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 sheet service for the 1975 Edition of KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE.

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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.)
Emergency Regulations

WENDELL N. FORD, GOVERNOR
Executive Order No. 499
August 9, 1974

EMERGENCY REGULATION
Kentucky Higher Education Assistance Authority: State Student Incentive Grant Program

WHEREAS, the 1974 General Assembly enacted Senate Bill 365 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 has simultaneously filed with the emergency regulation a list of regulations which will be processed through normal procedure before becoming effective; and

WHEREAS, by the enactment of this regulation on a temporary 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 N. FORD, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me, do hereby order and direct the Kentucky Higher Education Assistance Authority to issue an emergency regulation as attached hereto, regarding the State Student Incentive Grant Program, to be made effective on this date.

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

WENDELL N. FORD, Governor

THELA L. STOPPALL, Secretary of State

Recommended:
PAUL P. RODRIGUEZ, Executive Director,
Kentucky Higher Education Assistance Authority

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

Declaration of Emergency

WHEREAS, the 1974 General Assembly enacted Senate Bill 365 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 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. RODRIGUEZ, Executive Director,
Kentucky Higher Education Assistance Authority

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY
11 EAS 10190

RELATES TO: KRS 164.740 to 164.764
PUBLISHED TO: KRS 164.740 to 164.764
EFFECTIVE: August 15, 1974

NECESSITY AND FUNCTION: KRS 164.740(3) requires the Kentucky Higher Education Assistance Authority to adopt rules and regulations relating to 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 meanings:

(1) "Academic Year" means a period of time, usually eight (8) or nine (9) months, during which a full-time student would normally be expected to register, to attend classes, to attend training or instruction, to require outside preparation, to require outside preparation related to (a) and (b), (c), (d), and (e) three hours of laboratory, shop training, or internship not requiring outside preparation.

(2) "Accredited" is interpreted by the authority to mean fully accredited.

(3) "Agreement" is the document titled "Certification and Agreement to Pursue a Program of Study under 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(3) and KRS 164.760(5).

(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 training or instruction requiring outside preparation, (c) two hours of outside preparation related to (a) and (b), or (d) three hours of outside preparation related to (a) and (b).

(6) "Creditable Course of Study" is a program of training, offered by an eligible institution, which is of at least two (2) academic years duration; enrolls an eligible student on a full-time academic basis, provides a course of study beyond secondary education, or the recognized equivalent of such a course of study; and (7) forms a part of such a certificate or diploma.

(7) "Diploma or Degree" includes educational programs, except those programs which are designed to train students for employment in a recognized occupation and which meet the provisions of (a) or (b) or (c) or (d) or (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 the availability of the aid to students who study under this part has not resulted, and will not result, in 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 as measured in terms of (a) course work or other required activities determined by the authority; (b) students enrolled, including any combination of courses, work experience, research or special studies which the institution deems the student to need for him or her assigned load and full-time study, and which amounts to the equivalent of a minimum of twelve (12) semester hours or twelve (12) clock hours per week for those institutions that do not utilize such systems, and the tuition fees charged are customarily charged for full-time study by the institution.

(9) "Proprietary Institution of Higher Education" means a school (a) which provides a program of instruction beyond secondary education, or the recognized equivalent of such a program of instruction, (b) which is accredited by the Accrediting Commission of Colleges and Schools, Accreditation Commission, which is successor to the Commission for Business Schools, (c) which is not accredited by the Commission for Business Schools.

(10) "Resident of Kentucky" for purposes of KRS 164.740(1) is a person who, pursuant to KRS 164.740(9), (a) is defined as an in-state student in accordance with the policy on Classification of Students for Fee Assessment Purposes at State-supported Institutions of
Section 3. Agreement.

(1) Pursuant to KRS 164.740 (13) and 164.740 (5), the Authority shall have all the necessary legal authority to establish eligibility to participate in the STIG Program and/or declare to the Authority that the Institution:

(a) is an eligible institution as defined in Section 2;
(b) will abide by these regulations and any amendments thereto;
(c) will maintain a full-time administrative official of the Institution's authority to certify, or delegate certification to the appropriate Board, that the institution is eligible for the STIG Program.

(2) Pursuant to Title VI of the Civil Rights Act of 1964 (PL 88-352) and Title IX of the Education Amendments of 1972 (PL 92-318), the Authority will rely upon the institution's certification and such other information as is available to the Authority from the appropriate Board of Education or the accrediting agencies, recognized pursuant to KRS 164.740 (3), (4), (5) and (6), to determine whether the institution qualifies as an eligible institution of higher education under the provisions of Section 2. In the absence of information concerning the eligibility of an institution by the Authority, the Authority will declare the institution to be eligible pursuant to KRS 164.740 (13) and 164.740 (5) to participate in the STIG Program. In the event the Authority, by relying upon 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 164.740 (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 for inspection by the Authority, all records, reports, and data under this program in an eligible course of study:

(1) all records relied upon by that institution to certify to the Authority that the institution is eligible for the STIG Program; and
(2) all other reports and information as are necessary to determine that the institution has complied with these regulations and with all certifications and declarations contained in the agreement.

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

(1) 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.
(2) be a resident of Kentucky pursuant to Section 2 (10).
(3) be a full-time student pursuant to Section 2 (8) and 45 CFR 100 (a)(10). (b)
(4) be enrolled in an eligible institution pursuant to Section 2 and Section 3.
(5) be enrolled in an eligible course of study pursuant to Section 2 (6).
(6) be an undergraduate student pursuant to Section 2 (15). (c)
(7) have submitted an application for a STIG in accordance with the procedures prescribed by the Authority.

Section 6. Financial Need Analysis. Pursuant to KRS 164.740 (12), (f) and (g) the method of calculating the student's financial need shall be to determine the Expected Family Contribution using the methodology prescribed by the Authority in the Guide to Determining Opportunity Grant in the only need analysis system presently provided by the Authority for purposes of determining eligibility for a STIG.

Section 7. Ranking of Applicants. The U. S. Office of Edu-
removed from the premises without written authorization from the Commission or the Department. 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 the 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 to inspect the records during the regular hours of business, subject to the payment of one cent per page subject to the condition that the copy must be made in the presence of the custodian of the record and the person 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 regulations, and to avoid any unreasonable disruption of the regular activities of any office, bureau, or division, 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 10 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, that such records shall be returned as soon as possible, at least one period, not more than an hour, during each working day, or processing copies of records requested by interested persons under this section.

JANICE O. KING, Acting Commissioner
ADOPTED: August 23, 1974
RECEIVED BY LG: August 26, 1974 at 8:21 a.m.

HENDRELL R. FORD, GOVERNOR
Executive Order 75-536
July 19, 1974

DEPARTMENT OF FISH AND WILDLIFE RESOURCES
Finds that it is necessary for the proper operation of the department to impose limitations on the hunting seasons for migratory birds due to the federal regulation setting seasons limits for migratory birds.

TENNESSEE, pursuant to the authority vested in me by Section 13.081 of the Kentucky Revised Statutes on administrative regulations, hereby order the department to impose limitations on the hunting seasons for migratory birds due to the federal regulation setting seasons limits for migratory birds.

HENDRELL R. FORD, GOVERNOR
ADOPTED: September 13, 1974
RECEIVED BY LG: September 13, 1974 at 9:20 a.m.

TENNESSEE, pursuant to the authority vested in me by Section 13.081 of the Kentucky Revised Statutes on administrative regulations, hereby order the department to impose limitations on the hunting seasons for migratory birds due to the federal regulation setting seasons limits for migratory birds.

TENNESSEE, pursuant to the authority vested in me by Section 13.081 of the Kentucky Revised Statutes on administrative regulations, hereby order the department to impose limitations on the hunting seasons for migratory birds due to the federal regulation setting seasons limits for migratory birds.

HENDRELL R. FORD, GOVERNOR
ADOPTED: November 3, 1974
RECEIVED BY LG: November 3, 1974 at 8:31 a.m.

TENNESSEE, pursuant to the authority vested in me by Section 13.081 of the Kentucky Revised Statutes on administrative regulations, hereby order the department to impose limitations on the hunting seasons for migratory birds due to the federal regulation setting seasons limits for migratory birds.

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HENDRELL R. FORD, GOVERNOR
ADOPTED: October 17, 1974
RECEIVED BY LG: October 17, 1974 at 9:46 a.m.

TENNESSEE, pursuant to the authority vested in me by Section 13.081 of the Kentucky Revised Statutes on administrative regulations, hereby order the department to impose limitations on the hunting seasons for migratory birds due to the federal regulation setting seasons limits for migratory birds.

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HENDRELL R. FORD, GOVERNOR
ADOPTED: December 15, 1974
RECEIVED BY LG: December 15, 1974 at 9:31 a.m.

TENNESSEE, pursuant to the authority vested in me by Section 13.081 of the Kentucky Revised Statutes on administrative regulations, hereby order the department to impose limitations on the hunting seasons for migratory birds due to the federal regulation setting seasons limits for migratory birds.

TENNESSEE, pursuant to the authority vested in me by Section 13.081 of the Kentucky Revised Statutes on administrative regulations, hereby order the department to impose limitations on the hunting seasons for migratory birds due to the federal regulation setting seasons limits for migratory birds.
Section 2. Limits:  

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<tr>
<th>Bird Type</th>
<th>Bag Limit</th>
<th>Possession Limit</th>
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<tbody>
<tr>
<td>Dove</td>
<td>12</td>
<td>24</td>
</tr>
<tr>
<td>Woodcock</td>
<td>5</td>
<td>10</td>
</tr>
<tr>
<td>Wilson snipe</td>
<td>2</td>
<td>16</td>
</tr>
</tbody>
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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 field, or being prepared for transportation, must have one (1) fully feathered tail 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 sunrise to 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. Central Kentucky Wildlife Management Area, located in Madison County; September 1 through October 15, 1974.

