceptability of the proposal contained in the appeal.

Section 4. In the event an impasse exists one hundred and twenty (120) days following the delivery of the report to the local district, the Superintendent of Public Instruction shall advise the local board of education of its right to employ at local expense, a reputable agency to conduct a facilities survey. Such alternative facilities survey shall contain a full facilities plan with priority listing for construction, and will be taken under advisement by the Superintendent of Public Instruction in determining a final plan for the district.

Section 5. Once a five-year plan has been adopted, upon receipt of written evidence that circumstances exist which necessitate temporary or permanent suspension or alteration of the adopted plan, the Superintendent of Public Instruction shall conduct a review of the district. Any alteration of the adopted plan resulting from a review by the Department of Education shall be made by the issuance of an amendment to the original report.

Section 6. The adopted plan shall be implemented by the local board of education to the extent that the financial ability of the district will permit. Failure by a local board of education to implement an approved plan shall be cause for withholding Foundation Program Capital Outlay Funds from the district.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: August 7, 1974

RECEIVED BY LRC: August 19, 1974 at 10:08 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, Department of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Administration and Finance  
(702 KAR 2:010)

RELATES TO: KRS 156.022

PURSUANT TO: KRS 13.082, 156.020, 156.070, 156.100 and 156.130

SUPERSEDES: SBE 27.010

NECESSITY AND FUNCTION: Defines eligibility requirements for health, education, civil defense, and other applicants to receive federal excess or surplus personal or real property, and other property through the Division of Surplus Property.

Section 1. Essential factors which shall be established in order to determine the eligibility of health and educational applicants for donations of federal excess or surplus personal property are:

(1) The applicant meets the definition of one of the categories of eligible entities, as defined by the Office of Surplus Property Utilization; United States Department of Health, Education, and Welfare or other federal authority administering the federal excess or surplus programs involved.

(2) The applicant is either tax supported or nonprofit and tax exempt. Nonprofit and tax-exempt as used here means any institution, organization, or association, whether incorporated or unincorporated, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, and which has been held by the United States Internal Revenue Service to be tax-exempt under either the provisions of Section 101(6) of the 1939 Internal Revenue Code or Section 501(c)(3) of the 1954 Internal Revenue Code. Tax supported here means one which receives a major portion of its financial support from monies derived from state or local governmental revenues and is included on lists of tax supported institutions published by local or state school authorities or other appropriate public officials.

(3) The applicant has filed a form HEW 441 or otherwise complied with the federal regulations under Title VI of the Civil Rights Act of 1964.

(4) The applicant shall be either approved or accredited. Approved means recognition and approval by the State Department of Education, State Department of Health, or other appropriate authority. With respect to an educational institution, such approval must relate to academic or instructional standards. An educational institution may be considered as approved if its credits are accepted by accredited or state approved institutions, or if it meets the academic or instructional standards prescribed for public schools in the state. Accredited means approval by a recognized accrediting board or association on a regional, state, or national level.

(5) Any health institutional applicant to be eligible shall show that its services are available to the public at large, and not to a restricted segment of the public. The fact that a health institution is tax supported will be considered as evidence that it is open to the public at large.

(6) Ineligible institution applicants such as penitentiaries, domiciliary institutions, etc., may have as an integral part of the ineligible institution a separate portion which can qualify for eligibility.

Section 2. Essential factors which shall be established in order to determine the eligibility of civil defense applicants for donations of federal surplus or excess personal property are:

(1) The applicant shall be an official organization established by or pursuant to state law as being responsible for a civil defense program for the state, or a political subdivision or instrumentality thereof.

(2) The State Civil Defense Director, or his designee, shall certify that the applicant has met all State and Federal Office of Civil Defense eligibility requirements.

(3) All donations of excess or surplus property shall be determined by the Director of Civil Defense, or his designee, to be usable and necessary for civil defense purposes and will be in accordance with the Office of Civil Defense approved state procedures and listed on an executed requisition.

Section 3. Essential factors which shall be established in order to determine the eligibility of health and education applicants for donations of federal excess or surplus real and related personal property are:

(1) The applicant is an education institution which has established eligibility under Section 1, and is devoted to academic, vocational, or professional instruction.

(2) The applicant is a health institution who has established eligibility under Section 1 and is organized and operated to promote and protect the public health.

(3) The applicant is a health or educational institution who cannot establish eligibility under Section 1, but is determined eligible by the federal government.

(4) The applicant shall show that the property applied for will be utilized for a basic purpose for which the eligible institution is authorized to expend its own funds and that the property requested is needed and is of a size and composition compatible with the intended program.

(5) The applicant shall show that the property applied for will be for a fundamental education or public health program.

Section 4. Essential factors which shall be established in order to determine the eligibility of educational and other applicants for donations of federal excess personal property are:

(1) The applicant shall establish his eligibility with the federal government to receive federal excess personal property.

(2) The applicant shall enter into a cooperative agreement with the Superintendent of Public Instruction or his designee. This agreement shall specify the services requested from the Division of Surplus Property and the compensation to them for services rendered.

Section 5. Essential factors which shall be established in order to determine the eligibility of health, education, civil defense, and other applicants for donations of non-federal excess, surplus or purchased property (designated as "CKY" Property) are:

(1) The applicant shall either have established his eligibility to participate in the Federal Surplus Property Program or established his eligibility as outlined in Subsections (2) or (3) of this Section.

(2) The applicant shall be a division or agency within the State Department of Education and produce a purchase order signed by the director or other appropriate official of that division or agency, showing the need within the division or agency and that the necessary funds to pay the service and handling charges are available. All such transfers shall have the approval of the Superintendent of Public Instruction or his designee.

(3) The applicant shall be a department, division, or agency of local or state government that has documented their need to the satisfaction of the Superintendent of Public Instruction or his designee and produced a properly executed purchase order showing the need within the department, division, or agency and that funds are available to pay the service and handling charges involved.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: August 7, 1974

RECEIVED BY LRC: August 19, 1974 at 10:24 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Sam Alexander, Secretary, Kentucky State Board of Education, Department of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Administration and Finance  
(702 KAR 2:020)

RELATES TO: KRS 156.022

PURSUANT TO: KRS 13.082, 156.020, 156.070, 156.100 and 156.130

SUPERSEDES: SBE 27.020

NECESSITY AND FUNCTION: Designates and defines authority to operate the Division of Surplus Property along federal and state guidelines, laws, and regulations.

Section 1. The Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress, as amended, provides for the transfer of donable surplus property to a state

agency for distribution to eligible health, educational, and civil defense activities within the state where such an agency is designated by state law or executive order for such a purpose. Other federal statutes, regulations, and interpretations provide for the loan or transfer of excess, or surplus, properties direct to a state or local agency, institution, or program.

Section 2. The Division of Surplus Property, with the approval of the Superintendent of Public Instruction, shall make such certifications, take such actions, make such expenditures, and enter into such contracts, agreements and undertakings for and in the name of the State Department of Education as may be required by law or regulation in connection with acquiring, warehousing, storing, merchandising, conveying, reconveying, inventorying, distributing, transferring, retransferring, recapturing, repairing, reverting, and disposing of available personal and real property prior to such property being, or after such property is, in the possession of recipients in accordance with such rules and regulations as may be adopted by the State Board of Education on the recommendation of the Superintendent of Public Instruction.

Section 3. The Division of Surplus Property shall receive, approve or disapprove and process applications for eligible entities or agencies which need and can utilize federal real and related personal property, make recommendations regarding such needs and suitability for the use of such property in accordance with any rules and regulations approved by this Board on the recommendation of the Superintendent of Public Instruction.

Section 4. The Division of Surplus Property shall, following the conveyance of any property, conduct such surveys, require such reports, make such investigations, and make such inspections as may be necessary to determine if transferees are utilizing conveyed property in conformance with the reservations and restrictions contained on any federal or state document or application or instrument of conveyance. Whenever such a misuse is discovered, and the Division of Surplus Property is unable to have the recipient applicant place the property in eligible use, or when this is in conflict with federal or state laws or regulations, the Division of Surplus Property shall make a report and recommendation to the federal government and to the Superintendent of Public Instruction. This report and recommendation shall be for the purpose of reconveying such property for the eligible use of another applicant or for the purpose of recapturing such property, or its fair value, for the federal government or the Division of Surplus Property in accordance with such laws or regulations as may be applicable.

Section 5. The Division of Surplus Property shall with the approval of the Superintendent of Public Instruction enter into contracts, compacts, and cooperative agreements for and on behalf of the Department of Education with the several states or the federal government, singularly or severally, in order to provide, with or without reimbursement, for the utilization by an exchange between them, singularly or severally, of property, facilities, personnel, and services of each by the other. For that same purpose, also to enter into contracts and cooperative agreements with eligible public or private state and local authorities, institutions, organizations, or activities under such rules and regulations as may be adopted by this Board for this purpose upon the recommendation of the Superintendent of Public Instruction.

Section 6. The Division may, subject to limitations of state law, acquire and hold title to real property, make capital improvements thereto, and make advance payments of rent for distribution center facilities, office space, or other facilities required to carry out the functions of the Division. The Division may, with the approval of the Superintendent of Public Instruction, rent or lease warehouse storage space, office space, or other facilities under its control and excess to its needs to other state or federal agencies or to private concerns for a reasonable rent which shall become part of the operating fund of the Division of Surplus Property.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: August 7, 1974

RECEIVED BY LRC: August 19, 1974 at 10:24 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Sam Alexander, Secretary, Kentucky State Board of Education, Department of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Administration and Finance  
(702 KAR 2:030)

RELATES TO: KRS 156.022

PURSUANT TO: KRS 13.082, 156.020, 156.070, 156.100 and 156.130

SUPERSEDES: SBE 27.030

NECESSITY AND FUNCTION: Defines procedures for the certification of eligible applicants to receive property from or through the Division of Surplus Property.

Section 1. Federal Surplus Property Program. (1) The Division of Surplus Property shall obtain and retain in office files properly executed Applications of Eligibility and Donee Resolutions on all applicants requesting donations of federal surplus property.

(2) The Division of Surplus Property shall obtain and retain in office files properly executed form HEW 441 or acceptable lists showing that the applicant for federal surplus property has complied with federal regulations under Title VI of the Civil Rights Act of 1964.

(3) The Division of Surplus Property shall obtain and retain in office files copies of tax-exemption certificates under Section 101(6) of the 1939 Internal Revenue Code or Section 501(c) (3) of the 1954 Internal Revenue Code from all private and nonprofit health and educational applicants for federal surplus property.

(4) The Division of Surplus Property shall obtain and retain in office files such other documentation on the applicant as may be required to establish eligibility under federal or state guidelines.

Section 2. Federal Excess Property Program. (1) The Division of Surplus Property shall obtain and retain in office files evidence of the recipients eligibility as prescribed by federal or state laws, regulations, or guidelines.

(2) The executed cooperative agreement for federal excess property must be written and agreed upon by all parties concerned. This cooperative agreement must have the approval of the Superintendent of Public Instruction, or his designee, and similar official approval of the recipient applicant.

Section 3. Nonfederal Excess, Surplus, and Purchased Property. The Division of Surplus Property shall obtain and retain in office files any additional documents prescribed by the State Board of Education or Superintendent of Public Instruction on applicants for nonfederal excess, surplus, or purchased property.

Section 4. Final Eligibility Determination. The Superintendent of Public Instruction, through the Director of the Division of Surplus Property shall make the final determination of eligibility based upon the applicant's documentation. Where the facts or certifications presented do not clearly demonstrate eligibility or ineligibility, the Superintendent of Public Instruction through the Director of the Division of Surplus Property will refer the applicant's file, adequately documented, to the appropriate federal or state authority for eligibility determination.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: August 7, 1974

RECEIVED BY LRC: August 19, 1974 at 10:25 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, Department of Education, 17th Floor - Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Administration and Finance  
(702 KAR 2:040)

RELATES TO: KRS 156.022

PURSUANT TO: KRS 13.082, 156.020, 156.070, 156.100 and 156.130

SUPERSEDES: SBE 27.040

NECESSITY AND FUNCTION: Establishes requirements on the need, use and disposal of federal surplus personal property received by health and education donees for the Division of Surplus Property as required under federal laws and regulations, the Division's State Plan of Operation, and State School Board Regulations.

Section 1. All property shall be needed for an eligible educational or public health purpose, including research, and will be used for no other purpose. Funds shall be available to pay the fees or service charges involved.

Section 2. All property shall be placed in the eligible use for which it was acquired within twelve (12) months after its receipt. In the event such property is not placed in eligible use within twelve (12) months after receipt, the donee shall notify the Division of Surplus Property in writing, within thirty (30) days after the expiration of a twelve (12) month period. The Division of Surplus Property, when properly notified, may request an extension of time from the United States Department of Health, Education and Welfare and implement their decision. The title and right of possession of such property not so placed in eligible use within the twelve (12) month period shall, at the option of the Superintendent of Public Instruction, or the Department of Health, Education and Welfare, revert back to the Division or to the United States of America; and upon demand, the donee shall release such property to such person as the Division or the Department of Health, Education and Welfare shall direct. There will be no reimbursement to the donee when such property is recovered.

Section 3. There shall be a period or restriction which will expire after such property has been placed into use, for the purpose for which it was acquired, according to the following terms and conditions:

(1) Property having a federal acquisition cost of \$2,500 or more must be used for four (4) years unless earlier disposal is authorized by the Department of Health, Education, and Welfare upon recommendation of the Superintendent of Public Instruction or his designee. In the case of motor vehicles, the period of restriction will be two (2) years. Additional federal restriction will apply to real property, airplanes, large boats, and other special property.

(2) Property having a federal acquisition cost of less than \$2,500 must be used by the institution for eligible purposes for a reasonable period of time.

Section 4. During the period of restriction, the donee shall not sell, trade, lease, lend, bail, encumber, or otherwise dispose of such property or remove it for use outside the state without prior written approval from the Superintendent of Public Instruction or his designee. Any sale, trade, lease, loan, bailment, encumbrance, or other disposal of the property, when such action is authorized by the Superintendent of Public Instruction or his designee and approved by the Department of Health, Education and Welfare, shall be for the benefit and account of the United States of America or the Division of Surplus Property and net proceeds thereof shall be received by the Division of Surplus Property and held in trust for the United States of America; and any portion due shall be paid promptly to the Department of Health, Education, and Welfare upon their demand.

