GENERAL GOVERNMENT CABINET

Department of Military Affairs
Division of Emergency Management
(New Administrative Regulation)

106 KAR 1:141. Emergency management funding.

RELATES TO: KRS 39A.050(2)(i)-(j), 39C.010, 42 U.S.C. 5170(c), 5172, 5173, 5196,
50 U.S.C. 1521

STATUTORY AUTHORITY: KRS 39A.050(2)(m), 39A.070(3), 39C.100, 42 U.S.C.
5170(c), 5172, 5173, 5196, 50 U.S.C. 1521

NECESSITY, FUNCTION, AND CONFORMITY: KRS 39A.050(2)(i) and (j) require
the division to provide funds to a city, county, or charter county government to support a
local emergency management agency and comprehensive emergency management
program. This administrative regulation establishes eligibility requirements of a city,
county, urban-county, or charter county government for emergency management funding.

Section 1. Definitions.

(1) "Applicant" means a local emergency management agency of a city, county,
urban-county, or charter county government established pursuant to KRS 39B.010 and
106 KAR 1:231.

(2) "Emergency management funding" means the funds defined in subsections (3),
(4), (5), and (6) of this section.

(3) "Chemical Stockpile Emergency Preparedness Program Fund" means the
funding established in 50 USC 1521.
(4) "Federal Disaster and Emergency Assistance Fund" means the funding granted to
the division by the Federal Emergency Management Agency, under 42 USC 5170(c),
5172, and 5173.
(5) "Federal Emergency Management Assistance Fund" means the funding granted to
the division by the Federal Emergency Management Agency, under 42 USC 5196.
(6) "Supplementary State Fund" means the fund established in KRS 39C.010 and
39C.020.

Section 2. Eligibility.
(1) To be eligible for emergency management funding, a city, county, urban-county,
or charter-county government shall:
(a) Submit documentation of the establishment of a local emergency management
agency pursuant to 106 KAR 1:231;
(b) Submit documentation of the appointment of a local director pursuant to 106 KAR
1:241;
(c) Submit a signed memorandum of agreement issued by the Division of Emergency
Management;
(d) Apply for emergency management funding through a local director who shall:
1. Ensure use of an appropriate application form provided by the Division of
Emergency Management;
2. Ensure the official name of a local emergency management agency is used to
specify the applicant in an application;
3. Exercise signatory authority established in KRS 39B.030(9) to execute an
application and a memorandum of agreement issued by the Division of Emergency
Management;
4. Maintain a file of an application and supporting material; and
5. Submit applications, memoranda of agreement, and supporting materials prepared
for the city, county, urban-county, or charter-government.

(2) A local director shall submit the materials required in subsection (1) of this section to an area manager, or as directed by the Division of Emergency Management, for transmittal to the director.

Section 3. Compliance Requirements.

(1) In maintaining eligibility of a city, county, urban-county, or charter-county government for emergency management funding, a local emergency management agency shall comply with 106 KAR 1:171, 201, 211, and 221.

(2) Failure to comply with applicable federal and state requirements may prevent city, county, urban-county, or charter-governments from receiving reimbursement funding for emergency management programs.
This is to certify that The Adjutant General (TAG) has reviewed and approved this administrative regulation prior to its adoption, as required by KRS 39A.070(3).

Haldane B. Lamberton  
Major General, KYNG  
The Adjutant General

Jeremy C. Slinker  
Director  
Division of Emergency Management  
Kentucky Department of Military Affairs

Charles T. Jones  
Brigadier General US Army (Ret)  
Executive Director  
Office of Management & Administration  
Kentucky Department of Military Affairs

7 June 2022  
Date

7 June 2022  
Date

7 June 2022  
Date
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Wednesday, August 24, 2022, at 9:00 a.m. Eastern Time at 100 Minuteman Parkway, Bldg. 100, Room 202 (EOC 2nd Floor Conference Room) Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through August 31, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

Contact person: Corey Ann Howard Jackson, Legislative Liaison and Policy Specialist, Department of Military Affairs, 100 Minuteman Parkway, Frankfort, KY 40601, phone (502) 330-3323, fax (502) 607-1240, email corey.a.jackson23.nfg@army.mil.
REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

106 KAR 1:141 Emergency management funding.
Contact Person: Corey Ann Howard Jackson
Phone: (502) 330-3323
Email: corey.a.jackson23.nfg@army.mil

(1) Provide a brief summary of:
   (a) What this administrative regulation does: This administrative regulation establishes definitions and eligibility requirements to be met by a city, county, urban-county or charter county government for emergency management funding.
   (b) The necessity of this administrative regulation: This administrative regulation facilitates and provides guidance to city, county, urban-county or charter county governments so they may obtain and maintain emergency management funding.
   (c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation establishes eligibility for city, county, urban-county or charter county governments so they may obtain and maintain emergency management funding. This conforms to KRS 39A.050 which requires the Division of Emergency Management to provide funds for the administration, operation and maintenance of local emergency management agencies created pursuant to KRS Chapters 39A to 39F, and to ensure state and federal funding compliance and local program compatibility with the emergency management system of the Commonwealth.
   (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will provide the Division of Emergency Management the ability to identify city, county, urban-county or charter county governments for emergency management funding while ensuring compliance with state and/or federal funding requirements.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
   (a) How the amendment will change this existing administrative regulation: N/A
   (b) The necessity of the amendment to this administrative regulation: N/A
   (c) How the amendment conforms to the content of the authorizing statutes: N/A
   (d) How the amendment will assist in the effective administration of the statutes: N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect the Department of Military Affairs, Division of Emergency Management and city, county, urban-county or charter county government emergency management agencies that request emergency management funding.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
   (a) List the actions that each of the regulated entities identified in question (3) will have to
take to comply with this administrative regulation or amendment: Entities must submit the required
documentation to establish eligibility of the local emergency management agency and comply with
106 KAR 1:171, 106 KAR 1:201, 106 KAR 1:211 and 106 KAR 1:221 as set forth in those
regulations. In short, these entities will submit a proper application and supporting documentation
demonstrating the establishment of the local emergency management agency, appoint a local
director, submit an application for funding, and maintain eligibility through compliance.