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.

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

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

gpe: March 18, 1974  

<table>
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<tr>
<th>Regulation</th>
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Regulation Locator Table and Effective Dates
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.)

TITLES 1-3 ADMINISTRATIVE COMMISSION

Ch. 1 Administrative Regulations
010 Form of administrative regulations; administrative register; codification

TITLES 11-13 KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

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

Ch. 2 Board of Elections
010 Absentee Voting
010X When charged with or indicted for a crime

TITLES 40-42 DEPARTMENT OF LAW

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

TITLES 200-202 EXECUTIVE DEPARTMENT FOR FINANCE & ADMINISTRATION

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

TITLES 201-203 DIVISION OF OCCUPATIONS AND PROFESSIONS

Ch. 1 Board of Accountancy
010 Through 110 reserved
020 Examinations; Subjects, grading, reexaminations

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

TITLES 301-303 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 wild-life
021M Migratory birds; seasons, limits

Ch. 3 Hunting and Fishing
010 Acts of depredation prohibited
020 License fees

Ch. 4 Wildlife
010 Districts

TITLES 401-402 DEPARTMENT OF ENVIRONMENTAL QUALITY

Ch. 1 Division of Plumbing
010X (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
010X Water withdrawal permits; criteria; reports

TITLES 402-404 DEPARTMENT OF LAND RESOURCES

Ch. 1 Division of Reclamation
010X Reclamation plans of surface effects of underground mines; definitions; criteria; fees, terms; requirements

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

Ch. 3 (reserved for Division of Forestry)

TITLES 501-503 DEPARTMENT OF TRANSPORTATION

Ch. 1 Division of Motor Carriers
010 Truck, semi-trailers, maximum length
020 Permit for hauling industrial materials; fees
020X (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

TITLES 600-602 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 Insurances and indemnity bond requirements

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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 1966, ch. 97, sec. 1, eff. May 18, 1966.)

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 1962, ch. 62, 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.)

13.086 Refiling of regulations — Reconsidering 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 reconsidered effective one (1) year after July 1, 1974. (Enact. Acts 1974, ch. 73, sec. 6, eff. July 1, 1974.)

13.087 Publication, hearing, and review of proposed administrative regulations — Adoption of regulations — The process. — (1) Each administrative body shall publish a notice of proposed regulation, as provided in subsection (2) of this section. A regulation made by any administrative body after July 1, 1974, shall become effective until after an original and five duplicate copies of the regulation are forwarded to the office of the Legislative Research Commission, (a) the proposed regulation has been published in the Administrative Register as required by KRS 13.086; 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 held within thirty (30) days of publication so the regulation shall not 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. (3) 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 take effect 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 any person having an interest in the subject matter of the regulation, or if 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 as to protect 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 at 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 by the administrative body to 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 of the promulgating administrative body and to the Director of the Legislative Research Commission. In the event the subcommittee determines that a regulation is promulgated in a manner 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 General Assembly to which the regulation relates. The standing committee 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 committee 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 committee 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 administrative body returns the regulation.

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

(8) The standing committee 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 standing committee and by the standing committee or interim committee and not revised by the promulgating administrative body together with the objections of the standing committee’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. 5, 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 1972, 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 1966 (1st Ex. Sess.) ch. 6, sec. 1; 1972, ch. 186, sec. 4; 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 1966 (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 1902, 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.)
Proposed Regulations

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY
(11 MAR 10:10)

RELATES TO: ERS 164.740 to 164.764
PENDING TO: ERS 164.740(3) and 13.082

The authority is authorized by the legislature to establish the Kentucky Higher Education Assistance Authority, which administers grants under the provisions of ERS 164.740(3) of the Revised Statutes. The authority is required to encourage student education by providing grants for educational expenses that comply with the terms of the ERS 164.740(3) program. The authority is also required to establish a Program for State-supported Institutions of Higher Education and the State Student Incentive Grant Program.

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, or quarters or 900 clock hours of instruction.

(2) "Accredited" is interpreted by the Authority as fully accredited. The authority, therefore, does not recognize institutions classified as "correspondent" or "recognized Candidate for Accreditation" as accredited institutions pursuant to ERS 164.740(13).

(3) "Agreement" is the document titled "Certification and Declaration of Eligibility to Participate in the State Student Incentive Grant Program" executed by the authority and the authority and the authority pursuant to ERS 164.740(13) and ERS 164.740(5).

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

(5) "Eligible Course of Study" is a program of training, offered by an accredited institution of higher education, which provides for a period of study of at least two (2) academic years duration; enrolls 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 nine (9) semester hours of academic credit toward such a degree, (d) is a public or other non-profit institution, (e) is accredited, pursuant to ERS 164.740(3), (4), (5) or (6) and is also accredited by a nationally recognized accrediting agency, which provides for a program of training of at least two (2) academic years duration.

(6) "Eligible Institution" means, pursuant to ERS 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 seven (9) semester hours of academic credit toward such a degree, (d) is a public or other non-profit institution, (e) is accredited, pursuant to ERS 164.740(3), (4), (5) or (6) and is also accredited by a nationally recognized accrediting agency, which provides for a program of training of at least two (2) academic years duration.

(7) "Eligible Student" means, pursuant to ERS 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 seven (9) semester hours of academic credit toward such a degree, (d) is a public or other non-profit institution, (e) is accredited, pursuant to ERS 164.740(3), (4), (5) or (6) and is also accredited by a nationally recognized accrediting agency, which provides for a program of training of at least two (2) academic years duration.

(8) "Full-Time Student" is a student who is carrying a full-time academic load, as measured in terms of (a) course work or other required activity and (b) institutional load in which the student is enrolled, including any combination of exit exam, research or special studies which the institution requires the student to complete in order to be eligible for full-time study, and which amounts to the equivalent of a minimum of twelve (12) quarter hours or academic credit toward a baccalaureate degree, or twelve (12) quarter hours or academic credit toward an associate degree or other lower degrees or occupational degrees, or which consists of a program of study totaling at least twelve (12) quarter hours or academic credit toward a certificate or two years of academic study, or which consists of a program of study totaling at least one (1) academic year or four (4) quarter hours or academic credit toward a certificate or two years of educational study.

(9) "Proprietary Institution of Higher Education" means a school or institution that is a proprietary school, a proprietary college, or a proprietary school or college that, among other things, administers a program of study totaling at least one (1) academic year or four (4) quarter hours or academic credit toward a certificate, or a program of study totaling at least two (2) academic years duration to prepare students for gainful employment in a recognized occupation, or (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 by the authority to provide a program of education beyond secondary education, (d) which, pursuant to ERS 164.740(4), is accredited by the authority and the authority and the authority is a member of the appropriate regional association, or other nonprofit institution, which is accredited by the Commission for Business Schools and Business Programs, or other nonprofit institution, which is accredited by the authority and the authority is a member of the appropriate regional association, or other nonprofit institution, which is accredited by the authority and the authority is a member of the appropriate regional association, or other nonprofit institution, which is accredited by the authority and the authority is a member of the appropriate regional association, or other nonprofit institution, which is accredited by the authority and the authority is a member of the appropriate regional association.

(10) "Resident of Kentucky" is a person who, pursuant to ERS 164.749(1), has in-state status as defined in that section.

(11) "Student Eligibility Document" or "SED" 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.

(12) "Undergraduate Student" is, pursuant to 45 C.F.R. 489.2 and ERS 164.749(18) in attendance at an institution of higher education and (b) has not earned his first baccalaureate degree. A student who has not earned his first baccalaureate degree is eligible to participate in the SISG Program and/or the Authority shall not consider an undergraduate student in that portion of the program that involves study beyond the fourth academic year unless that program is designed to extend for a period of five (5) academic years.

Section 3. Agreement.

(1) Pursuant to ERS 164.740(13) and 164.740(5) the authority requires that any institution desiring to participate in the SISG Program certify and/or declare the Authority's agreement to be eligible to participate in the SISG Program.

(2) An agreement shall be filed by each institution desiring to participate in the SISG Program and/or the Authority shall not consider an undergraduate student in that portion of the program that involves study beyond the fourth academic year unless that program is designed to extend for a period of five (5) academic years.

(3) Pursuant to ERS 164.740(13) and 164.740(5) the authority requires that any institution desiring to participate in the SISG Program certify and/or declare the Authority's agreement to be eligible to participate in the SISG Program.

(4) An agreement shall be filed by each institution desiring to participate in the SISG Program and/or the Authority shall not consider an undergraduate student in that portion of the program that involves study beyond the fourth academic year unless that program is designed to extend for a period of five (5) academic years.

Section 4. Records and Reports. Pursuant to ERS 164.749(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:

(1) all records related thereto 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

(2) such other reports and information as are necessary to determine that the institution is operating in accordance with the terms and conditions of these rules and regulations and with the certifications and declarations contained in the Agreement.

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

(1) be a national of the United States or be in the United States for other than temporary purposes and intend to become a permanent resident thereof;

(2) be a resident of Kentucky pursuant to Section 2(10);

(3) be a full-time student pursuant to Section 2(4) and 45 C.F.R. 489.2(4)(4)

(4) be enrolled in an eligible institution pursuant to Section 2 and Section 3.

(5) be enrolled in an eligible course of study pursuant to Section 3.

(6) be an undergraduate student pursuant to Section 2(13).
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 Opportunity Grant Program.