Section 5. In the event property is sold, traded, leased, loaned, bailed, encumbered, or otherwise disposed of during the period of restriction without prior approval of the Superintendent of Public Instruction or his designee, the donee shall be liable to the United States of America or the Division of Surplus Property for the proceeds of the disposal or the fair value of the property.

Section 6. If during the period of restriction the property is no longer suitable, usable, or further needed by the donee for the purpose for which it was acquired, the donee shall promptly notify the Division and shall, as directed, either retransfer the property to the Division or other donee as may be designated, sell the property at public sale, or hold the property for a GSA sale. Such sales shall be for the benefit and account of the United States of America or the Division of Surplus Property, and the net proceeds thereof shall be received and held in trust by the Division of Surplus Property for the United States of America as their interests appear.

Section 7. At the option of the Superintendent of Public Instruction or his designee, the donee may abrogate the terms and conditions in Sections 1 through 6 by the payment of an amount determined by the Superintendent of Public Instruction or his designee and approved by the Department of Health, Education and Welfare.

Section 8. Although insurance coverage is not required on federal surplus property transferred to a donee, the federal government will be entitled to reimbursement by the donee from the insurance proceeds of an amount equal to the unamortized portion of the fair value of the damaged or destroyed property still under federal restrictions if and when a loss covered by insurance occurs.

LYMAN V. GINGER  
Superintendent of Public Instruction

ADOPTED: August 7, 1974  
RECEIVED BY LRC: August 19, 1974 at 10:25 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor - Capital Plaza Office Tower, Department of Education, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Administration and Finance  
(702 KAR 2:050)

RELATES TO: KRS 156.022  
PURSUANT TO: KRS 13.082, 156.020, 156.070, 156.100 and 156.130  
SUPERSEDES: SBE 27.055  
NECESSITY AND FUNCTION: Outlines requirements for use and disposal of federal excess property.

Section 1. Use and disposal shall be in accordance with federal laws and regulations covering the individual program and/or 702 KAR 2:040.

LYMAN V. GINGER  
Superintendent of Public Instruction

ADOPTED: August 7, 1974  
RECEIVED BY LRC: August 19, 1974 at 10:26 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, Department of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Administration and Finance  
(702 KAR 2:060)

RELATES TO: KRS 156.022  
PURSUANT TO: KRS 13.082, 156.020, 156.070, 156.100 and 156.130  
SUPERSEDES: SBE 27.058  
NECESSITY AND FUNCTION: Establishes requirements for the use and disposal of nonfederal property transferred through the Division of Surplus Property.

Section 1. Use and disposal shall be in accordance with state and local laws and regulations and/or 702 KAR 2:040.

LYMAN V. GINGER  
Superintendent of Public Instruction

ADOPTED: August 7, 1974  
RECEIVED BY LRC: August 19, 1974 at 10:26 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, Department of Education, 17th Floor - Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Administration and Finance  
(702 KAR 2:070)

RELATES TO: KRS 156.022  
PURSUANT TO: KRS 13.082, 156.020, 156.070, 156.100 and 156.130  
SUPERSEDES: SBE 27.060  
NECESSITY AND FUNCTION: Establishes procedures for eligible recipients to obtain needed property.

Section 1. Authorization cards or other means of identification shall be issued and used by representatives of institutions or entities that have been certified as eligible in accordance with these regulations or in accordance with federal guidelines.

Section 2. Authorized representatives shall present their authorization cards or other properly executed authorization at the distribution center before screening, inspecting, or selecting property.

Section 3. All surplus, excess, or other property screened or selected by the donee shall be transferred on an "as is", "where is" basis without warranty of any kind for the indicated handling or service charge.

Section 4. The Division of Surplus Property shall accept payment of service or handling charges only in the form of a warrant, check, or other official instrument drawn or issued by an authorized representative of the donee institution or organization and which is made payable to the Kentucky State Treasurer.

LYMAN V. GINGER  
Superintendent of Public Instruction

ADOPTED: August 7, 1974  
RECEIVED BY LRC: August 19, 1974 at 10:27 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, Department of Education, 17th Floor - Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Administration and Finance  
(702 KAR 2:080)

RELATES TO: KRS 156.022  
PURSUANT TO: KRS 13.082, 156.020, 156.070, 156.100 and 156.130  
SUPERSEDES: SBE 27.070 and 27.075  
NECESSITY AND FUNCTION: Establishes procedure to assess handling charges and service fees to perpetuate the Division's operation. It also establishes accountability of funds procedures as well as providing for proper inventory control.

Section 1. (1) Service charges and fees for handling donable surplus property and other property shall be limited to the amount necessary to pay the actual expenses of current operations, to purchase necessary equipment, and to accumulate and maintain a working capital reserve.

(2) Service charges and fees shall be computed on the basis of the services rendered, the condition of the property, the costs of screening, transportation, warehousing and handling and by the use of an equalizing factor. The maximum unit service charge or fee shall be \$500 plus the direct expenses involved in screening, removing, crating, transporting, warehousing, rehabilitating, and delivery of the property.

(3) The working capital reserve shall not exceed an amount



equivalent to the projected cost of operation for the next biennium.

(4) The Division is authorized to establish other reserve or sinking fund accounts from the capital reserve account for the purpose of purchasing capital assets such as trucks, computerized equipment, office or warehouse facilities and land for future utilization.

(5) Any funds accumulated by the Division from service charges or fees received from donee institutions and organizations, over and above the working capital reserve, shall be refundable to the recipient institutions on a pro rata basis based either upon their participation to the total transfer charges or fees collected during the preceding fiscal year or by reduced service charges during the current and next ensuing biennium.

Section 2. (1) Accounting records shall be maintained in such a manner as to identify and separately account for funds accumulated from fees or service charges received from recipient institutions and organizations. Integrity of these funds shall be maintained and they shall be used for the operation, promotion and extension of the program, or programs administered by the Division and shall not be available for any other purpose.

(2) Fees or service charges received shall be deposited in a Service Charge Trust Fund. Such fund shall not be a part of the State Treasury or state assets. Excess monies in the fund above normal operating expenses and reserves may be invested in securities or bonds as have been approved by the responsible state official. The interest or earnings accruing thereby shall likewise be an asset of the Service Charge Trust Fund and shall not be a part of the State Treasury or state assets.

Section 3. All property received by the Division shall be inventoried immediately upon receipt. Any overage or shortages to shipping documents shall be reported to the appropriate shipping, issuing, or controlling agency or authority. The Division shall maintain current and accurate records on all property received, distributed, on hand, and available for transfer.

Section 4. The Division shall maintain adequate provision for protecting property in its custody, including reasonable protection against the hazards of fire, theft, vandalism, and weather.

Section 5. When federal property in the custody of the Division is sold for the benefit and account of the United States of America, the Division may retain from the proceeds of the sale the costs of advertising and the costs of preparation for such sale. This shall include transportation and other costs incurred in recovering property from institutions if applicable.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: August 7, 1974

RECEIVED BY LRC: August 19, 1974 at 10:27 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, Department of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Administration and Finance  
(702 KAR 2:090)

RELATES TO: KRS 156.022

PURSUANT TO: KRS 13.082, 156.020, 156.070, 156.100, and 156.130

SUPERSEDES: SBE 27.080, 27.100 and 27.110

NECESSITY AND FUNCTION: Establishes the duties of the Director of the Division of Surplus Property in the disposition of excess and surplus properties.

Section 1. The Director of the Division of Surplus Property shall coordinate the locating, screening, acquisition, transportation, distribution, and redistribution of all surplus and excess personal property for loan or transfer to the State Department of Education and institutions under their jurisdiction. With the approval of the Superintendent of Public Instruction, he shall furnish similar services to other eligible excess recipients by cooperative agreements.

Section 2. The Director will make the determination of allocation when more than one (1) donee requests the same or similar property.

Section 3. The Director shall, within the limits of federal law and/or regulations, authorize abandonment and destruction of worthless property.

Section 4. The Director shall redelegate to any employee of the agency such authority, in writing, as he deems reasonable and proper for the administration of the Division that has been delegated to him by the Superintendent of Public Instruction.

Section 5. (1) The Director shall comply with federal laws

and regulations as published and revised in the Surplus Property Utilization Manual (SPUM).

(2) The Director shall prepare and administer a State Plan of Operation approved by the Superintendent of Public Instruction and within the minimum operational standards established by federal or state laws or regulations.

Section 6. The Director shall recommend to the Superintendent of Public Instruction individuals representing the various eligible groups of donees to serve on an Advisory Committee. This Committee shall have no more than thirty (30) members, be advisory in nature, and serve at the pleasure of the Superintendent of Public Instruction.

Section 7. The Director shall comply with the rules and regulations established by the federal and state merit systems.

Section 8. The Director shall, with the approval of the Superintendent of Public Instruction, establish garages or repair shops for repairing and refinishing furniture, motor vehicles, office machines, and such other property as may increase their utilization to eligible donees.

Section 9. The Director shall, with the approval of the Superintendent of Public Instruction, contract with individuals, vocational schools, sheltered workshops, and other sources for repairing, rehabilitation, modifying, refinishing, and increasing the utilization of available property to eligible donees.

Section 10. The Director shall assist other state agencies and eligible donee institutions in disposing of their usable excess or surplus property. This property, when available, will be brought into the distribution center and handled and transferred in the same manner as other property.

Section 11. The Director shall solicit other sources of supply for property usable by eligible donees. This property will be brought into the distribution center and handled and transferred in the same manner as other property.

Section 12. The Director shall, with the approval of the Superintendent of Public Instruction, enter into cooperative agreements with the federal government which will provide for utilization by the federal government without payment or reimbursement for the property, facilities, personnel, and services of the Division in carrying out the program. In return, the federal government may make available to the Division of Surplus Property without payment or reimbursement for property, facilities, personnel, or services of the federal government in connection with such utilization. Services performed by the Division under this section may include:

(1) Screening surplus or excess property located outside the state of Kentucky for allocation by the Department of Health, Education and Welfare to all states.

(2) Screening surplus property located within the state of Kentucky which is not needed by our state entities but which may be needed by other state entities.

(3) Division personnel may work in the central or regional offices of the Department of Health, Education and Welfare upon request.

(4) The Division may use federal surplus or excess property for the implementation and promotion of its federal surplus or excess property programs.

(5) In order to expedite the transfer of off site real and related property, the Director may enter into contracts and agreements for dismantling and transporting such property to donee institutions.

Section 13. The Director shall establish liaison with various components of federal and state agencies such as General Services Administration, Department of Defense, Department of Agriculture, Federal Aviation Agency, Executive Department for Finance and Administration, Department of Transportation, etc.

Section 14. The Director shall cooperate with the Department of Health, Education and Welfare by releasing property from its custody, upon request, when needed for defense or emergency use.

Section 15. The Director shall assist the Department of Health, Education and Welfare in obtaining voluntary release by donee institutions of property needed for defense or emergency use. When property is recaptured from donee institutions, the refund of monies expended shall be by mutual agreement.

Section 16. In cases of emergency or disaster, the Director shall provide such services as requested in acquiring federal and nonfederal property for transfer to eligible institutions and organizations in the state to alleviate both physical and economical hardships.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: August 7, 1974

RECEIVED BY LRC: August 19, 1974 at 10:28 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Department of Education, Frankfort, Kentucky 40601.

## ADMINISTRATIVE REGISTER

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Administration and Finance  
(702 KAR 2:100)

RELATES TO: KRS 156.022  
PURSUANT TO: KRS 13.082, 156.020, 156.070, 156.100 and 156.130  
SUPERSEDES: SBE 27.120

NECESSITY AND FUNCTION: Defines authority relating to the acquisition of property covered by Public Law 152 and other laws to avoid dual departmental operations on the same or similar functions.

Section 1. The Division of Surplus Property is authorized to screen, request, acquire, transport, warehouse, inventory, transfer, retransfer, recapture, revert, and dispose of excess and surplus property not covered by Public Law 152, as amended. This includes personal, real and related personal property, and will be governed by the same procedures and on the same basis of application as other properties handled by the Division.

Section 2. State Board of Education regulations used for procedures in acquiring, utilizing, and disposing of donated property shall govern the procedures used by the Division on these transfers except that:

(1) Federal or state laws or regulations governing the particular type of transfer shall be implemented.

(2) There shall be no restriction as to the time of use or as to the ownership after the property has been properly transferred if there are no federal or state laws or regulations involved.

(3) That when fees or service charges have not been paid, the Division may implement the same procedures in the collection or recapture of the property involved.

Section 3. When the Division must pay a small part of the original acquisition cost for surplus or other property covered or not covered by Public Law 152, as amended, authority is hereby granted to add this cost to the applicable service charge.

Section 4. All programs governed or administered, directly or indirectly, by the Department of Education that are eligible to receive federal excess or surplus property shall, by cooperative agreements or other methods approved by the Superintendent of Public Instruction, engage the services of the Division of Surplus Property to handle their total requirements.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: August 7, 1974

RECEIVED BY LRC: August 19, 1974 at 10:28 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, Department of Education, 17th Floor - Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Pupil Personnel Services  
(703 KAR 1:010)

RELATES TO: KRS 156.100  
PURSUANT TO: KRS 13.082, 156.070, 156.130 and 156.160  
SUPERSEDES: SBE 25.010 (1), (2) and (3)

NECESSITY AND FUNCTION: This regulation is needed to carry out the Congressional intent of the National School Lunch Act of 1946, the Child Nutrition Act of 1966 and all amendments thereto. Also, it holds the local agency accountable for their program.

Section 1. The operation of all school food service programs in the public, private, parochial and state schools shall be the responsibility of the local board of education or the governing body of the schools.

Section 2. Rules and regulations shall be developed by local governing bodies regarding the employment, dismissal, promotion, work assignments, emergency leave, sick leave, vacation leave, retirement, insurance, workmen's compensation and salary schedules providing minimum wage in accordance with minimum wage laws, purchasing food, equipment, cost of meals, storage and sanitation; and financial accounting and safeguarding of funds.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: August 7, 1974

RECEIVED BY LRC: August 19, 1974 at 10:17 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Pupil Personnel Services  
(703 KAR 1:020)

RELATES TO: KRS 156.100, 160.380, 161.020 and 161.140  
PURSUANT TO: KRS 13.082, 156.070, 156.130 and 156.160  
SUPERSEDES: SBE 25.010 (4) and (6)

NECESSITY AND FUNCTION: This regulation is needed to carry out the Congressional intent of the National School Lunch Act of 1946, the Child Nutrition Act of 1966 and all amendments thereto; requires a school district with a minimum enrollment of 3,000 pupils to employ a school food service director who meets the minimum certification requirement.

