

**212.120 Notice of establishment given Cabinet for Health and Family Services -- Allocation of state funds to districts -- Equalization of allotments -- Modification and cancellation of allotments -- Appropriations not to lapse.**

- (1) Upon the creation of a county health department, the fiscal court of the county shall at once notify the Cabinet for Health and Family Services of the action of the county to create, establish, and maintain a county health department. When the duly qualified officials of a county certify to the Cabinet for Health and Family Services a true copy of the order or vote establishing a health department, and providing for its maintenance, and state the amount of the annual appropriation provided by the county the Cabinet for Health and Family Services shall make an investigation as to the necessity of the development of the department, and the adequacy of the appropriation provided by the county therefor, and shall report its findings to the Governor.
- (2) If the Cabinet for Health and Family Services finds that such county health department has been established in accordance with the provisions of this chapter and is being maintained, conducted, and operated in accordance with the standards prescribed by the Cabinet for Health and Family Services, the Cabinet for Health and Family Services shall, on or before July 1 in each year, allot to each such county health department such amount that the Cabinet for Health and Family Services deems to constitute a just and equitable share of all funds available therefor by appropriation by the General Assembly of this Commonwealth, by grants and gifts received by this Commonwealth from the government of the United States of America or any of its agencies or instrumentalities, and from other sources. Provided, however, that no allotment to any such county health department shall be less than two thousand five hundred dollars (\$2,500).
- (3) In determining the allotments referred to in subsection (2) of this section, the Cabinet for Health and Family Services shall endeavor to provide for a distribution of the funds in a manner that is reasonably calculated to equalize, so far as practicable, local health services to the people of all counties served by the county health departments. The Cabinet for Health and Family Services may take into consideration variations existing between counties by reasons of difference in population, resources, industrialization, tax assessments and tax rates, and other local factors and conditions; the legislative intent being hereby declared to be that counties shall provide, from local sources of revenue that are available or that may be made available to them, financial support of county health departments to the extent of their representative abilities.
- (4) The Cabinet for Health and Family Services may, in its discretion alter or modify allotments from time to time and shall cancel any allotment whenever it finds that there is no further need or necessity for a particular county health department for whose benefit the allotment was made or whenever a particular county health department for whose benefit an allotment was made is not maintained, operated, and conducted in accordance with the standards prescribed by the Cabinet for Health and Family Services. Nothing in this section shall be construed as requiring the Cabinet for Health and Family Services to allot all funds available for local

health purposes, or as prohibiting the department from allotting such portion thereof, as the department may determine, to a reserve account which may be suballotted by the department in such a manner that it considers proper in the event of emergencies, disaster, or unforeseen events, without regard to the provisions of subsection (3) of this section.

- (5) Notwithstanding the provisions of KRS 45.229 and any other provision of the Kentucky Revised Statutes, any unexpended or unencumbered balance of any appropriations made available for allotment and expenditure, as provided above, for the first fiscal year of each biennium, remaining at the end of such fiscal year, shall be carried forward and be available for expenditure at any time during the ensuing fiscal year within the biennium and no portion thereof shall lapse to the general fund.

**Effective:** June 20, 2005

**History:** Amended 2005 Ky. Acts ch. 99, sec. 397, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 426, sec. 348, effective July 15, 1998. -- Amended 1982 Ky. Acts ch. 450, sec. 75, effective July 1, 1983. -- Amended 1974 Ky. Acts ch. 74, Art. VI, sec. 107(3). -- Amended 1972 Ky. Acts ch. 301, sec. 17. -- Amended 1958 Ky. Acts ch. 126, sec. 27. -- Amended 1952 Ky. Acts ch. 153, sec. 3. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 2054a-8.