Method of Payment. Individual checks payable to award recipients will be forwarded to the 525 Program Officer designated on the agreement. The checks will be accompanied by an original and one certified copy to be retained by the institution. The original is to be returned to the authority on which it was made, and returned with the instructions, attached thereto, which will specify:
(a) the conditions under which a check must be presented to the recipient,
(b) the conditions under which a check must be returned to the Authority,
(c) the date when the roster and unclaimed checks must be returned to the Authority; and,
(d) the method to be used to contact 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 purposes of acting as endorser on any 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 Part 190) as presented on page 13 of the "Basic Grants Handbook, Spring 1974," is the refund policy which will be used by the Authority for the 525 Program. 525 Program officers must contact the appropriate state agency for the 525 Program to determine whether a 525 Program refund will be made to an individual student who ceases to be eligible to receive the 525 grant.

STATE STUDENT INDEPENDENT GRANT AWARD DETERMINATION TABLE

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<th>Semester</th>
<th>Tuition and Fee Charges</th>
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Students will receive a written notice of the award. The notice will be sent to the student by the institution. The notice will state the amount of the award and the conditions under which it must be used. The notice will also include a copy of the award letter. The award letter will state the amount of the award, the conditions under which it must be used, and the deadline for acceptance.

Section 10. Disbursement of Awards.

(1) Amount of Payment. If an award is made for a full academic year, the award will be paid in two equal installments. The first installment will be advanced when the student first registers for an academic period, which begins on August 1, 1974. The second installment will be advanced when the student registers for a second academic period, which begins on October 1, 1974. If the student does not register for the first academic period beginning on August 1, 1974, the award will be canceled in full. If the student does not register for the second academic period beginning on October 1, 1974, the award will be canceled in full. The award is not to be paid in more than two installments.

(2) Failure to Register. Failure to register for the first academic period beginning on January 1, 1975, will result in cancellation of the award. The award is made for a full academic year and so more than two installments are made. Failure to register for the first academic period beginning on January 1, 1975, will result in cancellation of the entire award.

(3) Disbursement of Awards. The disbursement of awards will be made by checking the student's account with the authority, 525 Program Office, for the amount of the award. The disbursement will be made by the student seeking access for purposes of inspection at a cost of 15 cents a page subject to the condition that the check 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 11. Subject to the approval of the Commissioner of
SUBMIT CURRENT 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 FAY 3:100)

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 sixty (60) service dates during the course of his apprenticeship.

A. ROGER LEWIS, Chairman
ADOPTED: July 11, 1974
RECEIVED BY LBC: August 8, 1974 at 11:12 a.m.

SUMMIT CURRENT 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 FAY 3:1020)

RELATES TO: KRS 330.070
PURSUANT TO: KRS 330.050 and 13.082
NECESSITY AND FUNCTION: This Regulation requires that an apprentice auctioneer reside in, and to have fifty (50) percent or more of the branch or main office of the principal auctioneer so as to insure that the apprentice auctioneer receives 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 of a fifteen (15) mile radius of the principal auctioneer's main or branch office.

A. ROGER LEWIS, Chairman
ADOPTED: July 11, 1974
RECEIVED BY LBC: August 8, 1974 at 11:12 a.m.

SUMMIT CURRENT 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 FAY 3:1038)

RELATES TO: KRS 330.070
PURSUANT TO: KRS 330.050 and 13.082
NECESSITY AND FUNCTION: This Regulation sets Kentucky and Indiana as 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 licenses to serve as apprenticeship, auctioneers who are licensed in Indiana cannot 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 LBC: August 8, 1974 at 11:12 a.m.
Section 1. No person, firm, or corporation shall build or attempt to build any boat docks, or operate any boat docks; or have and maintain any boats for hire, or maintain or operate any concession stands on any of the waters of fish and wildlife resources lakes or property without written consent of the Department of Fish and Wildlife Resources Commission. This regulation is necessary in order to protect the fish and wildlife resources.  

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

ARLIND L. MITCHELL, Commissioner

ADMITTED BY LAC: August 20, 1974

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

DEVELOPMENT CAVENET
Department of Fish and Wildlife Resources
(301) 591-1020

RELATES TO: KRS 150.025 and 150.026
PURSUANT TO: KRS 13.082
SUPERSEDING: KFRW-2-C-33

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 to protect the fish and wildlife resources.  

Section 1. No person, firm, or corporation shall build or attempt to build any boat docks, or operate any boat docks; or have and maintain any boats for hire, or maintain or operate any concession stands on any of the waters of fish and wildlife resources lakes or property without written consent of the Department of Fish and Wildlife Resources Commission. This regulation applies only to lakes and property owned by the Department of Fish and Wildlife Resources.  

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

ARLIND L. MITCHELL, Commissioner

ADMITTED BY LAC: August 20, 1974

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

DEVELOPMENT CAVENET
Department of Fish and Wildlife Resources
(301) 591-1020

RELATES TO: KRS 150.025 and 150.026
PURSUANT TO: KRS 13.082
SUPERSEDING: KFRW-3-67

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 resources population of state-owned lakes and to insure continued enjoyment of these lakes by sportspersons.

Section 1. The Commissioner of the Department of Fish and Wildlife Resources, with concurrence of the Department of Fish and Wildlife Resources Commission, may 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 director 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.

ARLIND L. MITCHELL, Commissioner

ADMITTED BY LAC: August 20, 1974

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

DEVELOPMENT CAVENET
Department of Fish and Wildlife Resources
(301) 591-2100

RELATES TO: KRS 150.025 and 150.060
PURSUANT TO: KRS 13.082
SUPERSEDING: KFRW-4-43

NECESSITY AND FUNCTION: This regulation pertains to the design and approval of traps used in taking wild animals. In accordance with KRS (50.040) (1) and (2), this regulation is necessary to insure the use of traps that are capable of effectively capturing the animals. The function of this regulation is to ensure that the most efficient and relatively humane traps are used in taking furbearers.

Section 1. All commercially manufactured traps that take small animals and instantly are approved by the commissioner of the Department of Fish and Wildlife Resources.

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

ARLIND L. MITCHELL, Commissioner

ADMITTED BY LAC: August 20, 1974

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

DEVELOPMENT CAVENET
Department of Fish and Wildlife Resources
(301) 591-2100

RELATES TO: KRS 150.025 and 150.280
PURSUANT TO: KRS 13.082
SUPERSEDING: KFRW-4-60

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 give all persons who train birds the opportunity to do so without the risk of catching and killing large numbers of wild quail.

Section 1. The Tennessee River from directly below Kentucky Dam downstream approximately three-quarters of a mile to the old ferry crossing.

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.

ARLIND L. MITCHELL, Commissioner

ADMITTED BY LAC: August 20, 1974

SUBMIT CORRECT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, Capital Plaza Tower, 4th Floor, Frankfort, Kentucky 40601.
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
retrieving 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 3-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 fur-
nished by the Department of Fish and Wildlife Resources at
cost.

Section 5. Wild or abandoned 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.
Section 2. The kind of license or tags authorized by this regulation shall not be changed, altered or defaced in any manner, except treat state tags and shall carry the foregoing signature in Ink across the face of the stamp and be attached to the back of the proper form license: All licenses, permits, tags and stamps are nontransferable.

ARNAOL D. MITCHELL, Commissioner

ADOPTED: August 20, 1974

RECEIVED BY LAC: 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 AREA
Department of Fish and Wildlife Resources

RELATES TO: KRS 150.022(1) and 150.025
PUBLISHED TO: KRS 13.082
SUPPRESSED: 1 Y.E.-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, in conformity with the provisions of the Department of Fish and Wildlife Resources Regulation after giving due regard to the division of the state into nine wildlife districts, as set forth in the Act and dividing the state into nine wildlife districts, with the counties of each district designated as follows:

DISTRICT I: Pulon

District II: Sebuck

District III: Irode

District IV: Nixia

District V: Butcher

District VI: Franklin

District VII: Butkin

District VIII: Clinton

Arnold L. Mitchell, Commissioner

ADOPTED: August 20, 1974

RECEIVED BY LAC: 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 31:010)

RELATES TO: KRS 186.570(7) (c)
PUBLISHED TO: KRS 13.082
SUPPRESSED: 23 Y.E.-7, 23 Y.E.-7, 23 Y.E.-7

NECESSITY AND FUNCTION: The Medical Review Board has existed by virtue of administrative regulations since February 1965. Subjects the Recreational Users of Recreational Vehicles because of physical or mental problems which may affect the driving ability. are referred to the Board for examination. 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, renewal of, or a limited one (e.g., daylight hours, left and right rear visibility only, etc.), or they determine that the disability suffered should not affect the driving ability. This professional recommendation eliminates the arbitrariness and capriciousness which is charged to the Board is in great discretion granted the Bureau by the Legislature in KRS 186.570. Whenever the recommendation of the Board is in favor of an extreme, the Board is entitled to a hearing on the matter (since the Supreme Court’s ruling in 1960) 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, by reason of physical or mental infirmity which affect or limit the driving ability of the applicant, make it unsafe for said person to operate a motor vehicle upon the public highways. The Board’s recommendation for the suspension or revocation of the Department of Transportation or his representative shall prescribe the time and place for the Board to consider said case. The Board shall be appointed by the Commissioner of the Bureau of Vehicle Regulation with the consent of the Cabinet for Health Services of the Department of Human Resources or his designated representative.

The Board shall continue to hear all applications for renewal and not less than three physicians licensed to practice medicine in the Commonwealth of Kentucky present at the hearings. The Board shall be appointed by the Commissioner of the Bureau of Vehicle Regulation with the consent of the Cabinet for Health Services of the Department of Human Resources or his designated representative.

The Board shall be appointed by the Commissioner of the Bureau of Vehicle Regulation with the consent of the Cabinet for Health Services of the Department of Human Resources or his designated representative.

A physician participating in said hearing 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 affiliated with physical or mental infirmity rendering unsuitability for his operator’s license 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 such person pending a hearing. The physician shall be notified of hearing within 30 days of the receipt of the examination by the Medical Review Board.