Section 1. Effective July 1, 1975 all local school districts with a minimum enrollment of three thousand (3,000) pupils shall employ a full-time school food service director. The director's salary and in-state travel expenses to be paid by:

- (1) Minimum Foundation Program Funds, or
- (2) Local Tax Funds, or
- (3) School Food Service Program Funds.

Section 2. A local school food service director shall be responsible to the local superintendent of schools and the local board of education and shall work with principals, teachers, managers and other school food service personnel to plan, develop, administer, and supervise the school food services program on a district-wide basis, as part of the school curriculum.

Section 3. No person shall be eligible to hold the position of a district school food service director, or receive salary for services rendered in such position, unless he holds a certificate of legal qualifications for such position.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: August 7, 1974

RECEIVED BY LRC: August 19, 1974 at 10:17 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor - Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Pupil Personnel Services  
(703 KAR 1:030)

RELATES TO: KRS 156.100, 160.380 and 161.140  
PURSUANT TO: KRS 13.082, 156.070, 156.130 and 156.160  
SUPERSEDES: SBE 25.010 (5)

NECESSITY AND FUNCTION: This regulation is needed to carry out the Congressional intent of the National School Lunch Act of 1946, the Child Nutrition Act of 1966 and all amendments thereto. It defines the role of the local school principal to the school food service program(s) within his jurisdiction.

Section 1. The local school principal in concert with the food service director, if available, shall examine the school's philosophy of education as well as the local board of education's general policies for the school district and define the role that the school food service program(s) shall assume in the total educational process within his jurisdiction.

Section 2. School districts not employing a school food service director shall require the local school principal, within his jurisdiction, to be responsible for the school food service program(s) in the following areas:

- (1) School food service personnel,
- (2) School food service records and reports,
- (3) School food service menu planning,
- (4) Adequate scheduling of school food service programs,
- (5) Food purchasing,
- (6) Food storage,
- (7) Free and reduced price lunch and breakfast applications,
- (8) Food preparation,
- (9) Food service facilities and equipment,
- (10) Food serving,
- (11) Food service sanitation,
- (12) Accountability of school food service funds,
- (13) Pricing of school food service program(s), and
- (14) Innovated ideas to improve school food service participation.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: August 7, 1974

RECEIVED BY LRC: August 19, 1974 at 10:18 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Pupil Personnel Services  
(703 KAR 1:040)

RELATES TO: KRS 156.100, 160.380 and 161.152  
PURSUANT TO: KRS 13.082, 156.070, 156.130 and 156.160  
SUPERSEDES: SBE 25.010(7)

NECESSITY AND FUNCTION: This regulation is needed to carry out the Congressional intent of the National School Lunch Act of 1946, the Child Nutrition Act of 1966 and all amendments thereto. This regulation describes the policies and procedures to be followed by a school district in employing local school food service personnel.

Section 1. Each school district shall employ school food service personnel in a procedure consistent with KRS 160.380.

Section 2. Each school district shall negotiate a contract with each school lunch employee; such contract shall specify conditions of employment, and a service termination policy for both the district and employee.

Section 3. Each school district shall establish and adopt a salary schedule for school food service employees.

Section 4. Each school district shall provide for a minimum of three (3) emergency or sick leave days for school food service employees to be paid from school food service funds.

Section 5. Each school district shall provide workmen's compensation and fulfill minimum hourly wage rate for school food service personnel.

Section 6. The Superintendent shall make available to each school food service employee, by August 1 of each year, written notice of employment stating hours of duty, term of employment, lines of authority, and general responsibility.

Section 7. The Superintendent shall cause school food service personnel to avail themselves of training programs when such are offered.

Section 8. Social security participation for school food service personnel shall be in keeping with social security policies for other nonprofessional personnel.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: August 7, 1974

RECEIVED BY LRC: August 19, 1974 at 10:18 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Pupil Personnel Services  
(703 KAR 1:050)

RELATES TO: KRS 156.100, 160.380 and 161.140  
PURSUANT TO: KRS 13.082, 156.070, 156.130 and 156.160  
SUPERSEDES: SBE 25.020

NECESSITY AND FUNCTION: This regulation is needed to carry out the Congressional intent of the National School Lunch Act of 1946, the Child Nutrition Act of 1966 and all amendments thereto, and is needed to require schools to serve a complete breakfast and lunch without discrimination.

Section 1. Schools that participate in the National School Lunch and Breakfast Programs shall serve a complete breakfast, hot or cold, as defined by federal regulations, and the noon meal shall be a complete lunch, hot or cold, as defined by federal regulations and serving shall be of such size as to provide at least one-third (1/3) to one-half (1/2) of the daily nutritive requirements of the school age child being served.

Section 2. Lunches shall be made available to all children attending each school and shall be served without cost or at a reduced cost to all school children who are predetermined by school authorities to be unable to pay the full cost of the meal. Schools serving breakfast shall apply the above cost rule to all children attending the school.

Section 3. No physical segregation or other discrimination against any child shall be made by school officials because of his inability to pay the full cost of a meal.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: August 7, 1974

RECEIVED BY LRC: August 19, 1974 at 10:19 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Pupil Personnel Services  
(703 KAR 1:060)

RELATES TO: KRS 156.100, 160.380 and 161.140  
PURSUANT TO: KRS 13.082, 156.070, 156.130 and 156.160  
SUPERSEDES: SBE 25.030

NECESSITY AND FUNCTION: This regulation is needed to carry out the Congressional intent of the National School Lunch Act of 1946, the Child Nutrition Act of 1966 and all amendments thereto, and is needed to allow sufficient time for school children to eat.

Section 1. The school lunch period shall be a part of a closed schedule that allows at least thirty (30) minutes to each school child to enjoy a complete meal in an educational setting and the school breakfast period shall be a part of the school day that allows at least fifteen (15) minutes to each school child to enjoy a complete breakfast.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: August 7, 1974

RECEIVED BY LRC: August 19, 1974 at 10:19 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Pupil Personnel Services  
(703 KAR 1:070)

RELATES TO: KRS 156.100, 156.200, 156.480 and 424.260  
PURSUANT TO: KRS 13.082, 156.070, 156.130 and 156.160  
SUPERSEDES: SBE 25.040

NECESSITY AND FUNCTION: This regulation is needed to carry out the Congressional intent of the National School Lunch Act of 1946, the Child Nutrition Act of 1966 and all amendments thereto. This regulation is necessary to properly protect all funds accruing to the School Food Service Program.

Section 1. A local board of education shall be responsible for the safeguarding of all funds accruing to the school food service program by adopting a definite plan for handling of the funds, designating the depository and bonding all personnel who receives and/or handles such funds.

Section 2. All funds received as payment for meals by pupils, adults and/or federal and state reimbursements shall be used only for food, labor and expendable items needed for the school food service program operation.

Section 3. School food service funds shall not be used to:

- (1) Purchase land,
- (2) Acquire or construct building,
- (3) Make alteration to existing building,
- (4) Finance out-of-state travel,
- (5) Finance intrastate travel for non-school food service program(s),
- (6) Pay and/or reimburse the USDA for donated foods which have been misused or spoiled,
- (7) Pay certified school personnel for services rendered to the school food service program in conflict with KRS 156.480,
- (8) Pay rent for space used for school food service programs,
- (9) Be used in lieu of general funds for personnel and programs other than the school food service program(s).

Section 4. All schools approved for participation in the National School Food Service Program(s) shall make required monthly reports (using approved forms) to the State Department of Education. A copy of the forms submitted to the State Department of Education, as well as other financial records and reports, pertaining to the school food program and applications for free and reduced price meals shall be kept by the school and/or local board of education for a period of three (3) fiscal years after the close of the fiscal year applicable to such records and are subject to an audit by appropriate state and federal official(s).

Section 5. All school personnel regularly assigned to positions in the school shall have access to meals served in the school food service program(s) and the cost of the meal, except the homeroom teacher who supervises and eats with her pupils shall be served free, shall be ten cents (10¢) or more above the cost assigned to paying pupils.

Section 6. All school meals receiving federal reimbursement shall be priced as a complete unit.

Section 7. A school food service program shall be operated on a nonprofit basis where actual cash balances shall not exceed a two (2) months operating balance.

Section 8. The sale of miscellaneous food items by a school during the regular school day shall be completely eliminated.



## ADMINISTRATIVE REGISTER

Section 9. All food, supplies and equipment purchased in the operation of a school food service program shall be in accordance with KRS 424.260.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: August 7, 1974

RECEIVED BY LRC: August 19, 1974 at 10:20 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Pupil Personnel Services  
(703 KAR 1:080)

RELATES TO: KRS 156.100

PURSUANT TO: KRS 13.082, 156.070, 156.130 and 156.160

NECESSITY AND FUNCTION: This regulation is needed to carry out the Congressional intent of the National School Lunch Act of 1946, the Child Nutrition Act of 1966 and all amendments thereto, and the federal mandate that no school shall receive reimbursement in excess of the cost of preparing a meal.

Section 1. Effective July 1, 1975 all public, private and parochial school food authorities in Kentucky participating in the National School Food Service Program shall be required to develop an approved program of deriving the full cost of a Type A lunch and breakfast. Further, such data shall be submitted to the State Department of Education on a prescribed claim form each month to justify proper reimbursement in accordance with federal regulations.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: August 7, 1974

RECEIVED BY LRC: August 19, 1974 at 10:20 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Pupil Personnel Services  
(703 KAR 2:010)

RELATES TO: KRS 158.060 and KRS 158.070

PURSUANT TO: KRS 13.082

SUPERSEDES: SBE 31.100, 31.120 and 31.130

NECESSITY AND FUNCTION: This regulation is necessary for efficient management, control and operation of schools and to assure uniformity in the school term, and month in all schools of the state.

Section 1. The minimum school term of 185 days shall consist of nine (9) twenty-day school months and one partial school month of five (5) days. Schools shall be in session on each of these days excepting days on which schools are dismissed to observe holidays or for teachers to attend professional meetings within limits of State Board of Education Regulations.

Section 2. Days dismissed to observe holidays or for teachers to attend professional meetings within limits of the State Board of Education regulations shall be counted as school days and included in the school month.

Section 3. Days on which school is not in session for reasons other than those specified by State Board of Education regulations or in excess of the limitations therein provided, shall not be counted as school days nor included in the school month.

Section 4. No report shall be made until the completion of a twenty-day school month except that a report for the tenth school month shall be made at the conclusion of the school term.

Section 5. The use of part of the six (6) hour day may be used for supervising the lunch period and for supervising physical education if approved by the Bureau of Instruction on application of the superintendent of the district.

Section 6. Schools shall not be closed except in cases of emergency declared by the local board of education.

Section 7. No school or schools shall be closed or the day shortened for any outside activities such as teachers' conferences, recording of grades, athletic events, or for any other reason except when prior approval has been secured from the Bureau of Instruction for in-service work conferences.

Section 8. The provisions of this regulation shall apply to

all pupils and no school day shall be shortened because of bus schedules or other factors.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: August 7, 1974

RECEIVED BY LRC: August 19, 1974 at 10:09 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Pupil Personnel Services  
(703 KAR 2:020)

RELATES TO: KRS 158.070, 2.190 and 2.110

PURSUANT TO: KRS 13.082

SUPERSEDES: SBE 31.140 and 31.141

NECESSITY AND FUNCTION: This regulation is necessary for efficient management, control, and operation of schools and to assure uniformity in the days all schools are in session.

Section 1. On or before August 1 of each year, district boards of education shall, upon recommendation of the superintendent, adopt a School Calendar fixing the opening and closing dates of each school month, designating the dates of school days within each school month and describing the school days on which schools will be dismissed in accordance with State Board of Education regulations.

Section 2. Each district superintendent shall, on or before August 15 of each year, file a copy of the adopted School Calendar with the Department of Education for approval as to the compliance with these regulations. No district shall be paid any installment of its Foundation Program allotment until the School Calendar for that district has been so approved.

Section 3. A district board of education may amend its School Calendar upon recommendation of the superintendent within the limitations of pertinent State Board of Education regulations.

Section 4. All amendments to School Calendars shall be submitted on the appropriate form to the Department of Education for approval as to compliance with these regulations prior to the date of change in the existing School Calendar except:

(1) In cases of emergency beyond the control of a local board, post approval of an amendment may be requested; and

(2) All amendments for a change in the School Calendar due to national, state, or local disaster or mourning as authorized by KRS 158.070(2) (a) and (b) shall be submitted to the Department of Education no later than ten (10) days after the first regular meeting of the board of education following the occurrence of the event necessitating the requested change in the School Calendar.

Section 5. The School Calendar shall provide for the same number of days of classroom instruction in all schools within the district.

Section 6. Days schools are dismissed for holidays shall be selected from those specifically named or otherwise established by KRS 2.190 and 2.110.

Section 7. Boards of education may dismiss school for one (1) day of the minimum school term for professional work. This professional work may include, but is not limited to, sessions devoted to visitation, organization, or completion of records.

Section 8. Boards of education may dismiss school for two (2) days of the minimum school term for in-service work conferences if prior approval has been secured from the Department of Education.

Section 9. If the schools are closed under the provisions of KRS 158.070(2) (b) the days lost shall be made up unless the School Calendar includes more than 175 days of actual classroom instruction or the State Board of Education determines that the loss of days taught below the minimum of 175 days were due to major catastrophes which cause destruction of the school plant.

Section 10. The number of days schools are dismissed shall not exceed fifteen (15) days in the 185 day school term. If boards of education do not dismiss schools as provided by KRS 158.070(2), the number of days of actual classroom instruction shall be increased accordingly.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: August 7, 1974

RECEIVED BY LRC: August 19, 1974 at 10:10 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Pupil Personnel Services  
(703 KAR 2:030)

RELATES TO: KRS 159.240, 159.260 and 159.170  
PURSUANT TO: KRS 13.082

SUPERSEDES: SBE 31.160 and 31.170

NECESSITY AND FUNCTION: KRS 159.240 requires each board of education to maintain a permanent and continuing school census and KRS 159.260 requires a school census report to be made to the Superintendent of Public Instruction annually. Regulations are necessary to assure uniformity in keeping and reporting the school census.

