

## **725 KAR 2:040. State aid for specific counties.**

RELATES TO: KRS 171.201(2)(c), 171.230, Chapter 173

STATUTORY AUTHORITY: KRS Chapter 13A, 171.201, 171.220

NECESSITY, FUNCTION, AND CONFORMITY: KRS 171.201(2)(c) mandates that the Department for Libraries and Archives provide grants to recognized library organizations in counties without a public library for the purpose of providing or establishing countywide public library service under existing departmental guidelines and to the fiscal courts in counties without recognized library organizations for distribution to public education entities. This administrative regulation prescribes the requirements for distribution of foundation grants and per capita funding to these counties.

Section 1. Definitions. (1) "Recognized library organization" is that established by methods provided in KRS Chapter 173.

(2) "Department" is the Department for Libraries and Archives.

(3) "Public library service" is the provision of free access through location, hours of operation and staffing, to an organized collection of informational, recreational, and cultural materials in a variety of formats, which reflect the interest of the general population and is open to the entire country. The collection should not be limited to curriculum-based or special subject areas.

(4) "Public education entity" is a public elementary or secondary school, a college or university or a library which receives its primary financial support from public funds.

Section 2. (1) Recognized library organizations in counties which do not have a public library as defined by KRS 171.230 will be notified by the department of the availability and requirements for foundation grants and per capita distribution.

(2) In order to receive the funds set out in subsection (1) of this section, the recognized library organization shall complete the department's "Annual Report of Public Libraries Application for State Support" which will specify their plan for the provision or establishment of countywide public library service.

(3) If the application is rejected by the department as not providing for countywide public library service, the recognized library organization may appeal this rejection to the department in writing within thirty (30) days from written notice of rejection. A final determination shall be made by the state librarian/commissioner of the department within thirty (30) days of the appeal. A review of the state librarian/commissioner's final determination may be accomplished by filing a petition for review in the Franklin Circuit Court within thirty (30) days of such commissioner's determination.

Section 3. (1) The fiscal court in counties in which there is no recognized library organization shall be notified by the department of the availability and requirements for foundation grants and per capita distribution.

(2) In order to receive the funds set out in subsection (1) of this section, the fiscal court shall complete an application for the foundation grants and per capita distribution as provided by the department. The application will detail the plan for provision of public library service through a public education entity.

(3) If the application is rejected by the department as not providing for countywide public library service through a public education entity, the fiscal court may appeal this rejection to the department in writing within thirty (30) days from written notice of rejection. A final determination shall be made by the state librarian/commissioner of the department within thirty (30) days of the appeal. A review of the state librarian/commissioner's final determination may be accomplished by filing a petition for review in the Franklin Circuit Court within thirty (30) days of such commissioner's determination.

Section 4. Counties which do not have a public library as defined by KRS 171.230 are eligible for foundation grants and per capita distribution only and are not eligible for full services and support from the department. Counties with no recognized library organization are eligible for foundation grants and per capita distribution only and are not eligible for full services and support from the department. (13 Ky.R. 1519; eff. 3-6-87.)