(2) The required medical examination shall be conducted at the applicant'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 hearing is held. The examination physician shall report within thirty (30) days the results of his examination directly to the Medical Review Board.

(3) As soon as possible after receipt of the completed form from the Medical Review Board shall arrange for and make recommendations thereon, such as total suspension of the driving privilege, further medical or psychiatric examination, or complete driver’s test. In the event the physician cannot be present at the hearing 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 an 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 heard 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. If the Commissioner of the Bureau of Vehicle Regulation is the person 3 (physician 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 inquiry shall 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. Evidence of witnesses and the production of relevant books and papers. The scope of the inquiry shall 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. Evidence of witnesses and the production of relevant books and papers. The scope of the inquiry shall 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. Evidence of witnesses and the production of relevant books and papers.
lution shall promptly notify the person involved to submit to the personal 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 accidents within the 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 been involved in any accident in which a "hit and run" or lost consciousness prior to a reportable motor vehicle accident;
- (4) The operator of the motor vehicle involved in an accident is not physically fit or capable of driving a motor vehicle due to physical or mental infirmity;
- (5) Driver has been reported by a physician as being incapable of driving safely due to physical or mental condition or the use of medication prescribed for an extended period of time;
- (6) Driver has been reported by a law enforcement officer after being observed driving or behaving in an erratic or dangerous manner, as being incapable of driving safely due to physical or mental infirmity;
- (7) Applying for operator's license or for renewal of same has no evidence of physical or mental infirmity;
- (8) Driver's official record kept by the Bureau of Vehicle Registration indicates a possibility of physical or mental infirmity.

BILLY PAYTON, Secretary
ADOPTED: July 29, 1974
EXCEPTED BY LEG: July 30, 1974 at 11:49 a.m. CDT

SUBMIT CORRECT OR REQUEST FOR HEARING TO: The Commissionee, Bureau of Vehicle Registration, State Office Building, Frankfort, Kentucky 40601.

DEPARTMENT OF TRANSPORTATION
Division of Aeronautics and Airport Loring
(943 4TH)
RELATES TO: KRS Chapter 183
PURSUANT TO: KRS 31.082, 174.080, 183.080 and 183.530
NECESSITY AND FUNCTION: This regulation sets forth rules regulating 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 incorporated and incorporated by reference as regulations of this Department as far as they do not conflict with the laws of Kentucky or the regulations of this Department. Pursuant to Federal Aviation Regulations, part 135, provide aircraft operating rules, on air carriers, on air carriers, and rules governing persons holding air taxi/commercial operator (ATCO) operating certificates.

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

BILLY PAYTON, Secretary
ADOPTED: July 31, 1974
EXCEPTED BY LEG: September 8, 1974 at 3:28 p.m.
SUBMIT CORRECT OR REQUEST FOR HEARING TO: The Director, Division of Aeronautics and Airport Loring, 421 Ann Street, Frankfort, Kentucky 40601

DEPARTMENT OF TRANSPORTATION
Division of Aeronautics and Airport Loring
(943 4TH)
RELATES TO: KRS Chapter 183
PURSUANT TO: KRS 183.590 and 11.082
SUPREME COURT: Kay v. Moyer, 394 S.W.2d 242
NECESSITY AND FUNCTION: This regulation sets forth the insurance and liability 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 as provided in the regulations of this state and the regulations of this Department. A copy of such policy of insurance with an attached standard form of 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 person of at least seventy-five thousand dollars ($75,000), and a limit for each occurrence of at least an amount equal to the sum produced by multiplying the number of passengers in any one occurrence 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 registers its aircraft with the Department for 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. The minimum limits of liability 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, the exclusions set forth in Section 9 or as may be individually approved by the Secretary.

Section 4. The liability of the insurer shall apply to all circumstances by the carrier's negligence, whether of its agents or employees, and by the carrier, within the limits of the policy and the extent of liability for the assumed risks hereinabove described. The liability of the insurer shall extend to all legal or equitable successors in interest of the carrier. The liability of the insurer shall not be subject to any exclusion by virtue of violations, by the leave, neglect or the carrier or its servants or agents, of the Federal Aviation Act or of any applicable safety or economic regulation, rule, or other legal requirement, imposed by the Federal Aviation Administration or any other state or federal governmental authority, or in special waiver or exemption issued by the Federal Aviation Administration or the Civil Aeronautics Board.

Section 5. The liability of the insurer shall not be contingent upon the financial condition, solvency, or ability from the solvency of the carrier. The liability of the insurer, or any part thereof, for bodily injury, or 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 described, the insurer shall not be relieved from liability by any condition, warranty, or exclusion in the policy or any endorsement thereof, 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 or agent upon whom the insured or the undersigned process in any action arising out of the policy of insurance.

Section 8. The policy of insurance shall provide that, while an aircraft owned by the named carrier and declared in the policy to be uninsured or unclassified, or declared by the insurer to be uninsured, the insurer shall apply also with respect to another aircraft of similar type, horsepower, and seating capacity, whether or not owned by the insured, while temporarily and appropriately used for the substitute aircraft for which the insurance applies.

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 worker'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 (b) by a copilot who has not been qualified in or meeting the qualifications, experience, and currency requirements provided in the policy of insurance;
- (4) Any loss arising from operation of the aircraft, or any part thereof, for any purpose other than the carriage by aircraft of common carriers, or persons or property as a common carrier for compensation or hire, or the carriage of mail by aircraft, in intrastate air transportation;
- (5) Any loss arising from operation of an aircraft (a) without a copilot, if one is required under the policy of insurance (b) by a copilot who has not been qualified in or meeting the qualifications, experience, and currency requirements provided in the policy of insurance.

DEPARTMENT OF TRANSPORTATION
Division of Aeronautics and Airport Loring
(943 4TH)
RELATES TO: KRS Chapter 183
PURSUANT TO: KRS 183.590 and 11.082
SUPREME COURT: Kay v. Moyer, 394 S.W.2d 242
NECESSITY AND FUNCTION: This regulation sets forth the insurance and liability bond requirements for charter operators and common carriers.
Section 10. (1) Each policy of insurance shall specify that, unless replaced as provided in subsection (2) of this section, it may 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 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 insurance with another policy, the lesser limits of liability under this section and any other laws to which the contractor is subject 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 pursuant to KRS 183.590(4). An indemnity bond may be filed in lieu of a policy of insurance.

BILL PAYTON, Secretary
ADOPTED: August 2, 1974
RECEIVED BY LEC: August 8, 1974 at 3:49 p.m.

SUBMIT CORRECT 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 5:00)

RELATES TO: KRS 177.450, 176.050, 177.220, 177.310, 177.410 and 177.740
PURSUANT TO: KRS 13.062 and 174.080
SUPERSEDES: ACC CITE

DEFINITIONS AND PURPOSE: 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 Highway, 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. However, access to selected public roads or streets which shall have no highway grade crossings or intersections.

(2) A partially controlled access highway which gives preference to through-traffic. However, access to selected public roads or streets which shall have some highway grade and private driveway connections.

Section 2. On all state highways which are not constructed as limited access highways, 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, which shall be 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 will be declared 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.

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

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 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.

BILL PAYTON, Secretary
ADOPTED: August 1, 1974
RECEIVED BY LEC: July 30, 1974 at 4:28 p.m.
CDT

SUBMIT CORRECT 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 5:00)

RELATES TO: KRS 177.220, 177.310 and 177.240
PURSUANT TO: KRS 13.062 and 174.080
SUPERSEDES: KIVA-010 ACC, Sec. 6, par.

DEFINITIONS AND PURPOSE: This regulation is considered necessary to define pedestrian traffic and to protect such traffic on fully controlled limited access facilities which are especially designated 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 right-of-way of its existing and fully controlled limited access facilities, and of its newly controlled limited access facilities to be built in the future. This regulation shall apply only to pedestrian traffic except the following:

(1) Persons actually engaged in work requiring their presence within the right-of-way of a highway.

(2) Persons walking for the purpose of going to or from their place of employment, or the right-of-way shall be tolerated during stage construction, etc.

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

BILL PAYTON, Secretary
ADOPTED: August 1, 1974
RECEIVED BY LEC: July 30, 1974 at 4:29 p.m.
CDT

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

EDUCATION AND ARTS COUNCIL
Department of Administration and Finance
(702 KAR 15:00)

RELATES TO: KRS 575.7420 (3)
PURSUANT TO: KRS 154.070, 156.160, and 13.062
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 once every (5) years, and shall deliver to the local board of education a report which contains an assessment of existing conditions; and a recommissioned facilities plan which designates an organizational pattern, classification of school centers, and a priority schedule for construction needs.

Section 2. Recommissioned facilities plan survey report shall become the legal 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 plans shall be dated facility 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 school district, the Superintendent of Public Instruction shall advise the Secretary, Kentucky Board of Education, Department of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40661. any variation 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.

ETHAN T. GINSBERG
Superintendent of Public Instruction

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Administration and Finance
(702 KAR 2:00)

RELATES TO: KRS 156.022

SUBMIT OR REQUEST FOR HEARING TO: Ms. Samuel Ann Long, Executive Director, Board of Education, Department of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40661.

Section 8. The 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 shall have established his eligibility as outlined in subsections (2) or (3) of this Section.

(2) The department shall either have established his eligibility as outlined in subsection (2) or (3) of this Section.

Section 9. The 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 shall have established his eligibility as outlined in subsection (2) or (3) of this Section.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Administration and Finance
(702 KAR 2:00)

RELATES TO: KRS 156.022

SUBMIT OR REQUEST FOR HEARING TO: Ms. Samuel Ann Long, Executive Director, Board of Education, Department of Education, 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40661.