Section 1. The Annual School Census Report shall be completed and a copy filed with the Department of Education on or before May 20 of each year as provided by KRS 159.260.

Section 2. Form RR-4, Notice of Transfer, shall be used for both Direct and Reverse Transfers as provided by KRS 159.170.

Section 3. When a pupil of school census age moves from one school district to another within the State of Kentucky, the Director of Pupil Personnel of the district where the child has resided shall mail a Direct Transfer (RR-4) to the Director of Pupil Personnel of the district where the pupil has established a legal residence.

Section 4. When a Director of Pupil Personnel receives a pupil from another district in Kentucky of census age without a Direct Transfer, a Reverse Transfer shall be mailed to the Director of Pupil Personnel of the district where the pupil reports he formerly resided.

Section 5. If a Director of Pupil Personnel fails to answer a request for transfer of pupils by Reverse Transfer method, then the Director of Pupil Personnel making the request shall report each failure to the Division of Pupil Personnel Attendance and Accounting.

Section 6. Transfers shall be filed by the month.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: August 7, 1974

RECEIVED BY LRC: August 19, 1974 at 10:10 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Pupil Personnel Services  
(703 KAR 2:040)

RELATES TO: KRS Chapter 157

PURSUANT TO: KRS 13.082

SUPERSEDES: SBE 31.200

NECESSITY AND FUNCTION: KRS Chapter 157 requires the State Board of Education, on the recommendation of the Superintendent of Public Instruction, to adopt rules and regulations necessary for the administration of experimental schools.

Section 1. Local boards of education making application to operate public elementary and secondary schools on a basis other than the standard school day, month, term, or year for purposes of experimentation, as provided by Kentucky Revised Statutes, shall present to the Superintendent of Public Instruction a written plan of operation.

Section 2. Districts participating in the year-round school program or experimental programs shall not receive state funds for pupils attending more than three (3) quarters (nine and one-fourth months) or pupils receiving more than 1,050 hours of instruction during any fiscal year.

Section 3. For districts participating in an approved experimental school program whose average daily attendance shows a loss during the regular growth calculation period (KRS 157.360), the Foundation Program allotment of classroom units shall be calculated as follows: The number of classroom units allotted the district for growth shall be determined by multiplying the number of pupils "who elect not to attend" the first quarter of the school year in which the growth calculation is made by .94 (ninety-four percent being the approximate state average attendance). Add the resulting figure to the average daily attendance as determined through the regular growth calculation. The allotment of classroom units to the district shall be determined by applying the percentage of gain to the number of classroom units tentatively allotted. A district with a percentage of loss under this calculation shall use the adjusted average daily attendance for the previous school year for allotting classroom units under KRS 157.360 (2).

Section 4. The number of pupils "who elect not to attend" shall be defined as those pupils who have on file in the local

school superintendent's office a Declaration of Intent signed by their legal guardian or parent.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: August 7, 1974

RECEIVED BY LRC: August 19, 1974 at 10:11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Pupil Personnel Services  
(703 KAR 3:010)

RELATES TO: KRS 156.130

PURSUANT TO: KRS 13.082

SUPERSEDES: SBE 30.130 and SBE 30.140

NECESSITY AND FUNCTION: This regulation is needed to establish appropriate functions of State Department of Education Personnel.

Section 1. Guidance Division personnel functions shall be:

- (1) Assist local schools in the establishing, development and evaluation of local programs of guidance and counseling.
- (2) Study and recommend standards for guidance services in local schools—personnel, functions, facilities, supplies and equipment.
- (3) Work with the Division of Supervision—Accreditation and Organization in evaluating programs of guidance services as outlined in the State Plans for Accrediting Elementary and Secondary Schools.
- (4) Approve applications for counselor units.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: August 7, 1974

RECEIVED BY LRC: August 19, 1974 at 10:05 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor - Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Pupil Personnel Services  
(703 KAR 3:020)

RELATES TO: KRS 156.130

PURSUANT TO: KRS 13.082

SUPERSEDES: SBE 30.150

NECESSITY AND FUNCTION: This regulation is necessary to determine criteria for employment of counselor personnel in local schools and directions for appropriate functions.

Section 1. Accreditation standards shall be the criterion for employment of counselors. Counselor units shall be considered on the basis of a minimum ratio of one (1) counselor unit for each 300 pupils in a school or schools served by the counselor. The required ratio shall be in accordance with accreditation standards.

Section 2. The counselor's duties shall be determined by the guidance plan of the school in which the counselor is to function.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: August 7, 1974

RECEIVED BY LRC: August 19, 1974 at 10:06 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Pupil Personnel Services  
(703 KAR 3:030)

RELATES TO: KRS 156.130

PURSUANT TO: KRS 13.082

SUPERSEDES: SBE 30.160

NECESSITY AND FUNCTION: This regulation establishes criteria and responsibility for approval of counselors units in local schools.

Section 1. School systems desiring counselor units or partial units must provide evidence satisfactory to the State Department of Education that:

- (1) Office space is being provided,
- (2) Money has been budgeted for supplies and equipment,
- (3) Duties and responsibilities of the guidance counselor

are in agreement with those recommended by the Division of Guidance Services, Department of Education, and

(4) For a counselor to work in more than one (1) school, the following shall be submitted to the Division of Guidance Services prior to approval of the Unit:

- (a) allocation of time to each school,
- (b) pupil-counselor ratio for each school.

Section 2. Only the time which the guidance counselor devotes to activities approved by the Division of Guidance Services upon submission of a guidance plan shall be considered toward a counselor unit.

Section 3. Only personnel who meet state certification requirements shall function as school counselors.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: August 7, 1974

RECEIVED BY LRC: August 19, 1974 at 10:06 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Pupil Personnel Services  
(703 KAR 3:040)

RELATES TO: KRS 156.100

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: This regulation is necessary for establishing procedures, control and administration of federal funds allocated to the State Board of Education for use in guidance and counseling.

Section 1. Guidelines for expenditure of funds shall be determined by the Department of Education.

Section 2. The local board of education shall expend funds in accordance with State Department of Education guidelines subsequent to submission of a plan acceptable to the State Department of Education.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: August 7, 1974

RECEIVED BY LRC: August 19, 1974 at 10:07 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor - Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Instruction  
(704 KAR 1:010)

RELATES TO: KRS 157.200(6), 157.290, 157.320(10) and 157.360(5)

PURSUANT TO: KRS 13.082, 156.070, 156.130 and 156.160

SUPERSEDES: SBE 54.270

NECESSITY AND FUNCTION: To facilitate more flexibility at the local school level in providing programs for pupils with hearing impairment.

Section 1. Local Boards of Education shall operate programs for pupils with hearing impairment pursuant to KRS 157.200 - KRS 157.305 and the criteria listed below:

(1) Personnel. Appropriate state certification shall be required.

(2) Eligibility Criteria. A pupil shall be eligible for enrollment in a program for the Hearing Impaired whose primary handicap is a hearing loss ranging from mild to profound to such a degree that he does not use normal communication skills effectively.

(3) Program Membership. (a) Program membership for the Special Class Plan shall not exceed six (6) pupils per teacher unless approval for a maximum of eight (8) pupils per teacher is requested by the local school district and approved by the Division of Special Education.

(b) Program membership for the Resource Room Plan shall not exceed eight (8) pupils per teacher unless approval for ten (10) pupils per teacher is requested by the local school district and approved by the Division of Special Education.

(c) Program membership for the Itinerant Teacher Plan shall not exceed a maximum of ten (10) pupils unless approval for twelve (12) pupils per teacher is requested by the local school district and approved by the Division of Special Education.

(4) Admission and Release Committee. An Admission and Release Committee established by the local school district shall be responsible for the placement and release of pupils in programs for pupils with hearing impairment. The committee shall consist of a minimum of two (2) permanent and two (2)

temporary members. The Superintendent or his designate shall be one (1) of the permanent members.

(5) Reports and Information. Every child shall be given an appropriate audiological and speech and/or language evaluation by a qualified examiner(s). An educational evaluation and such other referrals deemed necessary by the examiner(s) and/or Admission and Release Committee shall be obtained.

(6) Placement. All reports and records shall be reviewed by the Admission and Release Committee. Pupils shall be placed in a special program based on the consensus agreement of the Admission and Release Committee, with the two (2) permanent members concurring.

(7) Ongoing Assessment. The teacher shall maintain an ongoing objective and subjective assessment of the pupil:

(a) An annual summary shall be entered in the pupils' permanent record.

(b) Upon recommendation of the teacher and the concurrence of the Admission and Release Committee, a comprehensive re-evaluation of the pupils shall be made as specific need arises.

(8) Release. A pupil shall be transferred to another education program upon the recommendation of the Admission and Release Committee based upon the progress of the pupil and/or a re-evaluation. The Superintendent or his designate shall be one of the two (2) permanent members concurring.

(9) Program Plans. The appropriate program plan for pupils with hearing impairment shall be determined by the needs of the pupils within the local district. Programs shall be organized and operated under one (1) or more, or a combination

of the following:

(a) A Special Class Plan shall be a classroom based program in which the handicapped pupil is enrolled. The chronological age range for pupils enrolled in the special class shall not exceed four (4) years. The pupils shall participate in the regular class whenever possible.

(b) A Resource Room Plan shall be a program which serves hearing impaired pupils who shall be enrolled in the regular class and shall be able to do part of their classwork in the regular class. The pupil shall go to the resource room for special services not available in the regular class.

(c) An Itinerant Teacher Plan shall incorporate a teacher who travels to the pupil's school(s) on a regularly scheduled basis to work with pupils either individually or in small groups. Pupils shall be enrolled in a regular class and shall receive a portion of their instruction in the regular program.

(10) Housing. (a) The Resource Room and Special Class Program for Hearing Impaired Pupils shall be housed in an elementary or secondary school dependent on the age range of the pupils. Classrooms shall meet the standards for regular classrooms as specified in State Board of Education Regulations.

(b) Housing for the Itinerant Teacher Plan shall be in facilities appropriate for instructing pupils individually or in small groups.

(11) Teacher Headquarters. For the Itinerant Teacher Plan permanent work space, in addition to the area where personnel works with pupils, shall be provided.

(12) Travel Expenses. For the Itinerant Teacher Plan the local board of education shall defray travel expenses incurred by personnel in the execution of duties related to the program.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: June 18-19, 1974

RECEIVED BY LRC: August 19, 1974 at 9:59 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
State Department of Education  
Bureau of Instruction  
(704 KAR 2:010)

RELATES TO: KRS 156.100

PURSUANT TO: KRS 13.082, 156.070, 156.160, and 156.130

NECESSITY AND FUNCTION: Sections 201-207 of Title II, Public Law 89-10, require as a basic condition for the granting of federal funds a plan of understanding which will guarantee a program for the acquisition of school library resources, textbooks and other printed and published instructional material.

Section 1. Pursuant to the authority vested in the Kentucky State Board of Education by KRS 156.100, the Kentucky State Plan for making available School Library resources, textbooks and other instructional materials under Sections 201-207 of Title II and Sections 601-605 of Title VI, Public Law 89-10, is presented herewith for filing with Legislative Research Commission, and incorporated by reference.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: June 18, 1974

RECEIVED BY LRC: August 19, 1974 at 10:00 a.m.



SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET  
State Department of Education  
Bureau of Vocational Education  
(705 KAR 1:010)

RELATES TO: KRS 156.100

PURSUANT TO: KRS 13.082, 156.070, 156.160, and 156.130

SUPERSEDES: SBE 70.100

NECESSITY AND FUNCTION: A State Plan for the Administration of Vocational Education is necessary in order to be eligible to receive Federal funds under P.L. 90-576.

Section 1. Pursuant to the authority vested in the Kentucky State Board of Education by KRS 156.100, the Kentucky State Plan for the Administration of Vocational Education under the Vocational Education Amendments of 1968 (P.L. 90-576), Part F of the Higher Education Act of 1965 (P.L. 90-575), and the Education Amendments of 1972 (P.L. 92-318), for the period effective July 1, 1974, through June 30, 1975, is presented herewith for filing with Legislative Research Commission, and incorporated by reference.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: June 18, 1974

RECEIVED BY LRC: August 19, 1974 at 10:03 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET  
Kentucky Board of Tax Appeals  
(802 KAR 1:010)

RELATES TO: KRS 131.345

PURSUANT TO: KRS 13.082 and 131.345

SUPERSEDES: KTA-1

NECESSITY AND FUNCTION: KRS 131.345 provides that "Appeals to the Kentucky Board of Tax Appeals shall be in accordance with rules prescribed by the Board." The following rules have been adopted in compliance with that authority.

Section 1. Appeals to the board. (1) All appeals from rulings, orders, or determinations of any state or county agency shall be filed with the Board by filing a complaint or petition of appeal with the Board at its offices at Frankfort, Kentucky, within thirty (30) days from the receipt by an aggrieved party of the agency's ruling, order or determination.

(2) Such appeal shall be filed in duplicate and shall contain a brief statement of the law or facts in issue and the petitioner's position as to the law or facts. Said appeal shall have attached thereto a copy of the final ruling, order or determination of the state or county agency appealed from. Said appeal may contain a request for hearing.

Section 2. Hearings. (1) Hearings shall be held at the offices of the Board at Frankfort, Kentucky, except that a case may be assigned for hearing elsewhere in the Commonwealth of Kentucky when deemed necessary to afford a taxpayer or interested party an opportunity to appear before the Board with as little inconvenience and expense as practicable.

(2) All appeals shall be heard by the full Board, provided that one member thereof may be authorized to hear an individual appeal pursuant to order entered of record by the Board.

(3) Appeals shall be assigned for hearing upon motion of any interested party or the Board may, in its discretion, assign any appeal for hearing, having due regard for the convenience of the parties. Except where an appeal is assigned for hearing by agreement of the parties, all interested parties shall be given reasonable notice of a hearing date.

(4) Every hearing upon an appeal held before the Board or one of its members shall be conducted in a summary manner. Opportunity will be given to the parties to introduce witnesses and to present either in person or by counsel the points in issue. Such hearing shall be conducted in such manner as to ascertain the substantial rights of the parties and to determine fairly and expeditiously the matters in issue.

(5) All hearings shall be formally reported by the Reporter for the Board.

Section 3. Evidence. (1) The rules of evidence governing civil proceedings in the Commonwealth of Kentucky shall, insofar as practicable, govern hearings before the Board.