(b) In complying with this administrative regulation or amendment, how much will it cost
each of the entities identified in question (3): There is no cost to these entities.

(c) As a result of compliance, what benefits will accrue to the entities identified in question
(3): This regulation allows the Division of Emergency Management (and the Department of
Military Affairs) to fulfill its’ statutory requirement to provide funding and a comprehensive
emergency management program. It allows the city, county, urban-county or charter county
government emergency management agencies to receive emergency management funding and aid
in the local level entities’ ability to plan, operate, mitigate and respond to local disasters.

(5) Provide an estimate of how much it will cost the administrative body to implement this
administrative regulation:

(a) Initially: N/A

(b) On a continuing basis: N/A

(6) What is the source of the funding to be used for the implementation and enforcement of this
administrative regulation: State and federal funding including grants and cooperative agreements.
These include: the Chemical Stockpile Emergency Preparedness Program Fund established in 50
USC 1521; The Federal Disaster and Emergency Assistance Fund granted to the division by the
Federal Emergency Management Agency (FEMA), under 42 USC 5170(c), 5172, and 5173; The
Federal Emergency Management Assistance Fund granted to the division by FEMA, under 42
USC 5196 and the Supplementary State Fund established in KRS 39C.010 and 39C.020.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to
implement this administrative regulation, if new, or by the change if it is an amendment: This
administrative regulation does not require an increase in fees or funding.

(8) State whether or not this administrative regulation established any fees or directly or
indirectly increased any fees: This administrative regulation does not establish or relate to fees.

(9) TIERING: Is tiering applied? Tiering was not used. The regulation will not reduce or
modify substantive regulatory requirements, eliminate some requirements entirely, simplify and
reduce reporting and recordkeeping requirements, reduce the frequency of inspections, provide
exemptions from inspections and other compliance activities, or delay compliance timetables.
FEDERAL MANDATE ANALYSIS COMPARISON

106 KAR 1.141 Emergency management funding.
Contact Person: Corey Ann Howard Jackson
Phone: (502) 330-3323
Email: corey.a.jackson23.nfg@army.mil


(2) State compliance standards. KRS 39A.050 requires the Division of Emergency Management to provide funds to the cities, counties, and urban-county or charter county governments of the Commonwealth for the administrations, operation and maintenance of local emergency management agencies created pursuant to KRS Chapters 39A to 39F. This same statute permits The Division of Emergency Management to require regular submission of program administration data, records, material, reports, or documents to conduct reviews and ensure compliance with state and federal funding and to ensure the local program is compatible with the comprehensive emergency management system of the Commonwealth. This regulation requires the local emergency management director to submit a quarterly work activity progress report, develop a local emergency management plan and comply with training requirements for local directors and other local emergency management agency personnel.

(3) Minimum or uniform standards contained in the federal mandate. Funds contributed to a state or local government have limitations for the use of funds depending on the declaration of an emergency. In addition, funds given to state and local governments are limited, in these circumstances, to repair and restore selected public facilities and for debris removal only when accompanied by an unconditional authorization and promise to indemnify the federal government. Funds are not permitted for the procurement of land or for the purchase of personal equipment for state or local emergency preparedness workers and sets wage rates for contractors. These federal statutes also set standards for emergency preparedness plans and compacts.

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. N/A
FISCAL NOTE

106 KAR 1:141. Emergency management funding.
Contact Person: Corey Ann Howard Jackson
Phone: (502) 330-3323
Email: corey.a.jackson23.nfg@army.mil

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The city, county, urban-county, or charter county government.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 39A.050(2)(m), 39A.070(3), 39C.100, 42 U.S.C. 5170(c), 5172, 5173, 5196, 50 U.S.C 1521

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.
   (a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No additional revenue will be generated.
   (b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No additional revenue will be generated.
   (c) How much will it cost to administer this program for the first year? No additional cost will be incurred.
   (d) How much will it cost to administer this program for subsequent years? No additional cost will be incurred.

   Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.
   Revenues (+/-): This administrative regulation will not generate additional revenue.
   Expenditures (+/-): This administrative regulation will not create additional expenditures
   Other Explanation:

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.
   (a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? No additional cost savings.
   (b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? No additional cost savings.
   (c) How much will it cost the regulated entities for the first year? No additional cost will be incurred.
   (d) How much will it cost the regulated entities for subsequent years? No additional cost will be incurred.
Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-): No additional cost savings will be realized.
Expenditures (+/-): No additional cost will be incurred.

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. "Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars ($500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)]

The administrative regulation will have no economic impact.