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(1) The applicant shall have established his eligibility as outlined in subsections (2) or (3) of this Section.

(2) The department shall either have established his eligibility as outlined in subsection (2) or (3) of this Section.

Section 9. The 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 shall have established his eligibility as outlined in subsections (2) or (3) of this Section.

(2) The department shall either have established his eligibility as outlined in subsection (2) or (3) of this Section.
agency for distribution to eligible health, educational, and civil defense activities within the state where such agency is destined, and to receive of such a person, other federal statutes, regulations, and laws in accordance with the law or regulations of the State Department of Education as may be required by law or regulation in connection with the division of surplus property, as well as to convey, sell, transfer, assign, deliver, distribute, transfer, reassign, retransfer, or otherwise convey surplus property to any person or such property, or any part thereof, as may be required by law or regulations, in accordance with such rules and regulations as may be considered necessary in the interest of education on the recommendation of the Superintendent of Public Instruction.

Section 3. The Division of Surplus Property shall receive, market, and dispose of surplus property 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 and make such investigations, and require such reports, make such inspections, and test the market for and establish the value of surplus property, as may be necessary to determine the best means and suitability for the use of such property in accordance with any rules and regulations as may be adopted by the Superintendent of Public Instruction.

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 for the distribution of property 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 purposes, to enter into such 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 the purpose upon the recommendation of the Superintendent of Public Instruction.

Section 6. 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 for the distribution of property without reimbursement, for the utilization by an exchange between them, singularly or severally, of property, facilities required to carry out the functions of the Division of Surplus Property, with the approval of the Superintendent of Public Instruction, rent for public distribution center facilities, office space, office space, or other facilities under its control and use, for such purposes, and to meet private concerns for a reasonable rent which shall become part of the operating fund of the Division of Surplus Property.

LILIAN V. GINGER
Superintendent of Public Instruction
AUGUST 7, 1974
RECEIVED BY LNC: AUGUST 19, 1974 at 10:26 a.m.

EDUCATION AND AIDS CABINET
Department of Education
Bureau of Administration and Finance
(702 EAB 2:30)

LILIAN V. GINGER
Superintendent of Public Instruction
AUGUST 7, 1974
RECEIVED BY LNC: AUGUST 19, 1974 at 10:25 a.m.

EDUCATION AND AIDS CABINET
Department of Education
Bureau of Administration and Finance
(702 EAB 2:04)

LILIAN V. GINGER
Superintendent of Public Instruction
AUGUST 7, 1974
RECEIVED BY LNC: AUGUST 19, 1974 at 10:25 a.m.

EDUCATION AND AIDS CABINET
Department of Education
Bureau of Administration and Finance
(702 EAB 2:04)

LILIAN V. GINGER
Superintendent of Public Instruction
AUGUST 7, 1974
RECEIVED BY LNC: AUGUST 19, 1974 at 10:25 a.m.

EDUCATION AND AIDS CABINET
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(702 EAB 2:04)

LILIAN V. GINGER
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AUGUST 7, 1974
RECEIVED BY LNC: AUGUST 19, 1974 at 10:25 a.m.

EDUCATION AND AIDS CABINET
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(702 EAB 2:04)

LILIAN V. GINGER
Superintendent of Public Instruction
AUGUST 7, 1974
RECEIVED BY LNC: AUGUST 19, 1974 at 10:25 a.m.

EDUCATION AND AIDS CABINET
Department of Education
Bureau of Administration and Finance
(702 EAB 2:04)

LILIAN V. GINGER
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AUGUST 7, 1974
RECEIVED BY LNC: AUGUST 19, 1974 at 10:25 a.m.

EDUCATION AND AIDS CABINET
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(702 EAB 2:04)

LILIAN V. GINGER
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(702 EAB 2:04)

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(702 EAB 2:04)

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(702 EAB 2:04)

LILIAN V. GINGER
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EDUCATION AND AIDS CABINET
Department of Education
Bureau of Administration and Finance
(702 EAB 2:04)

LILIAN V. GINGER
Superintendent of Public Instruction
AUGUST 7, 1974
RECEIVED BY LNC: AUGUST 19, 1974 at 10:25 a.m.

EDUCATION AND AIDS CABINET
Department of Education
Bureau of Administration and Finance
(702 EAB 2:04)
EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Administration and Finance  
(702) 240-2060

RELATES TO: KRS 156.022  
SUBJECT TO: KRS 13.082, 156.020, 156.070, 156.100 and 156.130

SUPERSSEDES: SR 27.070 and 27.075

NECESSITY AND FUNCTION: Establishes procedures 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 tangible 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.

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 furniture and land for future utilization.

If an account is established by the Division from service charges or fees received from donee institutions and organizations and above the operating capital reserve, shall be refundable to the recipient institution or corporation based either upon their participation to the total transfer charges or service fees authorized for processing 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 give complete and accurate accounts for funds, accumulated fees or service charges received from recipient institutions and organizations. Inventory of these funds shall be maintained and shall be used for the operation and 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 the expenses and reserves may be invested in securities or bonds as have been approved by the responsible state official. The interest or earnings accruing thereto 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 and a statement of all charges or the average cost of transportation to shipping documents shall be reported to the appropriate shipping, loading, or controlling agency or authority. The Division shall maintain a record of all property received, distributed, on hand, and available for transfer.

Section 4. The Division shall maintain adequate provisions for insuring property during transportation, 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 preparation for such sale. This shall include transportation and other costs incurred in recovering property from institutions if applicable.

LTHBY L. GINGRE
Superintendent of Public Instruction
ADOPTED: August 7, 1976
RECEIVED BY LJC: August 19, 1976 at 10:27 a.m.
SUBMIT CORRECT 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 CEMTMENT OF DEPARTMENT OF EDUCATION
Bureau of Administration and Finance
(702 KAR 2:900)

RELATES TO: EKS 156.022, 156.025, 156.020, 156.070, 156.100, and 156.110

REPEALS: EKS 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 property.

Section 1. The Director of the Division of Surplus Property shall coordinate the locating, screening, acquiring, transporting, 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, and 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 surplus when more than one (1) donor 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 reemotelem to any employee of the agency or institution with whom the Director has been delegated to his 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).

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 on an annual basis, eligible groups of donees to serve on an Advisory Committee. The Committee shall have at least 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 similar space 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, school-related workshops, and other nonprofit 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, shall be brought into the Division 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 Division 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 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 such agreements includes:

(1) Screening surplus or excess property located outside the state of Kentucky for the allocation by the Department of Education, Health, 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 protection 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 Administration, 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 emergency use.

Section 15. The Director shall assist the Department of Health, Education and Welfare, man in other agencies 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 surplus property for transfer to eligible institutions and organizations in the state to alleviate both physical and economic hardships.

LTHBY L. GINGRE
Superintendent of Public Instruction
ADOPTED: August 7, 1976
RECEIVED BY LJC: August 19, 1976 at 10:26 a.m.
SUBMIT CORRECT 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 EAR 21:10)

RELATES TO: KRS 156.022
PENDANT TO: KRS 13.082, 156.020, 156.070, 156.100 and 156.130

SUPERDESEDES: SHE 27.120

NECESSITY AND FUNCTION: Defines authority relating to the acquisition of property covered by Public Law 52 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, reacquire, dispose, and dispose of surplus property not covered by Public Law 52, 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 those transfers except that:
1. Federal or state laws or regulations governing the particular type of transfer shall be implemented.
2. You may be as restrictive 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 recovery 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 52, 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 surplus 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.

LTMN V. GINGER
Superintendent of Public Instruction
ADOPTED: August 7, 1976
RECEIVED BY LEC: August 19, 1976 at 10:38 a.m.

SUBMIT CORRECT 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 EAR 1:030)

RELATES TO: KRS 156.100, 160.380 and 161.140
PENDANT TO: KRS 13.082, 156.070, 156.130 and 156.160
SUPERDESEDES: SHE 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 1965 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, 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 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 meals planning and scheduling,
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, service facilities and equipment,
9. Food serving,
10. Food service sanitation,
11. Accountability of food service funds,
12. Pricing of school food service program(s), and
13. Any cost cut ideas to improve school food service participation.

LTMN V. GINGER
Superintendent of Public Instruction
ADOPTED: August 7, 1976
RECEIVED BY LEC: August 19, 1976 at 10:18 a.m.

SUBMIT CORRECT 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) 386 1:050)
RELATES TO: KRS 156.100, 160.380 and 161.140
PURSUANT TO: KRS 13.082, 156.070, 156.130 and 156.150
SUPERSEDES: KRS 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. 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 the 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 free school food service funds.

Section 5. Each school district shall provide workers’ compensation and fulfill minimum hourly wage rate for school food service personnel.

Section 6. The Superintendent shall make available to each school and school lunch employee, by August 1 of each year, written notice of employment stating hours of duty, terms 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.

EDUCATION AND ARTS CABINET
Superintendent of Public Instruction
ADMITTED: August 7, 1974
RECEIVED BY: August 19, 1974 at 10:19 a.m.
SUBMIT CORRECT 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) 386 1:050)
RELATES TO: KRS 156.100, 160.380 and 161.140
PURSUANT TO: KRS 13.082, 156.070, 156.130 and 156.150
SUPERSEDES: KRS 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. This regulation 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 fifteen (15) minutes for each school child to enjoy a complete meal in an educational atmosphere and the school lunch 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.

LYNN V. GINGER
Superintendent of Public Instruction
ADMITTED: August 7, 1974
RECEIVED BY LEC: August 19, 1974 at 10:19 a.m.
SUBMIT CORRECT 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) 386 1:050)
RELATES TO: KRS 156.100, 160.380 and 161.140
PURSUANT TO: KRS 13.082, 156.070, 156.130 and 156.150
SUPERSEDES: KRS 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. This regulation is necessary to properly audit and 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 bookkeeping and binding 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,
(6) Pay cash 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 program,
(9) Be used in lieu of general funds for personnel and programs other than the school food service program.