(2) Evidence may be introduced by oral testimony at a hearing before the Board or by deposition. The provisions of the Rules of Civil Procedure shall apply to the taking of depositions. No depositions shall be considered, unless, within ten (10) days after submission of the appeal, it has been filed with the Board; provided, however, that the Board may, for

good cause shown and upon motion filed within said ten (10) days grant an extension of time to file any deposition.

(3) The petitioner or appellant shall be required to complete his evidence in chief and so announce before respondent or appellee shall be required to introduce evidence, unless otherwise ordered by the Board.

(4) The parties to an appeal may stipulate the facts in issue in whole or in part. Said stipulation shall be reduced to writing and filed with the Board. All parties are encouraged to stipulate facts whenever possible.

Section 4. Parties failure to appear at hearing. (1) Where petitioner or appellant fails to appear at the hearing of his case, and no good cause is shown for his failure to appear, the case may be ordered dismissed for lack of prosecution by the Board.

(2) Where the respondent or appellee fails to appear at the hearing of a case and no good cause is shown for his failure to appear, the Board or any designated member thereof may proceed with the hearing of the case and it shall thereafter be submitted as provided by these Rules.

Section 5. Appeal - When and how submitted. When all interested parties have announced through in presenting evidence or after all interested parties have had a reasonable opportunity to present evidence, the Board may order the appeal to be submitted for a final ruling or order. Upon request of either party or upon the Board's own motion, the order of submission may give the parties time within which to file briefs. Upon motion of any party and for good cause, the order of submission may be set aside and leave given to any party to take additional evidence.

Section 6. Briefs. Briefs shall be typewritten or printed and filed in quadruplicate with the Board. A certification shall accompany any brief to the effect that copies have been served upon all interested parties as provided by the Rules of Civil Procedure. Mimeograph or multigraph copies will be accepted in lieu of typewritten copies. All copies of the brief must be clearly legible and double spaced except for quotations on paper 8-1/2 inches wide and 13 inches long.

Section 7. Motions. The original copy of any motion shall be filed with the Board and said motion shall be accompanied by a certification that copies have been served on all interested parties as required by the Rules of Civil Procedure.

Section 8. Subpoenas. Any member of the Board, on the request in writing of any party to the appeal before it, or his attorney, shall issue subpoenas requiring the attendance of witnesses and the giving of testimony and subpoena duces tecum requiring the production of any returns, books, papers, documents, correspondence, and other evidence pertaining to the matter under inquiry in accordance with the Rules of Civil Procedure.

Section 9. Records and costs. (1) No record filed with the Board is subject to withdrawal by any person, except on order of the Board.

(2) Expenses of reporting hearings shall be paid by the state from the appropriation of the Board. If any party desires to have the evidence at a hearing transcribed, he shall cause the Reporter to prepare one original transcript to be filed with the Board and such additional copies as said party may desire. The party requesting a transcript of evidence shall pay for the original and any requested copy or copies in accordance with the rates established by the Kentucky Revised Statutes. Any other interested party may request a copy or copies of said transcript and shall pay for the same in accordance with the rates established by the Kentucky Revised Statutes.

JESS B. THOMAS, Chairman  
Kentucky Board of Tax Appeals

ADOPTED: July 10, 1974

APPROVED: July 16, 1974

RECEIVED BY LRC: August 16, 1974 at 4:03 p.m.

ELIJAH M. HOGGE, Secretary

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Kentucky Board of Tax Appeals, Capital Plaza Office Tower, Frankfort, Kentucky 40601

PUBLIC PROTECTION AND REGULATION CABINET  
Department of Labor  
(803 KAR 1:010)

RELATES TO: KRS Chapter 343

PURSUANT TO: KRS 343.020 and 13.082

SUPERSEDES: LAB 1

NECESSITY AND FUNCTION: KRS 343.020 authorizes the Commissioner with the aid of the Council to make regulations to carry out the provisions and purposes of KRS Chapter 343. The function of this regulation is to set forth labor standards to safeguard the welfare of apprentices, and to extend the application of such standards by prescribing policies and procedures concerning the registration of acceptable apprenticeship programs with the Kentucky Department of Labor, Division of Labor Standards, Supervisor of Apprenticeship and Training. These labor standards cover the registration of apprenticeship programs.

Section 1. As used in these regulations, unless the context clearly requires otherwise:

(1) "Apprentice" means a person at least sixteen (16) years of age who has entered into an apprenticeship agreement with an employer or an association of employers or an organization of employees;

(2) "Apprenticeship agreement" means a voluntary written agreement entered into by the apprentice or through his parent or guardian with an employer, or an apprenticeship and training committee acting as agent for an employer, which agreement contains the terms and conditions of the employment and training of the apprentice to enable the apprentice to learn the trade, craft or business of the employer;

(3) "Commissioner" means commissioner of labor or any authorized person to act in his behalf, having jurisdiction over laws or regulations governing wages and hours of employees working in this state;

(4) "Council" means apprenticeship and training council;

(5) "Supervisor" means supervisor of apprenticeship and training;

(6) "Apprenticeship program" means a plan containing all terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices, including such matters as the requirement for a written apprenticeship agreement;

(7) "Sponsor" means any person, association, committee, or organization in whose name or title the program is or is to be registered, irrespective of whether such entity is an employer;

(8) "Employer" means any person or organization employing an apprentice whether or not such person or organization is a party to an apprenticeship agreement with the apprentice;

(9) "Related instruction" means an organized and systematic form of instruction designed to provide the apprentice with knowledge of the theoretical and technical subjects related to his trade;

(10) "Registration of an apprenticeship program" means the acceptance and recording of such program by the Supervisor, as meeting the basic standards and requirements for approval of such program. Approval is evidenced by written indicia;

(11) "Joint apprenticeship committee" means a committee, composed of an equal number of representatives of employers and employees, which has been established by an employer or group of employers and a bona fide collective bargaining agent or agents to conduct, operate, or administer an apprenticeship program and enter into apprenticeship agreements with apprentices selected for employment under the particular program;

(12) "Nonjoint apprenticeship sponsor" means an apprenticeship program sponsor in which a bona fide collective bargaining agent does not participate; it includes an individual sponsor (apprenticeship program sponsored by one employer without the participation of a union) and a group sponsor (apprenticeship program sponsored by two or more employers without the participation of a union);

(13) "Bureau" means the Bureau of Apprenticeship and Training, Manpower Administration, U. S. Department of Labor.

Section 2. (1) No apprenticeship program shall be eligible for registration unless (a) it is in conformity with the requirements of this regulation and the training is in an apprenticeable occupation approved by the Bureau, and (b) it is in conformity with the regulations on "Equal Employment Opportunity in Apprenticeship and Training" set forth in 29 CFR part 30, as amended, and Kentucky law on "Equal Employment Opportunity in Apprenticeship and Training" set forth in KRS Chapter 344.

(2) Approved apprenticeship programs shall be accorded registration, evidenced by a certificate of registration or other written indicia.

(3) Any modification or change to a registered program shall be promptly submitted to the registration office and, if approved, shall be recorded and acknowledged as an amendment to such program.

(4) The request for registration of an apprenticeship program, together with all documents and data required by this regulation, shall be submitted in three copies.

Section 3. The following standards are prescribed for an apprenticeship program:

(1) The program must be an organized, written plan embodying the terms and conditions of qualification, recruitment, selection, employment, training, and supervision of one or more apprentices in an apprenticeable occupation and subscribed to by a sponsor who has undertaken to carry out the apprentice training program.

(2) The standards must contain the equal opportunity pledge prescribed in the Kentucky State Plan for equal employment opportunity in apprenticeship and, when applicable, an affirmative action plan and a selection method in accordance with the Kentucky State Plan for equal employment opportunity in apprenticeship, and provisions concerning the following:

- (a) The employment and training of the apprentice in a skilled trade;
- (b) A term of apprenticeship, not less than two (2) years or 4,000 hours, consistent with training requirements as established by industry practice;
- (c) An outline of the work processes in which the apprentice will receive supervised work experience and training on the job, and the allocation of the approximate time to be spent in each major process;
- (d) Provision for organized related and supplemental instruction in technical subjects related to the trade. A minimum of 144 hours for each year of apprenticeship is required. Such instruction may be

given in a classroom, through trade, industrial, or correspondence courses of equivalent value, or other forms of approved self-study;

- (e) A progressively increasing schedule of wages to be paid the apprentice consistent with the skill acquired and whether the required school time shall be compensated. The entry wage shall not be less than forty (40) percent of the established journeyman rate or not less than the minimum wage prescribed by Federal or State law, whichever is greater. On projects where the wage rate has been established by law, the apprentice's rate of pay shall be based upon the established journeyman rate;
- (f) Periodic review and evaluation of the apprentice's progress in job performance and related instruction; and maintenance of appropriate progress records;
- (g) The ratio of apprentices to journeymen consistent with proper supervision, training, and continuity of employment, and applicable provisions in collective bargaining agreements, but in a ratio of not more than one (1) apprentice for the first journeyman and one (1) apprentice for each additional three (3) journeymen; unless approval is granted by the Supervisor in cooperation with the Commissioner and Apprenticeship and Training Council;
- (h) A probationary period of not more than four (4) months during which the apprenticeship agreement may be terminated by either party, with full credit for such period toward completion of apprenticeship;
- (i) Adequate and safe equipment and facilities for training and supervision, and safety training for apprentices on the job and in related instruction;
- (j) Grant of advance standing or credit for previously acquired experience, training, skills, or aptitude for all applicants equally, with commensurate wages for any accorded progression step;
- (k) Transfer of employer's training obligation to another employer, where warranted, with full credit to apprentice for satisfactory time and training earned;
- (l) Assurance of qualified training personnel;
- (m) The placement of an apprentice under an apprenticeship agreement as required by the State apprenticeship law and regulations. The agreement shall directly, or by reference, incorporate the standards of the program as part of the agreement;
- (n) The required minimum qualifications for persons entering an apprenticeship program, with an eligible starting age to be not less than sixteen (16) years;
- (o) Recognition for successful completion of apprenticeship evidenced by an appropriate certificate;
- (p) Identification of the registration agency;
- (q) Name and address of the appropriate authority under the program to receive, process and make disposition of complaints;
- (r) Recording and maintenance of all records concerning apprenticeship as may be required by the State apprenticeship agency or other applicable law;
- (s) Provision that all controversies or differences concerning the apprenticeship agreement which cannot be adjusted by the parties to be submitted to the Supervisor for determination as required by law.

JAMES R. YOCON, Commissioner

ADOPTED: August 15, 1974

APPROVED:

ELIJAH H. HOGGE, Secretary

RECEIVED BY LRC: August 19, 1974 at 11:14 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Director, Kentucky Department of Labor, Division of Labor Standards, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET  
Department of Labor  
(803 KAR 1:020)

RELATES TO: KRS 337.505 through 337.550

PURSUANT TO: KRS 337.520(5) and 13.082

SUPERSEDES: LAB-2

NECESSITY AND FUNCTION: KRS 337.520(5) authorizes the Commissioner to permit the employment of apprentices and trainees in skilled trades at wages lower than the applicable prevailing wage for a journeyman craftsman. The function of this regulation is to set forth labor standards to permit apprentices and trainees to be employed at wages lower than the applicable prevailing wage and to safeguard the welfare of the apprentice, trainees, and journeyman craftsman.

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

- (1) "Commissioner" means Commissioner of Labor;
- (2) "Department" means Kentucky Department of Labor;
- (3) "Apprentice" means a person who is indentured and employed in a bona fide apprenticeship program and individually registered by the program sponsor with the Supervisor of Apprenticeship and Training, Division of Labor Standards, Kentucky Department of Labor;
- (4) "Trainee" means a person who is employed in an on-the-job training program and has entered into an on-the-job training agreement with a program sponsor in a construction

occupation which has been approved by a Federal Agency as promoting equal employment opportunity;

(5) "Sponsor" means any person, association, committee, or organization in whose name or title the program is registered, irrespective of whether such entity is an employer;

(6) "Employer" means any person or organization employing an apprentice or trainee whether or not such person or organization is a party to an apprenticeship or on-the-job training agreement with the apprentice or trainee.

Section 2. Apprentices will be permitted to work as such only when they are individually registered with the Supervisor of Apprenticeship and Training, Division of Labor Standards, Kentucky Department of Labor. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than one apprentice for the first journeyman and one apprentice for each additional three journeymen employed on each project by an employer. The wage rate to be paid the apprentice will be the percentage of the journeyman wage under the registered program. The journeyman wage rate will be the wage rate determined by the Commissioner of Labor for the craft classification for each project. Any employee listed on a payroll at an apprentice wage rate, who is not registered as above, shall be paid the wage rate determined by the Commissioner for the classification of work actually performed.

Section 3. Trainees will be permitted to work as such only when they are employed in an on-the-job training program which has been approved by a Federal Agency as promoting equal employment opportunity. The allowable ratio of trainees to journeymen in any craft classification shall not be greater than the ratio permitted under the approved program; but in no event shall the ratio exceed one trainee for every three journeymen employed on each project by an employer. The wage rate to be paid the trainee will be the percentage of the journeyman wage under the approved program. The journeyman wage rate will be the wage rate determined by the Commissioner for the craft classification of work actually performed. The employer shall furnish the Department written evidence of the approved program and agreements as well as of the appropriate ratios and wage rate percentages when requested.

ADOPTED: August 1, 1974  
APPROVED: ELIJAH M. HOGGE, Secretary  
RECEIVED BY LRC: August 16, 1974 at 4:00 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Director, Kentucky Department of Labor, Division of Labor Standards, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET  
Department of Labor  
(803 KAR 1:030)

RELATES TO: KRS 337.505 through 337.550  
PURSUANT TO: KRS 337.520 (1) and 13.082  
SUPERSEDES: LAB-3

NECESSITY AND FUNCTION: KRS 337.520 (1) grants the commissioner the authority to make and revise such rules and regulations as he may deem appropriate to carry out the provisions and purposes of KRS 337.505 to 337.550. The function of this regulation is to set up procedures for any interested person requesting a hearing to be held for the purpose of making or revising a prevailing wage determination.

Section 1. For purposes of KRS 337.505 through 337.550 "any interested person" shall mean:

(1) Any public authority in the locality where the hearing is held.

(2) Any contractor eligible by law to bid on public works construction.

(3) Any association or group representing contractors eligible by law to bid on public works construction.