Section 4. All schools approved for participation in the national school food service program shall submit 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 record 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 officials.

Section 5. All school personnel regularly assigned to positions in the school shall be required to keep records in the school food service program(s) and the cost of the meals served to pupils, except the homeroom teacher who supervises and eats with from pupils shall be served free, shall be paid costs (16.4) or serve above the cost assigned to paying pupils.

Section 6. All school meals remaining 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.
Section 9. All food, supplies and equipment purchased in the operation of the school food service program shall be in accordance with KRS 248.260.

LYNN T. GINGER
Superintendent of Public Instruction
ADOPTED: August 7, 1974
RECEIVED BY LEC: August 19, 1974 at 10:20 a.m.

SUMMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 174th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Pupil Personnel Services
KRS 248.260
(77 KRS 11:00)

RELATED 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 thereeto, 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 as approved program of delivering the full cost of three lunches and breakfasts. Further, each such data shall be submitted to the State Department of Education on a prescribed form each month to justify proper reimbursement in accordance with federal regulations.

LYNN T. GINGER
Superintendent of Public Instruction
ADOPTED: August 7, 1974
RECEIVED BY LEC: August 19, 1974 at 10:20 a.m.

SUMMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 174th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Pupil Personnel Services
KRS 248.260
(77 KRS 2:00)

RELATED TO: KRS 156.060 and KRS 158.070
PURSUANT TO: KRS 13.082
SUPERSEDED: 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 except the 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 as included in the school month.

Section 4. No report shall be made until the completion of a twenty-day term 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 day (2) 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 prior approval has been secured from the Bureau of Instruction for in-person 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.

LYNN T. GINGER
Superintendent of Public Instruction
ADOPTED: August 7, 1974
RECEIVED BY LEC: August 19, 1974 at 10:20 a.m.

SUMMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 174th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Pupil Personnel Services
KRS 248.260
(77 KRS 2:00)

RELATED TO: KRS 156.070, 2.190 and 2.110
PURSUANT TO: KRS 13.082
SUPERSEDED: 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 1 of each year, transmit to the State Board of Education the adopted School Calendar with the Department of Education for approval as to the compliance with these regulations. Each district shall be paid any installment of its Foundation Program Vote based on the School Calendar for that district for which has been so approved.

Section 3. Each 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 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) A case of emergency beyond the control of a local board, post approval of an amendment by the Department of Education.
(2) Any amendments for change in the School Calendar due to national, state, or local disaster, or a change in the budget authorized by KRS 150.070(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. Such 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(3)(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 was due to major catastrophes which caused 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.

LYNN T. GINGER
Superintendent of Public Instruction
ADOPTED: August 7, 1974
RECEIVED BY LEC: August 19, 1974 at 10:20 a.m.

SUMMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky State Board of Education, 174th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Pupil Personnel Services
KRS 248.260
EDUCATION AND ARTS CABINET
Department of Education
Bureau of Pupil Personnel Services
(703 EBK 2:030)

RELATES TO: KRS 159.240, 159.260 and 159.170
PASSED TO: KES 13.062
SUPERSEDES: KRS 159.260

NECESSITY AND FUNCTION: KRS 159.240 requires each board of education to maintain a permanent and continuing school census. KRS 159.260 requires a school census report to be made to the commissioner of education 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 BB-4, Notice of Transfer, shall be used for both Direct and Reverse Transfers as provided by KRS 159.170.

Section 1. 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 (BB-4) to the Director of Pupil Personnel of the district where the pupil has established a legal residence.

Section 2. 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 3. If a Director of Pupil Personnel fails to answer a request for a pupil by reverse transfer method, the Director of Pupil Personnel shall report each failure to the Director of Pupil Personnel Attendance and Accounting.

Section 4. Transfers shall be filed by the month.

LYNN V. GINGER
Superintendent of Public Instruction
ADOPTED: August 7, 1974
ACCEPTED BY LEG: August 19, 1974 at 10:10 a.m.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Pupil Personnel Services
(703 EBK 2:045)

RELATES TO: KES Chapter 157
PASSED TO: KES 13.082
SUPERSEDES: KES 31.200

NECESSITY AND FUNCTION: KES Chapter 157 requires the superintendent of each local school district to prepare and submit to the State Board of Education, on the form prescribed by the superintendent of public instruction, a written plan of operation for the school year. In accordance with KES 31.200, the superintendent is directed to adopt rules and regulations necessary for the administration of experimental schools.

Section 1. Local boards of education making applications to operate public elementary and secondary schools on a basis other than the standard school day, week, 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 1,000 hours of instruction during any fiscal year.

Section 3. For districts participating in an approved experimental school program or experimental programs in which the average daily attendance shows a loss during the regular growth calculation period (KES 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 pupil population of the district by the number of classroom units that would be needed to accommodate the average daily attendance as determined through the regular school year for allotting classroom units under KES 157.360 (2).

Section 4. The number of pupils "who elect not to attend" shall be defined as those pupils who have no file in the local school superintendent's office a declaration of Intent signed by their legal guardian or parent.

LYNN V. GINGER
Superintendent of Public Instruction
ADOPTED: August 7, 1974
ACCEPTED BY LEG: August 19, 1974 at 10:11 a.m.

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

RELATES TO: KES 156.130
PASSED TO: KES 31.082
SUPERSEDES: KES 31.130 and KES 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 new methods for guidance services in local schools—personnel, functions, facilities, supplies and equipment.
(3) Work with the Division of Supervision and Accreditation and other organizations in evaluating programs of guidance services as outlined in the State Plans for Accrediting Elementary and Secondary Schools.
(4) Approve applications for counselor units.

LYNN V. GINGER
Superintendent of Public Instruction
ADOPTED: August 7, 1974
ACCEPTED BY LEG: August 19, 1974 at 10:06 a.m.

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

RELATES TO: KES 156.130
PASSED TO: KES 13.082
SUPERSEDES: KES 30.150

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

Section 1. Accreditation standards shall be the criteria for employment of counselors. Counselor units shall be considered on the basis of a minimum 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.

LYNN V. GINGER
Superintendent of Public Instruction
ADOPTED: August 7, 1974
ACCEPTED BY LEG: August 19, 1974 at 10:06 a.m.

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

RELATES TO: KES 156.130
PASSED TO: KES 13.082
SUPERSEDES: KES 30.960

NECESSITY AND FUNCTION: This regulation establishes criteria and responsibility for approval of counselor 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 is more than one (1) school, the following conditions shall be met: (a) prior approval of the Division of Guidance Services prior to approval of the Unit; (b) allocation of time to 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's state certification requirement.

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

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

RELATES TO: KRS 156.100
PERSPECTIVE: KRS 13.082
NECESSITY AND FUNCTION: This regulation is necessary for the effective 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 the Education Department written guidelines subsequent to submission of a plan acceptable to the State Department of Education.

EDUCATION AND ARTS CRAFT
Department of Education
Bureau of Instruction
(704 KAR 1:10)

RELATES TO: KRS 157.200(6), 157.290, 157.320(10) and 157.340(5)
PERSPECTIVE: KRS 13.082, 156.070, 156.130 and 156.160
SUPREME COURT: 58.270
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 - 157.360 as further limited by the special needs of hearing impaired pupils.

(1) Prior to the appointment of personnel, the special education program shall be reviewed by the local school board.

(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 have 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 granted by the Board of Education.

(b) Program membership for the Resource Room Plan shall not exceed six (6) pupils per teacher unless approval for a maximum of ten (10) pupils per teacher is granted by the local school district.

(c) Program membership for the Itinerant Teacher Plan shall not exceed a maximum of ten (10) pupils unless approval for a maximum of ten (10) pupils per teacher is granted by the local school district.

(4) Admission and Release Committee established by the local school district shall be responsible for the placement and release of pupils in programs for the hearing impaired. The admission and release 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 audiologic and speech and/or language evaluation by a qualified examiner. Such a report shall be made available to such other referrals deemed necessary by the examiner and subsequent to the recommendation of the Admissions and Release Committee.

(6) Placement. All reports and records shall be reviewed by the Admissions and Release Committee. Pupils shall be placed in special programs or in general education programs with the recommendation of the Admissions and Release Committee, with the two (2) permanent members concurrence.

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

(8) A pupil shall be transferred to another educational program upon the recommendation of the Admissions and Release Committee based upon the programs of the pupil and/or the pupil's performance.

(9) Program Plans. The appropriate program plan for pupils with hearing impairment shall be determined by the needs of the pupil 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 is the special class shall not exceed six (6) pupils.

(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 on a regularly scheduled basis.

(c) An Itinerant Teacher Plan shall be a program where the teacher travels to the pupil's school and provides regular direct instruction and services.

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

EDUCATION AND ARTS CRAFT
State Department of Education
Bureau of Instruction
(704 KAR 2:10)

RELATES TO: KRS 156.100
PERSPECTIVE: KRS 13.082, 156.070, 156.160, and 156.170
NECESSITY AND FUNCTION: Sections 201 - 207 of Public Law 89-10, require as a basic condition for the granting of federal funds, that the local school district must adopt a program for the acquisition of school library resources, textbooks and other instructional materials under Sections 201 - 207 of Public Law 89-10, and have been incorporated herein with Legislative Research Commission, and incorporated by reference.

Section 1. Pursuant to the authority vested in the Kentucky State Board of Education by KRS 156.100, the Kentucky State Board of Education is hereby authorized and directed to adopt regulations and procedures necessary for the implementation of Title II and Sections 601-605 of Title VI, Public Law 89-10, as provided herefor with Legislative Research Commission, and incorporated by reference.