(4) Any labor organization representing a class, trade or group of workers within the locality where the hearing is held, which class, trade or group will be affected by the prevailing wage determination of the Commissioner.

(5) Any class, trade, or group of non-union workers in the locality which will be affected by the prevailing wage determination of the Commissioner.

Section 2. Any interested person may request a hearing for the purpose of making or revising a prevailing wage determination by notifying the Commissioner in writing stating the locality he wants a hearing held in. The Commissioner or his authorized representative will conduct said hearing within a reasonable time.

Section 3. Upon completion of the aforementioned hearing, the Commissioner or his authorized representative shall announce to those present that any interested person who wishes a copy of the Commissioner's determination shall notify the Commissioner or the Department of Labor in writing within ten (10) days of the completion of said hearing.

Section 4. Upon completion of the prevailing wage determination, the Commissioner shall immediately send copies of said

determination to all those interested persons requesting copies pursuant to Section 3.

ADOPTED: August 1, 1974  
APPROVED: ELIJAH M. HOGGE, Secretary  
RECEIVED BY LRC: August 16, 1974 at 4:01 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Director, Kentucky Department of Labor, Division of Labor Standards, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET  
Department of Labor  
(803 KAR 1:040)

RELATES TO: KRS 337.505 through 337.550  
PURSUANT TO: KRS 337.520 (1) and 13.082  
SUPERSEDES: LAB 4

NECESSITY AND FUNCTION: KRS 337.522 (2) provides that a public authority or any interested person may request and shall be granted an additional hearing solely for the purpose of a review of the Commissioner's determination. The purpose of this regulation is to set up the procedure for requesting such a review.

Section 1. Any public authority or any interested person may request a hearing by the prevailing wage review board to review the Commissioner's determination. The Board shall conduct a hearing for this review in the locality only under the following circumstances: The request for review is communicated by any interested person to the permanent members of the Board in writing (in care of the Commissioner) within thirty (30) days from the date a prevailing wage has been determined by the Commissioner in the locality.

Section 2. The public authority or authorities in the locality shall advise the Commissioner and the permanent members of the Board the name of the member chosen by the public authority or authorities at least ten (10) days prior to the date set for the hearing. In the event that there are more than one (1) public authority requesting a review of the prevailing wage schedule and there is disagreement among the public authorities upon the appointment of a Board member, or the requesting interested person is not a public authority, then the public authority member of the Board shall be appointed by the County Judge of the locality where the hearing is to be held.

Section 3. Any interested person desiring to subpoena witnesses to the Board hearing shall file with the Commissioner not later than seven (7) days prior to the date set for the hearing, a list of the names and addresses of the persons he desires to be subpoenaed to attend and testify. The subpoenas shall be issued by one (1) of the permanent members of the Board. The duty and costs of serving or obtaining service of subpoenas, attending the hearing and enforcement shall be that of the requesting interested person.

Section 4. Prior to or at each hearing the Board shall designate its Chairman for said hearing from one (1) of the two (2) permanent members of the Board. The Chairman shall preside and shall rule upon all procedural matters, including but not limited to admissibility of evidence, issuance and/or quashing of subpoenas, order of proof, etc.

Section 5. The Board shall maintain and provide at all hearings a written transcript of the proceeding before it, the cost of which shall be borne by the Department of Labor.

Section 6. All decisions of the Board shall be in writing and signed by the majority members of the Board agreeing thereto within sixty (60) days. Any dissent shall also be in writing and signed by the members so dissenting within sixty (60) days.

Section 7. All communication sent prior to a hearing addressed to the Board or a member thereof may be sent in care of the Commissioner of Labor who shall transmit said communication to the Board.

Section 8. Costs of issuing and serving subpoenas, provided in Section 3, shall include prepaid round-trip travel expense from the witness's home or place of service to the hearing site at the rate of twelve cents (12¢) per mile, plus the prepayment of twenty dollars (\$20) for each day or fraction thereof for attendance at the hearing. These sums shall be paid by the requesting interested person to the witness at the time of service of the subpoena.

ADOPTED: August 1, 1974  
APPROVED: ELIJAH M. HOGGE, Secretary  
RECEIVED BY LRC: August 16, 1974 at 4:02 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Director, Kentucky Department of Labor, Division of Labor Standards, Capital Plaza Office Tower, Frankfort, Kentucky 40601.



**PUBLIC PROTECTION AND REGULATION CABINET**  
Department of Labor  
(803 KAR 1:050)

RELATES TO: KRS 337.505 through 337.550  
PURSUANT TO: KRS 337.520(1) and 13.082  
SUPERSEDES: LAB 91-A

**NECESSITY AND FUNCTION:** KRS 337.520(1) grants the commissioner the authority to make and revise such rules and regulations as he may deem appropriate to carry out the provisions and purposes of KRS 337.505 to 337.550 and to prevent the circumvention or evasion thereof. Such rules and regulations may include a provision that each contractor and subcontractor shall furnish weekly a sworn affidavit with respect to the wages paid each employee during the preceding week and such other relative information and in such form as the commissioner may require. The function of this regulation is to establish the procedures for contractors and subcontractors performing work on a public works for a public authority to submit records with respect to wages paid their employees.

**Section 1.** Every contractor performing public works for a public authority as defined in KRS 337.010, other than those contractors exempted by paragraph three (3), shall by the tenth day of each month forward to the Kentucky Department of Labor, Division of Labor Standards, Frankfort, Kentucky, all weekly payroll data of all his employees employed on such public works for the preceding month on forms to be furnished by the Department of Labor. Such contractor must use the official forms furnished or approved by the Department of Labor.

**Section 2.** Every subcontractor of a prime contractor as defined in paragraph one (1) shall forward such forms as required by paragraph one (1) to his prime contractor. Each prime contractor shall be responsible for the filing of all wage data required by paragraph one (1) of his subcontractor or subcontractors with the Department of Labor.

**Section 3.** The following contractors and subcontractors shall be exempt from the filing requirements of paragraphs one (1) and two (2):

(1) Contractors and subcontractors performing public works under contract with the Kentucky Department of Transportation who have filed such wage data with the Department of Transportation.

(2) Contractors and subcontractors performing public works under contract with the Executive Department for Finance and Administration, who have filed such wage data with the Executive Department for Finance and Administration.

**Section 4.** The Department of Transportation and the Executive Department for Finance and Administration receiving wage data relating to wages paid on public works shall retain same and open for inspection to representatives of the Commissioner of Labor for a period of one (1) year after the completion of such public works project.

JAMES R. YOCOM, Commissioner

ADOPTED: August 1, 1974

APPROVED:

ELIJAH M. HOGGE, Secretary

RECEIVED BY LRC: August 16, 1974 at 4:03 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Director, Kentucky Department of Labor, Division of Labor Standards, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

**PUBLIC PROTECTION AND REGULATION CABINET**  
Department of Labor  
(803 KAR 4:010)

RELATES TO: KRS 336.510 to 336.680

PURSUANT TO: KRS 336.620 and 13.082

**NECESSITY AND FUNCTION:** KRS 336.620 authorizes the Commissioner to make rules and regulations for the safety and inspection of elevators. The function of this regulation is to adopt safety standards which will insure that all elevators are reasonably safe for use by the citizens of this Commonwealth.

**Section 1.** The Commissioner hereby adopts and incorporates by reference the American Standard Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks, published by and available from the American Society of Mechanical Engineers, 1971 edition, United Engineering Center, 345 East 47th Street, New York, New York 10017, which specifically details the equipment, materials, weights, gauges, lengths, widths, and quality of construction that will make elevators, escalators, and any other lifting or lowering device named in the Elevator Safety Act of 1974, reasonably safe, with the following exceptions:

- (1) 500.1 to 502.15;
- (2) 700.4b, 700.5, 700.7b, 700.10b, 707.4; and
- (3) 900.1 to 903.1.

JAMES R. YOCOM, Commissioner

ADOPTED: August 15, 1974

APPROVED:

ELIJAH M. HOGGE, Secretary

RECEIVED BY LRC: August 19, 1974 at 11:13 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Director,

Kentucky Department of Labor, Division of Labor Standards, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

**PUBLIC PROTECTION AND REGULATION CABINET**  
Department of Alcoholic Beverage Control  
(804 KAR 1:010)

RELATES TO: KRS 244.130 and 244.140

PURSUANT TO: KRS 13.082

SUPERSEDES: ABC 1:11

**NECESSITY AND FUNCTION:** KRS 244.130 and KRS 244.140 regulate the placing and use of interior signs in retail establishments pertaining to the advertisement of distilled spirits and wines. The necessity of the regulation is to prohibit suppliers to the retailers from engaging in a bidding war in the advertising of the wares of the various suppliers. This regulation limits each and every supplier to a stated monetary value of advertising which he can supply to the retailers.

**Section 1.** Signs, posters, placards, designs, devices, decorations, or graphic displays, bearing advertising matter and for use in the windows or elsewhere in the interior of a retail establishment, may be given, rented, loaned, or sold to a retailer by an industry member engaged in business as a distiller, rectifier, blender, producer, importer, wholesaler, bottler, or warehouseman and bottler, of distilled spirits, (1) if they have no value to the retailer except as advertisements, (2) if the total value of all such materials, furnished by any industry member and in use in any one retail establishment at any one time does not exceed fifteen dollars (\$15) in the case of materials used in window displays, or does not exceed thirty dollars (\$30) in the case of materials used elsewhere than in the windows, and (3) if the cost of installation of such materials does not exceed that which is usual and customary in that locality; Provided, That the industry member shall not directly or indirectly pay or credit the retailer for displaying such material or for any expenses incidental to their operations.

**Section 2.** Signs, posters, placards, designs, devices, decorations, or graphic displays, bearing advertising matter and for use in the windows or elsewhere in the interior of a retail establishment, may be given, rented, loaned, or sold to a retailer by an industry member engaged in business as a rectifier, blender, producer, bottler, importer or wholesaler of wine, if they have no value to the retailer except as advertisements and if the total value of all such materials furnished by any industry member and in use at any one time in any retail establishment does not exceed ten dollars (\$10), including all expenses incurred directly or indirectly by any industry member in connection with the purchase, manufacture, transportation, assembly, and installation of such materials and of accessories thereto; Provided, That the industry member shall not directly or indirectly pay or credit the retailer for displaying such materials or for any expense incidental to their operation.

JULIAN W. KNIPPENBERG, Chairman  
Alcoholic Beverage Control Board

ADOPTED: July 1, 1974

APPROVED: August 12, 1974

ELIJAH M. HOGGE, Secretary

RECEIVED BY LRC: August 16, 1974 at 3:52 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Alcoholic Beverage Control Board, 8th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

**PUBLIC PROTECTION AND REGULATION CABINET**  
Department of Alcoholic Beverage Control  
(804 KAR 1:020)

RELATES TO: KRS 244.130-244.140

PURSUANT TO: KRS 13.082

SUPERSEDES: ABC 1:20

**NECESSITY AND FUNCTION:** This regulation pertains to the control of advertising by retail premises in the cities of the first and second class. The purpose of the regulation is to assure uniformity of advertising in retail establishments in cities of the first and second class, and the prohibitions contained therein are designed to prevent a supplier from offering one licensee a bigger or more expensive sign than a smaller licensee.

**Section 1. Outside Signs-Retail Premises: First and Second Class Cities.** (1) Overhanging, illuminating and like signs, posters, placards, decorations or graphic displays, overhanging on the outside of a retail establishment and which bear a trademark, trade name, trade slogan or a facsimile of a product, container, or display, associated with a particular brand are prohibited. Signs pertaining to brands located upon the wall of the licensed premises are permitted. Outside signs shall not be obtained from any other licensee except where the business is purchased.

(2) Painting the exterior walls of licensed premises shall not extend more than eighteen inches beyond the body of the sign.

JULIAN W. KNIPPENBERG, Chairman  
Alcoholic Beverage Control Board

ADOPTED: July 1, 1974

RECEIVED BY LRC: August 6, 1974 at 3:58 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Alcoholic Beverage Control Board, 8th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET  
Department of Alcoholic Beverage Control  
(804 KAR 1:030)

RELATES TO: KRS 244.130

PURSUANT TO: KRS 13.082

SUPERSEDES: ABC 1:31

NECESSITY AND FUNCTION: KRS 244.130 requires the Alcoholic Beverage Control Board to prescribe regulations dealing with advertising of alcoholic beverages. This regulation is to prevent false or misleading advertising of distilled spirits and wine.

Section 1. Prohibited statements; Restrictions. An advertisement of distilled spirits or wine shall not contain:

(1) Any statement that is false or misleading in any material particular.

(2) Any statement that is disparaging of a competitor's products.

(3) Any statement, design, device, or representation which is obscene or indecent.

(4) Any statement, design, device, or representation of or relating to analysis, standards or tests, irrespective of falsity, which the Alcoholic Beverage Control Board finds to be likely to mislead the consumer.

(5) Any statement, design, device, or representation of or relating to any guaranty, irrespective of falsity, which the Alcoholic Beverage Control Board finds to be likely to mislead the consumer. No guaranty cards or labels shall be used that would indicate the consumer would be entitled to a refund of the purchase price if dissatisfied with the distilled spirits or wine.

(6) Any statement that the distilled spirits or wine are produced, distilled, blended, made, bottled, or sold under or in accordance with any municipal, State or Federal authorization, law or regulation; and if a municipal, State or Federal permit number is stated, such permit number shall not be accompanied by any additional statement relating thereto.

(7) The words "bond", "bonded", "bottled in bond", "aged in bond", or phrases containing these or synonymous terms, unless such words or phrases appear, pursuant to Federal Regulations upon the labels of the distilled spirits advertised, and are stated in the advertisement in the manner and form in which they are required to appear upon the label.

(8) Any statement of bonded winery and bonded winery numbers unless stated in direct conjunction with the name and address of the person operating such winery or storeroom. Statement of bonded winery and bonded winery numbers may be made in the following form: "Bonded Winery No. \_\_\_\_\_", "Bonded Winery No. \_\_\_\_\_", "B. W. C. No. \_\_\_\_\_", "B. W. No. \_\_\_\_\_". No additional reference thereto shall be made, nor shall any use be made of such statement that may convey the impression that the wine has been made or matured under Government supervision or in accordance with Government specifications or standards.

(9) The word "pure" except as part of the bona fide name of a licensee or a retailer for whom the distilled spirits are bottled.

(10) The terms "double distilled", "triple distilled", or any similar term.

(11) Statements inconsistent with labeling. The advertisement shall not contain any statement concerning a brand or lot of distilled spirits or wine that is inconsistent with any statement on the labeling thereof.

(12) Statements of age. The advertisement shall not contain any statement, design or device directly or by implication concerning age or maturity of any brand or lot of distilled spirits unless a statement of age appears on the label of the advertised product. When any such statement, design, or device concerning age or maturity is contained in any advertisement, it shall include (in direct conjunction therewith and with substantially equal conspicuousness) all parts of the statement, if any, concerning age and percentages required to be made on the label under the provisions of Federal Regulations. An advertisement for any whiskey or brandy (except immature brandies) which is not required to bear a statement of age on the label or an advertisement for any rum which has been aged for not less than four (4) years may, however, contain general inconspicuous age, maturity or other similar representations even though the optional age statement does not appear on the label of the advertised product and in the advertisement itself.

(13) Curative and therapeutic effects. The advertisement shall not contain any statement, design, or device representing that the use of any distilled spirits or wine has curative or therapeutic effects, if such statement is untrue in any particular, or tends to create a misleading impression.

(14) Place of origin. The advertisement shall not represent that the distilled spirits or wine were manufactured in or imported from a place or country other than that of their actual origin, or were produced or processed by one who was not in fact the actual producer or processor.

(15) Confusion of brands. Two (2) or more different brands or lots of distilled spirits or wine shall not be advertised in one (1) advertisement (or in two (2) or more advertisements

in one (1) issue of a periodical or newspaper, or in one (1) piece of other written, printed, or graphic matter) if the advertisement tends to create the impression that representations made as to one (1) brand or lot apply to the other or others, and if as to such latter the representations contravene any provision of these regulations or are in any respect untrue.

(16) Flags, seals, coats of arms, crests, and other insignia. No advertisement shall contain any statement, design, device, or pictorial representation of or relating to, or capable of being construed as relating to the armed forces; nor shall any advertisement contain any statement, device, design, or pictorial representation of or concerning any flag, seal, coat of arms, crest, or other insignia, likely to mislead the consumer to believe that the product has been indorsed, made, or used by, or produced for, or under the supervision of, or in accordance with the specifications of the government, organization, family, or individual with whom such flag, seal, coat of arms, crest, or insignia is associated.

JULIAN W. KNIPPENBERG, Chairman  
Alcoholic Beverage Control Board

ADOPTED: July 1, 1974

APPROVED: August 12, 1974

RECEIVED BY LRC: August 16, 1974 at 3:53 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Alcoholic Beverage Control Board, 8th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET  
Department of Alcoholic Beverage Control  
(804 KAR 1:040)

RELATES TO: KRS 244.130

PURSUANT TO: KRS 13.082

SUPERSEDES: ABC 1:40

NECESSITY AND FUNCTION: KRS 244.130 requires the Alcoholic Beverage Control Board to prescribe rules governing advertising of alcoholic beverages. This regulation is to prevent producers and distributors of alcoholic beverages from using advertising novelties as an inducement to retailers to purchase their particular brands, and to prevent the retailers from using advertising novelties and specialties as an inducement to consumers to purchase from them.

Section 1. Distillers, rectifiers, vintners, wholesalers and retailers are hereby prohibited from distributing or using advertising novelties and specialties.

Section 2. Distillers, rectifiers, vintners, and wholesalers are permitted to advertise brands in printed form on materials such as: calendars, athletic schedules, recipes, pamphlets, etc., which conform to the provisions of 804 KAR Chapter 1.

JULIAN W. KNIPPENBERG, Chairman  
Alcoholic Beverage Control Board

ADOPTED: July 1, 1974

APPROVED: August 12, 1974

RECEIVED BY LRC: August 16, 1974 at 3:59 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Alcoholic Beverage Control Board, 8th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET  
Department of Alcoholic Beverage Control  
(804 KAR 1:050)

RELATES TO: KRS 244.030

PURSUANT TO: KRS 13.082

SUPERSEDES: ABC 1:50

NECESSITY AND FUNCTION: KRS 244.030 prohibits any door to door type of solicitation of consumers. This regulation is designed to prevent a producer or supplier from placing salesmen or agents in a retail store to solicit customers who may come in to purchase their particular brand of alcoholic beverages.

Section 1. Promotion of brands by distillers, rectifiers, vintners or wholesalers in retail stores prohibited. The promotion by a distiller, rectifier, vintner, or wholesaler of any brand of distilled spirits and wine in a retail store, through salesmen, promoters, missionaries or agents sent or placed in the retail store by the distiller, rectifier, vintner or wholesaler for the purpose of promoting any certain brand of distilled spirits and wine is hereby prohibited. This does not affect solicitation of orders from the retail

licensee, or the placing in the retail premises advertising material listed in 804 KAR 1:010.

JULIAN W. KNIPPENBERG, Chairman  
Alcoholic Beverage Control Board

ADOPTED: July 1, 1974

APPROVED: August 12, 1974 ELIJAH M. HOGGE, Secretary

RECEIVED BY LRC: August 16, 1974 at 3:56 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Alcoholic Beverage Control Board, 8th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET  
Department of Alcoholic Beverage Control  
(804 KAR 1:060)

RELATES TO: KRS 244.030

PURSUANT TO: KRS 13.082

SUPERSEDES: ABC 1:60

NECESSITY AND FUNCTION: In further pursuance of KRS 244.030 regarding advertising, this regulation specifically prohibits printed material such as a flyer from being mailed to consumers in solicitation of their business.

Section 1. Solicitation. Distillers, rectifiers, vintners, wholesalers, and retailers hereby prohibited from soliciting either by canvasser, solicitor, printed material, or letter, which is directed to the residence or place of business of the consumer for the purpose of receiving an order, except as otherwise provided in 804 KAR Chapter 1.

JULIAN W. KNIPPENBERG, Chairman  
Alcoholic Beverage Control Board

ADOPTED: July 1, 1974

APPROVED: August 12, 1974 ELIJAH M. HOGGE, Secretary

RECEIVED BY LRC: August 16, 1974 at 3:55 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Alcoholic Beverage Control Board, 8th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET  
Department of Alcoholic Beverage Control  
(804 KAR 3:010)

RELATES TO: KRS 244.380 through 244.470

PURSUANT TO: KRS 13.082

SUPERSEDES: ABC 2:12

NECESSITY AND FUNCTION: As required by KRS 244.380 through 244.470, the Board is required to facilitate the administration of the Kentucky Fair Trade Act, as it is applicable to distilled spirits. The overall purpose of the act is to stabilize and make an orderly market for the sale of distilled spirits. This regulation is the cornerstone for the administration of the Kentucky Fair Trade Act in that it establishes the procedure for determining minimum case values and these in turn are used to establish the minimum mark-up that a wholesaler must apply to his sales. The information supplied to the Board under this regulation is, by the specific requirements of the regulation, kept confidential.

Section 1. Minimum case distilled spirits values. (1) In order to make the Fair Trade Act applicable to all distilled spirits including those sold under private or controlled labels and thereby stabilize and make orderly the market therefor, the Alcoholic Beverage Control Board shall from time to time by order after notice and hearing as provided by KRS 241.060(8) adopt minimum case values upon the basis of which the minimum mark-up of the wholesaler must be taken. The minimum case values shall reflect actual cost of the delivered case of distilled spirits (determined in accordance with generally accepted accounting principles), including a reasonable producers' mark-up, and in the determination thereof, the Board shall take into consideration the total costs of production, handling and storage, and marketing, including such items as, but not limited to:

- (a) Whiskey production costs, including but not limited to, grain, cooperage, labor and overhead, production tax and federal excise tax levied prior to March 1, 1942, and miscellaneous items;
- (b) Warehouse (aging) costs, including but not limited to, labor, overhead, insurance, interest, ad valorem taxes, outage or loss, and miscellaneous items.
- (c) Case production costs, including but not limited to, content (four year age), packaging supplies, labor and overhead and miscellaneous items;
- (d) Distribution expenses, including but not limited to, selling expenses, advertising and sales promotion and miscellaneous items;
- (e) Administrative expenses, including but not limited to, interest, real estate property taxes, general insurance, overhead and miscellaneous items;
- (f) Other economic factors such as percentage of return on invested capital, profit margins on sales, continuing depreciation of the dollar, and the like.

(2) Age of distilled spirits for fair trade purposes shall be the same as prescribed under applicable Federal law or regulations.

(3) The Board may, upon forms to be adopted by it, secure

from any licensee the information required hereunder for adoption or review, from time to time, of minimum case values. In order that the integrity of confidential cost figures of all licensees may be preserved, no actual costs or dollar figures shall be required to be submitted, but such information shall be solicited on a percentage basis, i.e., the percent of increase or decrease between current costs and those with which comparison is sought, or on some other basis which will preserve the integrity of any licensees' cost figures. Any such report shall be confidential and shall not be a public record of the Board. The Board may compile information so supplied together with other information and data collected by it and make findings thereon for presentation and consideration in the adoption or review from time to time, of minimum case values hereunder after hearing held upon notice as herein provided.

(4) The willful failure to comply with this regulation, or the willful supplying of false or misleading information shall be grounds for the suspension, for a period of not exceeding ten (10) days, of any licensee's license upon hearing held as required by law.

JULIAN W. KNIPPENBERG, Chairman  
Alcoholic Beverage Control Board

ADOPTED: July 1, 1974

APPROVED: August 12, 1974 ELIJAH M. HOGGE, Secretary

RECEIVED BY LRC: August 16, 1974 at 3:57 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Alcoholic Beverage Control Board, 8th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET  
Department of Alcoholic Beverage Control  
(804 KAR 3:020)

RELATES TO: KRS 244.380 and 244.450

PURSUANT TO: KRS 13.082

SUPERSEDES: ABC 2:20

NECESSITY AND FUNCTION: This regulation deals with the Kentucky Fair Trade Act, and is supplemental thereto since the acts themselves do not specifically provide for the treatment of cash discounts, and fractions of cents price on fair trade contracts. The regulation is, therefore, necessary to fill in certain areas dealing with fair trade, but which were not specifically provided in the enabling statutes.

Section 1. Minimum Resale Price. (1) Any standard cash discounts available to all wholesalers for payment of account in specified time cannot be deducted from the purchase price when the mark-up of fifteen percent (15%) or twenty percent (20%) is made. The same applies to the three percent (3%) discount given to the wholesaler on the purchase of Kentucky consumers distilled spirits stamps. The gross amount of the tax must be added to the purchase price before the mark-up is made.

(2) All cash discounts received or given that are not uniform shall be deemed a violation of KRS 244.390.

(3) Retailers' resale prices as listed in the Fair Trade Contract and invoices must not contain fractions. When the application of the minimum mark-up results in a fraction of a cent, the whole cent must be taken in fixing the minimum mark-up if the fraction is equal to or greater than one-half cent (1/2¢). If the fraction is less than one-half cent (1/2¢) then it is eliminated. For example, if the minimum price is computed to be sixty and four-tenths cents (60.4¢), the minimum resale price is sixty cents (60¢); if the price is sixty and five-tenths cents (60.5¢), the minimum resale price is sixty-one cents (61¢).

(4) The minimum resale price listed on Alcoholic Beverage Control Form 660 by the wholesaler for the retailer must be computed at not less than the minimum mark-up of thirty-three and one-third percent (33 1/3%) on distilled spirits and thirty-three and one-third percent (33 1/3%) on wine of less than one case, and ten percent (10%) on units of one (1) case.

(5) In ascertaining the transportation cost, the minimum charge of at least twenty-five cents (25¢) per case must be made.

(6) Sales can be made by one wholesaler to another without the minimum mark-up provided that the consignor with or without consideration above his purchase price assigns a portion of his purchase to another wholesaler. In no instance is the combined mark-up of the two (2) wholesalers to be less than fifteen percent (15%) on distilled spirits and twenty percent (20%) on wine.

(7) All wholesalers are required to use an invoice of substantially standard form and to file copies of Fair Trade Contracts with all retailers to whom they sell merchandise; provided, if a wholesaler publishes a price list the above shall not be required.

JULIAN W. KNIPPENBERG, Chairman  
Alcoholic Beverage Control Board

ADOPTED: July 1, 1974

APPROVED: August 12, 1974 ELIJAH M. HOGGE, Secretary

RECEIVED BY LRC: August 16, 1974 at 3:54 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Alcoholic Beverage Control Board, 8th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.