EDUCATION AND ARTS CRAFT
State Department of Education
Bureau of Instruction
(704 KAR 2:10)

RELATES TO: KRS 156.100
PERSPECTIVE: KRS 13.082, 156.070, 156.160, and 156.170
NECESSITY AND FUNCTION: Sections 201 - 207 of Public Law 89-10, require as a basic condition for the granting of federal funds, that the local school district must adopt a program for the acquisition of school library resources, textbooks and other instructional materials under Sections 201 - 207 of Public Law 89-10, and have been incorporated herein with Legislative Research Commission, and incorporated by reference.

Section 1. Pursuant to the authority vested in the Kentucky State Board of Education by KRS 156.100, the Kentucky State Board of Education is hereby authorized and directed to adopt regulations and procedures necessary for the implementation of Title II and Sections 601-605 of Title VI, Public Law 89-10, and have been incorporated herefor with Legislative Research Commission, and incorporated by reference.

Section 1. Pursuant to the authority vested in the Kentucky State Board of Education by KRS 156.100, the Kentucky State Board of Education is hereby authorized and directed to adopt regulations and procedures necessary for the implementation of Title II and Sections 601-605 of Title VI, Public Law 89-10, and have been incorporated herefor with Legislative Research Commission, and incorporated by reference.
EDUCATION AND ARTS CABINET
State Department of Education
Bureau of Vocational Education
(705 EAE 1:10p)

RELATES TO: KRS 256.100
PURSUANT TO: KRS 13.082, 156.070, 156.160, and 156.130

NECESSITY AND FUNCTION: A State Plan for the Administra-
tion of Vocational Education is necessary in order to be
eligible to receive Federal funds for that purpose.

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. 90-575), Part V,
the Higher Education Act of 1965 (P.L. 90-575), and the
Education Amendments of 1972 (P.L. 92-311), for the period
effective July 1, 1974, through June 30, 1975, is hereby
presented for filing with Legislative Research Commission,
and incorporated by reference.

LILIAN T. GIBSON
Superintendent of Public Instruction
APPROVED: June 18, 1974
EXECUTED BY LSC: August 19, 1974 at 10:01 a.m.

PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Board of Tax Appeals
(802 EAE 1:10p)

RELATES TO: KRS 131.345
PURSUANT TO: KRS 13.082 and 131.145

NECESSITY AND FUNCTION: KRS 131.345 provides that
"Appeals to the Kentucky Board of Tax Appeals shall be in
accordance with rules promulgated by the Board." The follow-
ing rules have been adopted in compliance with that author-
ity.

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

(2) Such appeal shall be in duplicate and shall con-
tain a brief statement of the law or facts in issue and the
petitioner's position as to the law or facts.

Section 2. Hearings. (1) Hearings shall be held at the
office of the Board, in the county within thirty (30) days from the
receipt by the aggrieved party of the agency's ruling, order, or
determination.

(2) All appeals shall be heard by the full board.

Section 3. Evidence. (1) The rules of evidence governing
civil proceedings in the Commonwealth of Kentucky shall, asso-
ciate with any appeal heard by the Board.

(2) Evidence may be introduced by oral testimony or by
written testimony or deposition. The provisions of the Rules of Civil Procedure shall govern the conduct of hearings.

SUBMIT CORRECT 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 EAE 1:10p)

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 of Labor to carry out the purposes and provisions of KRS Chapter 343.

The provisions of this rule are necessary to meet the labor stan-
dards to safeguard the welfare of apprentices in the registration of apprentice-
ship programs with the Kentucky Department of Labor, as well as the registration of apprenticeship programs.

JESS B. THOMAS, Chairman
Kentucky Board of Tax Appeals
APPROVED: July 10, 1974
EXECUTED BY LSC: August 16, 1974 at 8:03 p.m.
Section 1. As used in these regulations, unless the context clearly requires otherwise:
(a) "Apprenticeship" means a program 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 employers;
(b) "Apprenticeship agreement" means a voluntary written agreement entered into by an apprentice or an association of apprentices or an organization of apprentices with an employer or an apprenticeship and training council or a school sponsor of a school; the agreement contains the terms and conditions of the employment and training of the apprentice to enable the apprentice to learn the trade or craft in which he is employed or to be compensated. The entry wage shall not be less than forty (40) percent of the state's mean hourly wage rate or not less than the minimum wage prescribed by Federal or State law, whichever is greater. On projects where the work rate has been established by law, the apprentice's rate of pay shall be based on the average work rate. Periodic review and evaluation of the apprentice's progress in job performance and related instruction; and maintenance of accurate records;
(c) "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;
(d) "Apprentice" 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;
(e) "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;
(f) "Related instruction" means an organized and systematic form of instruction designed to provide the apprentice with the knowledge of the theoretical and technical subjects related to the craft or trade in which he is employed.
(g) "Registration of an apprenticeship program" means the acceptance and enrollment of the program by the Supervisor of Apprenticeship and Training under the provisions of the law;
(h) "Member" means the Bureau of Apprenticeship and Training, an organization of employers, a bona fide collective bargaining agent, or an organization of employers, a bona fide collective bargaining agent, or an individual unless the employer is participating in an apprenticeship program approved by the Bureau, and (b) it is in conformity with the regulations on "Equal Employment Opportunity in Apprenticeship and Training," set forth in 48 FR 1404.
(i) "Supervisor of Apprenticeship and Training" means an individual or an organization designated by the Governor to administer the law;
(j) "Apprenticeship program" means a plan containing all terms and conditions for the qualification, recruitment, selection, training, and employment of apprentices;
(k) "Apprenticeship program" means a plan containing all terms and conditions for the qualification, recruitment, selection, training, and employment of apprentices;
(l) "Apprenticeship program" means a plan containing all terms and conditions for the qualification, recruitment, selection, training, and employment of apprentices;
(m) "Apprenticeship program" means a plan containing all terms and conditions for the qualification, recruitment, selection, training, and employment of apprentices;
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(p) "Apprenticeship program" means a plan containing all terms and conditions for the qualification, recruitment, selection, training, and employment of apprentices;
(q) "Apprenticeship program" means a plan containing all terms and conditions for the qualification, recruitment, selection, training, and employment of apprentices;
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(u) "Apprenticeship program" means a plan containing all terms and conditions for the qualification, recruitment, selection, training, and employment of apprentices;
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(x) "Apprenticeship program" means a plan containing all terms and conditions for the qualification, recruitment, selection, training, and employment of apprentices;
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(bb) "Apprenticeship program" means a plan containing all terms and conditions for the qualification, recruitment, selection, training, and employment of apprentices;
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(nn) "Apprenticeship program" means a plan containing all terms and conditions for the qualification, recruitment, selection, training, and employment of apprentices;
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 uu) "Apprenticeship program" means a plan containing all terms and conditions for the qualification, recruitment, selection, training, and employment of apprentices;
 vv) "Apprenticeship program" means a plan containing all terms and conditions for the qualification, recruitment, selection, training, and employment of apprentices;
 ww) "Apprenticeship program" means a plan containing all terms and conditions for the qualification, recruitment, selection, training, and employment of apprentices;
 xx) "Apprenticeship program" means a plan containing all terms and conditions for the qualification, recruitment, selection, training, and employment of apprentices;
 yy) "Apprenticeship program" means a plan containing all terms and conditions for the qualification, recruitment, selection, training, and employment of apprentices;
 zz) "Apprenticeship program" means a plan containing all terms and conditions for the qualification, recruitment, selection, training, and employment of apprentices;
determination to all those interested persons requesting copies pursuant to Section 3.

JAMES R. TOOD, Commissioner

PUBLIC PROTECTION AND REGULATION CABINET
Department of Labor
(803) 377-5053

RELATES TO: KRS 337.505 through 337.550
PUBLISHED TO: KRS 337.520(1) and 13.082
SUSPENDED: LRB

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 purposes and purposes of KRS 337.505 to 337.550. The fraction 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) A labor organization 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 in the locality where the hearing is held, which class, trade or grouping of workers shall be affected by the prevailing wage determination of the Commissioner;
(5) Any 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 where the hearing is held, in The Commissioner or his authorized representative shall 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 seeks a copy of the Commissioner's determination shall notify the Commissioner 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
PUBLIC PROTECTION AND REGULATION CABINET
Department of Labor
(803) 845-1059

RELATES TO: KRS 337.505 through 337.550
PURSUANT TO: KRS 337.520(1) and 15.042

NESCCESSITY AND FUNCTION: KRS 337.520(1) grants the commis-
sional authority to enact, in its discretion, rules and regula-
tions as he may deem appropriate to carry out the provisions
and purposes of KRS 337.505 to 337.550 and to prevent the
promotion, sale and transportation of liquor, wine and while
regulations may include a provision that each contractor and
subcontractor performing work on public works shall furnish
weekly a sworn statement 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 regula-
tion is to establish the procedures for contractors and sub-
contractors 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 337.016, other than those
contractors exempted by paragraph three (3) and 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 work for the preceding month or 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 or subcontractor shall be responsible for the filing of all
wage data required by paragraph one (1) and shall forward the
subcontractor or subcontracts 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 Department of Transportation who have filed such wage data with the Department of Trans-
portation.
(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 8. The Department of Transportation and the Executive
Department for Finance and Administration receiving wage data
shall forward such data to the Commissioner of Labor for a period of one (1) year after the completion of such
public works project.