## Index

	Page
ACCOUNTANCY	
CPA examinations; 201 KAR 1:120.....	8
ADMINISTRATIVE REGULATIONS	
Form; 1 KAR 1:010.....	7
Register; 1 KAR 1:010.....	7
ADMINISTRATIVE SERVICES	
Occupations and Professions	
Auctioneers	
Apprenticeship	
Reciprocity with Indiana; 201 KAR 3:030.....	32
Requirements for principal examination;	
201 KAR 3:010.....	32
Residence requirements; 201 KAR 3:020.....	32
Licenses and Licensees	
Accounting of funds; 201 KAR 3:050.....	32
Non-cancellation during active military duty;	
201 KAR 3:040.....	32
Real estate, sale of at auction; 201 KAR 3:060.....	32
CPA examinations; 201 KAR 1:120.....	8
Pharmacy	
Examinations; 201 KAR 2:020.....	9
Fees, licenses and permits; 201 KAR 2:050.....	10
Intermediary services restricted; 201 KAR 2:070.....	10
Interns, registration of; 201 KAR 2:040.....	9
Pocket certificates; 201 KAR 2:060.....	10
Schools, approved by; 201 KAR 2:010.....	9
AERONAUTICS AND AIRPORT ZONING	
Certificates of convenience and necessity	
Application for; 602 KAR 1:010.....	15
Hearings on; 602 KAR 1:020.....	15
Insurance and indemnity bond requirements;	
602 KAR 1:040.....	36
Operation of aircraft in intrastate air commerce;	
602 KAR 1:030.....	36
ALCOHOLIC BEVERAGE CONTROL	
Advertising Distilled Spirits and Wine	
Brands, prohibition on promotion; 804 KAR 1:050.....	51
Novelties and specialties; 804 KAR 1:040.....	51
Prohibited statements; 804 KAR 1:030.....	51
Signs, inside; 804 KAR 1:010.....	50
Signs, outside, 1st and 2nd class cities;	
804 KAR 1:020.....	50
Solicitation; 804 KAR 1:060.....	52
Fair Trade, Pricing and Sales	
Distilled spirits, minimum case values; 804 KAR 3:010.....	52
Resale prices, minimum; 804 KAR 3:020.....	52
ATTORNEY GENERAL	
Opinions of; 40 KAR 1:010, 40 KAR 1:020.....	8
AUCTIONEERS	
Accounting of funds by; 201 KAR 3:050.....	32
Apprenticeship requirements for principal examination;	
201 KAR 3:010.....	32
Non-cancellation of license during active military duty;	
201 KAR 3:040.....	32
Reciprocity with Indiana residents; 201 KAR 3:030.....	32
Residence requirements for apprentices; 201 KAR 3:020.....	32
Sale of real estate at auction; 201 KAR 3:060.....	32
AVIATION	
(see Aeronautics)	
BUSINESS AND PROFESSIONAL REGULATIONS	
Accountancy; 201 KAR 1:120.....	8
Pharmacy; 201 KAR 2:010 to 201 KAR 2:070.....	9, 10
Auctioneers; 201 KAR 3:010 to 201 KAR 3:060.....	32
CONSERVATION	
Districts	
Direct Aid Program eligibility; 402 KAR 2:010.....	13
Expenditures, limits on; 402 KAR 2:020.....	14
EDUCATION	
Administration and Finance	
General Administration	
Facilities survey; 702 KAR 1:010.....	37
Surplus Property	
Accounting procedures; 702 KAR 2:080.....	40
Acquisition; 702 KAR 2:070.....	40
Certification of eligibles; 702 KAR 2:030.....	39
Definitions of eligible entities; 702 KAR 2:010.....	38
Director of Division, duties; 702 KAR 2:090.....	41
Federal excess, donee requirements; 702 KAR 2:050.....	40
Federal surplus, donee requirements; 702 KAR 2:040.....	39
Funds; 702 KAR 2:080.....	40
Non-federal excess, requirements; 702 KAR 2:060.....	40
Organizing and operating, authority for;	
702 KAR 2:020.....	38
Property not covered by PL 152; 702 KAR 2:100.....	42
Services charges; 702 KAR 2:080.....	40

	Page
Instruction	
Handicapped Programs	
Hearing impairment; 704 KAR 1:010.....	46
Textbooks, Libraries and Materials	
State plan under PL 89-10; 704 KAR 2:010.....	46
Pupil Personnel Services	
Food Service Programs	
Lunch and breakfast requirements; 703 KAR 1:050.....	43
Accrual cost accounting; 703 KAR 1:080.....	44
District Director; 703 KAR 1:020.....	42
Funds and reports; 703 KAR 1:070.....	43
Local responsibilities; 703 KAR 1:010.....	42
Meals, time minimum; 703 KAR 1:060.....	43
Personnel, policies and procedures; 703 KAR 1:040.....	43
Principals' responsibilities; 703 KAR 1:030.....	42
School Terms, Attendance and Operation	
Calendar; 703 KAR 2:020.....	44
Census; 703 KAR 2:030.....	45
Experimental schools; 703 KAR 2:040.....	45
Terms and months; 703 KAR 2:010.....	44
Guidance Services	
Counselor, criteria, duties; 703 KAR 3:020.....	45
Counselor units; 703 KAR 3:030.....	45
Federal funds; 703 KAR 3:040.....	46
Personnel functions; 703 KAR 3:010.....	45
Vocational Education	
Administration	
State plan; 705 KAR 1:010.....	47
EDUCATION AND ARTS	
Education	
Administration and Finance	
General administration; 702 KAR 1:010.....	37
Surplus property; 702 KAR 2:010 to 702 KAR	
2:100.....	38, 39, 40, 41, 42
Instruction	
Handicapped programs; 704 KAR 1:010.....	46
Textbooks, libraries and instructional materials;	
704 KAR 2:010.....	46
Pupil Personnel Services	
Food service programs; 703 KAR 1:010 to 703 KAR	
1:080.....	42, 43, 44
Guidance services; 703 KAR 3:010 to 703 KAR	
3:040.....	45, 46
School terms, attendance and operation; 703 KAR 2:010	
to 703 KAR 2:040.....	44, 45
Vocational Education	
Administration; 705 KAR 1:010.....	47
Education Assistance Authority	
Student incentive grants; 11 KAR 1:010.....	30
EDUCATION ASSISTANCE AUTHORITY	
Student incentive grants; 11 KAR 1:010; 11 KAR 1:010E...30, 22	
ELECTIONS	
Absentee ballot	
Eligibility when under indictment; 31 KAR 1:010.....	8
Registry of Election Finance	
Forms for reporting; 801 KAR 1:010 to 801 KAR 1:040 and	
801 KAR 1:010E to 801 KAR 1:040E.....	3, 4, 5, 6, 7, 16
ELEVATORS	
Standards; elevators, dumbwaiters, escalators and	
moving walks; 803 KAR 4:010.....	50
ENVIRONMENTAL QUALITY	
Plumbing	
Installation permits; 401 KAR 1:020.....	10
Water	
Withdrawal permits; 401 KAR 4:010.....	11
FINANCE AND ADMINISTRATION	
Occupations and Professions	
Accountancy; 201 KAR 1:120.....	8
Pharmacy; 201 KAR 2:010 to 201 KAR 2:070.....	9, 10
Public Records	
Inspecting and copying; 200 KAR 1:010;	
200 KAR 1:010E.....	31, 24
FISH AND WILDLIFE RESOURCES	
Fish	
Boat docks and concession stands; 301 KAR 1:010.....	33
Skin diving prohibited; 301 KAR 1:040.....	33
Snagging; 301 KAR 1:020.....	33
Tennessee River closing hours; 301 KAR 1:030.....	33
Game	
Devices for taking wildlife, use of; 301 KAR 2:020.....	33
Migratory birds; seasons, limits; 301 KAR 2:021E.....	24
Steel traps, use of; 301 KAR 2:010.....	33
Hunting and Fishing	
Depredation acts prohibited; 301 KAR 3:010.....	34
License fees; 301 KAR 3:020.....	34
Wildlife	
Districts; 301 KAR 4:010.....	35
HIGHER EDUCATION	
Education Assistance Authority	
Student incentive grants; 11 KAR 1:010;	
11 KAR 1:010E.....	30, 22

HIGHWAYS	Page	PLUMBING	Page
Traffic		Installation permits; 401 KAR 1:020.....	10
Limited access highways			
Types; 603 KAR 5:010.....	37		
Pedestrian; 603 KAR 5:020.....	37		
HUNTING AND FISHING		PUBLIC PROTECTION AND REGULATION	
Boat docks on state lakes; 301 KAR 1:010.....	33	Alcoholic Beverage Control	
Concession stands on state lakes; 301 KAR 1:010.....	33	Advertising Distilled Spirits and Wine	
Depredation acts prohibited; 301 KAR 3:010.....	34	Brands, prohibition on promotion; 804 KAR 1:050.....	51
Devices, use of; 301 KAR 2:020.....	33	Novelties and specialties; 804 KAR 1:040.....	51
License fees; 301 KAR 3:020.....	34	Prohibited statements; 804 KAR 1:030.....	51
Migratory birds; seasons, limits; 301 KAR 2:021E.....	35	Signs, inside; 804 KAR 1:010.....	50
Snagging; 301 KAR 1:020.....	33	Signs, outside, 1st and 2nd class cities; 804	
Steel traps, use of; 301 KAR 2:010.....	33	KAR 1:020.....	50
Tennessee River closing hours; 301 KAR 1:030.....	33	Solicitation; 804 KAR 1:060.....	52
INSURANCE		Fair Trade, Pricing and Sales	
Aircraft		Distilled spirits, minimum case values; 804 KAR	
Insurance and indemnity bonds requirements;		3:010.....	52
602 KAR 1:040.....	36	Resale prices, minimum; 804 KAR 3:020.....	52
LABOR		Election Finance, Registry of	
Elevator Safety		Campaign committees, report of; 801 KAR 1:020,	
Standards; 803 KAR 4:010.....	50	801 KAR 1:020E; statements of; 801 KAR 1:040	
Wages and Hours Standards		801 KAR 1:040E.....	3, 5, 7, 16
Apprentices and trainees, employment of; 803 KAR		Candidates, report of; 801 KAR 1:030, 801 KAR	
1:020.....	48	1:030E.....	3, 6, 16
Apprenticeship programs, registration of; 803 KAR		Executive committees, report of; 801 KAR 1:010, 801	
1:010.....	47	KAR 1:010E.....	3, 4, 16
Commissioner's determination, review of; 803 KAR		Elevator Safety	
1:040.....	49	Standards; elevators, dumbwaiters, escalators and	
Contractors' records; 803 KAR 1:050.....	50	moving walks; 803 KAR 4:010.....	50
Prevailing wage determinations, hearings on; 803 KAR		Labor	
1:030.....	49	Wages and Hours Standards	
LAND RESOURCES		Apprentices and trainees, employment of; 803 KAR	
Conservation Districts		1:020.....	48
Direct Aid Program, eligibility for; 402 KAR 2:010.....	13	Apprenticeship programs, registration of; 803	
Expenditures, limits on; 402 KAR 2:020.....	14	KAR 1:010.....	47
Mining and Reclamation		Commissioner's determination, review of; 803 KAR	
Surface effects, plans of; 402 KAR 1:010.....	11	1:040.....	49
LAW AND JUSTICE		Contractors' records; 803 KAR 1:050.....	50
Attorney General; 40 KAR 1:010, 40 KAR 1:020.....	8	Prevailing wage determinations, hearings on; 803	
LEGISLATIVE RESEARCH COMMISSION		KAR 1:030.....	49
Administrative Register; 1 KAR 1:010.....	7	Tax Appeals	
Regulations, form of; 1 KAR 1:010.....	7	Rules of practice and procedure; 802 KAR 1:010.....	47
LOANS AND GRANTS			
Student incentive grants; 11 KAR 1:010; 11 KAR 1:010E...30, 22		PUBLIC RECORDS	
MINING		Inspecting and copying; 200 KAR 1:010;	
Underground, surface effects reclamation of; 402 KAR 1:010..11		200 KAR 1:010E.....	31, 24
MOTOR CARRIERS		RECLAMATION	
Trucks, tractors, semi-trailers		Mining	
Industrial materials permit; 601 KAR 1:020, 601 KAR		Underground, surface effects of reclamation; 402	
1:020E.....	2, 14	KAR 1:010.....	11
Size limitations; 601 KAR 1:010.....	14		
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION		REGISTRY OF ELECTION FINANCE	
Conservation districts; 402 KAR 2:010, 402 KAR 2:020....13, 14		Campaign committees, report of; 801 KAR 1:020, 801	
Mining and reclamation; 402 KAR 1:010.....	11	KAR 1:020E; statements of; 801 KAR 1:040, 801 KAR	
Plumbing; 401 KAR 1:020.....	10	1:040E.....	3, 5, 7, 16
Water; 401 KAR 4:010.....	11	Candidates, report of; 801 KAR 1:030, 801 KAR	
OCCUPATIONS AND PROFESSIONS		1:030E.....	3, 6, 16
Accountancy		Executive committees, report of; 801 KAR 1:010, 801	
CPA examinations; 201 KAR 1:120.....	8	KAR 1:010E.....	3, 4, 16
Auctioneers		REVENUE AND TAXATION	
Accounting of funds by; 201 KAR 3:050.....	32	Appeals Board	
Apprenticeship requirements for principal examination;		Rules of practice and procedure; 802 KAR 1:010.....	47
201 KAR 3:010.....	32		
Non-cancellation of license during active military duty;		SECRETARY OF STATE	
201 KAR 3:040.....	32	State Board of Elections	
Reciprocity with Indiana residents; 201 KAR 3:030.....	32	Absentee voting when under indictment; 31 KAR 1:010.....	8
Residence requirements for apprentices; 201 KAR 3:020.....	32	TAX APPEALS	
Sale of real estate at auction; 201 KAR 3:060.....	32	Rules of practice and procedure; 802 KAR 1:010.....	47
Pharmacy		TRANSPORTATION	
Examinations; 201 KAR 2:020.....	9	Aeronautics	
Fees for licenses and permits; 201 KAR 2:050.....	10	Certificates of convenience and necessity	
Intermediary services restricted; 201 KAR 2:070.....	10	Application for; 602 KAR 1:010.....	15
Interns, registration of; 201 KAR 2:040.....	9	Hearings on; 602 KAR 1:020.....	15
Pocket certificate; 201 KAR 2:060.....	10	Insurance and indemnity bond requirements;	
Schools, approved; 201 KAR 2:010.....	9	602 KAR 1:040.....	36
PHARMACY		Operation of aircraft in intrastate air commerce;	
Examinations; 201 KAR 2:020.....	9	602 KAR 1:030.....	36
Fees for licenses and permits; 201 KAR 2:050.....	10	Highways	
Intermediary services restricted; 201 KAR 2:070.....	10	Traffic	
Interns, registration of; 201 KAR 2:040.....	9	Limited access, types; 603 KAR 5:010.....	37
Pocket certificate; 201 KAR 2:060.....	10	Pedestrian; 603 KAR 5:020.....	37
Schools approved by; 201 KAR 2:010.....	9	Motor Carriers	
		Industrial materials permit; 601 KAR 1:020, 601	
		KAR 1:020E.....	2, 14
		Size, limitations on; 601 KAR 1:010.....	14
		Vehicle Regulation	
		Driver Improvement	
		Medical Review Board; 601 KAR 13:010.....	35

## VEHICLE REGULATION

Driver Improvement	
Medical Review Board; 601 KAR 13:010.....	35
Trucks, tractors, semi-trailers	
Industrial materials permit; 601 KAR 1:020, 601	
KAR 1:020E.....	2, 14
Size limitations; 601 KAR 1:010.....	14

## VOCATIONAL EDUCATION

Administration	
State plan; 705 KAR 1:010.....	47

## VOTING

Absentee	
When under indictment; 31 KAR 1:010.....	8

## WAGES AND HOURS

(see Labor)

## WATER RESOURCES

Withdrawal permits; 401 KAR 4:010.....	11
--	----

## WILDLIFE

Birds, migratory; seasons, limits; 301 KAR 2:021E.....	24
Devices for taking; 301 KAR 2:020.....	33
Districts, state; 301 KAR 4:010.....	35
Steel traps, use of; 301 KAR 2:010.....	33