JAMES B. TOCOM, Commissioner
ADOPTED: August 7, 1974
APPROVED!
RECEIVED BY LJC: August 16, 1974
SUBMIT CORRECT 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) 845-1059

RELATES TO: KRS 337.505 to 337.550
PURSUANT TO: KRS 337.520 and 15.042

NESCCESSITY AND FUNCTION: KRS 337.520 authorizes the
Commissioner to make rules and regulations for the safety
and inspection of elevators. The function of this regula-
tion 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 Interstate Safety Code for Elevators,
Bridgways, Escalators and Moving Walks, published and
available from the American Society of Mechanical Engineers,
1971 edition, United Engineering Building, 41 East 47th Street,
New York, New York 10017, which specifically details the
equipment, construction, inspection, safety standards, etc.,
quality of construction that will make elevators, escalators,
and moving walks reasonably safe. The following except-
tions are granted in the Elevator Safety Act of 1978, reasonably safe, with the following excep-
(1) 500.1 to 502.15;
(2) 700.43, 700.5, 700.7b, 700.10b, 707.4; and
(3) 900.1 to 903.1.

JAMES B. TOCOM, Commissioner
ADOPTED: August 15, 1978
APPROVED!
RECEIVED BY LJC: August 19, 1978 at 11:13 a.m.
SUBMIT CORRECT 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
(803) 845-1059

RELATES TO: KRS 244.130 and 244.140
PURSUANT TO: KRS 13.062
SUPERSEDES: KRS 244.130 and 244.140

NESCCESSITY AND FUNCTION: KRS 244.130 and 244.140 regulate the placement and use of interior signs in retail
establishments pertaining to the advertisement of distilled spirits and wines. The necessity of the regulations is to
prohibit suppliers to the retailers from engaging in a mis-
representation or the use of the words of the various sup-
pliers. This regulation prohibits the use of such signs in advertising which he can supply to the
retailers.

Section 1. Signs, posters, placards, designs, devices, decorations or graphic displays, bearing advertising materi-
al and in any of the windows or in the interior of a retail establishment, may be given, rented, leased or sold to
a retailer by an industry member engaged in business as a dis-
tiller, rectifier, blender, producer, importer, wholesaler,
bottler, or warehouseman and bottler, of distilled spirits,
(1) if they have no value to the retailer except as advertise-
ments, (2) if the total value of all such materials, furnished
by any industry member and in use in any one retail establish-
ment 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 display. The total value of all such
materials furnished by any industry member 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, manufac-
true, transportation, assembly, and installation of such materials and
all accessories thereto. The conditions, restrictions and prohibi-
tions contained therein are designed to prevent a sup-
plier from offering one licensee a bigger or more expensive
sign than a smaller licensee.

JULIAN R. RUPPENTHORP, Chairman
Alcoholic Beverage Control Board
ADOPTED: July 1, 1974
APPROVED!
RECEIVED BY LJC: July 11, 1974
SUBMIT CORRECT OR REQUEST FOR HEARING TO: Alcoholic
Beverage Control Board, 8th Floor, Capital Plaza Office
Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Alcoholic Beverage Control
(803) 845-1059

RELATES TO: KRS 244.130 and 244.140
PURSUANT TO: KRS 13.062

SUPERSEDES: KRS 244.130 and 244.140

NESCCESSITY 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 this regulation is to
secure uniformity in advertising in retail establish-
ments in cities of the first and second class. The pro-
hibitions contained therein are designed to prevent a sup-
plier 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 light signs,
posters, placards, designs, devices, decorations or graphic
displays, overhanging on the outside of a retail establish-
ment and which bear a trademark, trade name, trade
logo or a facsimile of a commodity, container, or display and contain
the word brand are prohibited. Signs pertaining to brands located upon
the containers of the licensed commodities are permitted. Outside
signs shall not be obtained from any other sale nor be
used in any other trade, business or place of business
where the business is purchased.

JULIAN R. RUPPENTHORP, Chairman
Alcoholic Beverage Control Board
PUBLIC PROTECTION AND REGULATION CABINET
Department of Alcoholic Beverage Control
(800 KAR 1:1030)

RELATES TO: KRS 244.130
PUBLISHED: JUNE 12, 1974
SUPPRESSED: ABC 1340

PUBLIC PROTECTION AND REGULATION CABINET
Department of Alcoholic Beverage Control
(800 KAR 1:1040)

RELATES TO: KRS 244.130
PUBLISHED: JUNE 12, 1974
SUPPRESSED: ABC 1340

PUBLIC PROTECTION AND REGULATION CABINET
Department of Alcoholic Beverage Control
(800 KAR 1:1050)

RELATES TO: KRS 244.630
PUBLISHED: JUNE 12, 1974
SUPPRESSED: ABC 1350

PUBLIC PROTECTION AND REGULATION CABINET
Department of Alcoholic Beverage Control
(800 KAR 1:1060)

RELATES TO: KRS 244.630
PUBLISHED: JUNE 12, 1974
SUPPRESSED: ABC 1350

A) ALCOHOLIC BEVERAGES - Definition. In one (1) issue of a periodical or newspaper, or in one (1) piece of other written, printed, or graphic matter. If the advertising creates the impression that representations made to one consumer may apply to other consumers, and if as to such matters the representations are not in any respect untrue. The terms "distilled spirits," "wine," and "distilled or wine" shall not be used in such advertisements in one (1) issue of a periodical or newspaper, or in one (1) piece of other written, printed, or graphic matter. If the advertising creates the impression that representations made to one consumer may apply to other consumers, and if as to such matters the representations are not in any respect untrue.

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LICENSEES, OR THE PLACING IN THE RETAIL PREMISES ADVERTISING MATERIAL LISTED ON S 10:00.

JULIUS W. KNIPPERBERG, CHAIRMAN
ALCOHOLIC BEVERAGE CONTROL BOARD
APPROVED: JULY 1, 1974
RECEIVED BY LSC: AUGUST 16, 1974 AT 3:57 P.M.

SUMMIT COURT 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 244.300
PRESENT TO: KRS 13.002
SUPERSEDES: ABC 1:60

NECESSITY AND FUNCTION:

As required by KRS 244.360 through KRS 244.430, 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 orderly market for the sale of distilled spirits. This resolution is the cornerstone for the administration of the Kentucky Fair Trade Act in that it establishes the procedure for determining minimum case values and those 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 spirit products, it is necessary to control labels and thereby stabilize and make orderly the market therefor. The Alcoholic Beverage Control Board shall have the authority to provide to time by order after notice and hearing as provided by KRS 244.400(8) adopt minimum case values upon the basis of the market for each distilled spirit. The minimum case values shall reflect the actual cost of the delivered case of distilled spirits (determined in accordance with generally accepted accounting principles), including a reasonable producer's mark-up, and is the determination thereof, the Board shall take into consideration the total costs of production, handling, and storage, and marketing, including such items, but not limited to:

(a) Whiskey production costs, including but not limited to, grain, cooperage, labor and overhead, production taxes and federal excise tax levied prior to March 1, 1942, and miscellaneous items;
(b) Whiskey production costs, including but not limited to, labor, overhead, interest, interest, at value, taxes, outage or loss, and miscellaneous items;
(c) Capital costs, cost limited to, cost (four year ago), packaging supplies, labor and materials,
(d) Distribution expenses, including but not limited to, selling expenses, advertising, sales promotion and miscellaneous items;
(e) Administrative expenses, including but not limited to, real estate, general insurance, overhead and miscellaneous items;
(f) Other economic factors such as percentage of return on fixed assets, market, controllable depreciation of the dollar, and the like.

(2) Any distilled spirits for fair trade purposes shall be the same as prescribed under applicable federal law or regulations.

(3) The Board may, upon form 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 all licensees may be preserved, no actual costs or dollar figures shall be required to be submitted, but such information shall be obtained on a percentage basis which will preserve the integrity of any licensees' cost figures. Any such report shall be confidential and shall not be a public record on the Board.

(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 ten (10) days, of any licensees' license upon hearing held as required by law.

JULIUS W. KNIPPERBERG, CHAIRMAN
ALCOHOLIC BEVERAGE CONTROL BOARD
APPROVED: JULY 1, 1974
RECEIVED BY LSC: AUGUST 16, 1974 AT 3:57 P.M.

SUMMIT COURT 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 244.380 and 244.450
PRESENT TO: KRS 13.002
SUPERSEDES: ABC 2:20

NECESSITY AND FUNCTION:

This regulation deals with the Kentucky Fair Trade Act and is supplemented by the requirement that wholesalers and retailers must operate in such a manner as to fill in certain areas dealing with fair trade, but which were not specifically provided in the enabling statutes.

Section 1. Minimum Retail Price.

(1) Any standard case discounts available to all wholesalers for payment of account is 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 244.360.

(3) Retailers' resale prices as listed in the Fair Trade Contract and invoices must not contain fractions and thus 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 less than one-eighth of one-half cent (1/24). If the fraction is less than one-half cent (1/24) then it is to be dropped. For example, if the minimum price is $0.46 the minimum mark-up is 50% and the minimum resale price is $0.69; if the price is $0.45 the five-tenths cent (.50) is dropped, the minimum resale price is $0.45.

(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%) in some cases.

(5) In ascertaining the transportation cost, the minimum charge of at least twenty-five cents (25c) per case must be used.

(6) Sales can be made by one wholesaler to another without the approval of the mark-up provided that the contractor 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 wines.

(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 amount above the price list shall not be above.

JULIUS W. KNIPPERBERG, CHAIRMAN
ALCOHOLIC BEVERAGE CONTROL BOARD
APPROVED: JULY 1, 1974
RECEIVED BY LSC: AUGUST 16, 1974 AT 3:54 P.M.

SUMMIT COURT OR REQUEST FOR HEARING TO: ALCOHOLIC BEVERAGE CONTROL BOARD, 8TH FLOOR, CAPITAL PLAZA TOWER, FRANKFORT, KENTUCKY 40601.
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