GENERAL GOVERNMENT CABINET

Department of Military Affairs

Division of Emergency Management

(New Administrative Regulation)

106 KAR 1:171. Local emergency management agency program quarterly report.


NECESSITY, FUNCTION, AND CONFORMITY: KRS 39A.050(2)(j) and 39C.080(2)

require local emergency management directors submit work activity progress reports to

the Division of Emergency Management quarterly. This administrative regulation

establishes the submission process and procedure for local directors to meet the quarterly

reporting requirement.

Section 1. Quarterly report documentation requirements.

Local directors shall submit quarterly report documentation to the Division of Emergency

Management by January 15, April 15, July 15, and October 15, through the online portal

designated by the Division of Emergency Management for this purpose. Quarterly report

documentation shall include minimum required documentation for a scheduled work plan

objective as specified in The Emergency Management Assistance (EMA) Annual

Program Guidance.

Section 2. Incorporation by Reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Division of Emergency Management, 100 Minuteman Parkway, Frankfort, Kentucky, 40601-6168, Monday through Friday, 8 a.m. to 4:30 p.m.
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. Lambert
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
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Wednesday, August 24, 2022, at 9:15 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 1:171 Local emergency management agency program quarterly report.
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 the
   forms and supporting documentation to be submitted by a local director to meet quarterly reporting
   requirements in KRS 39A.050(2)(j) and 39C.080(2).
   (b) The necessity of this administrative regulation: This administrative regulation
   facilitates and provides guidance to the local director of city, county, urban-county or charter
   county government so they may obtain and maintain emergency management funding.
   (c) How this administrative regulation conforms to the content of the authorizing statutes:
The Division of Emergency Management requires the regular submission of program
administration data, records, materials, reports, and documents from local emergency management
agencies to ensure compliance with all state and federal funding program requirements. This
documentation is to be provided quarterly to substantiate and document the work activity of the
local director and agency in performing official duties and work plan objectives. This
administrative regulation establishes the forms and documentation described in those statutes
previously cited.
   (d) How this administrative regulation currently assists or will assist in the effective
administration of the statutes: This regulation provides detailed guidance to the local director of
city, county, urban-county or charter county governments so they may file quarterly reports and
substantiate their program activities in order to obtain and maintain emergency management
funding.

(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 local emergency
management directors and agencies that must comply with KRS 39A.050(2)(j) and KRS
39C.080(2).

(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 quarterly work activity of the local emergency management agency through an on-line portal designated by the Division of Emergency Management.

(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 entities to receive emergency management funding and substantiate their work plan objectives which aids the 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 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 1.171 Local emergency management agency program quarterly report.
Contact Person: Corey Ann Howard Jackson
Phone: (502) 330-3323
Email: corey.a.jackson23.nfg@army.mil

(1) Federal statute or regulation constituting the federal mandate.
42 U.S.C 5196 and 50 U.S.C. 1521.

(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 and to provide funds to these entities 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 from local emergency management agencies to conduct reviews and ensure compliance with state and federal funding programs and to ensure the local program is compatible with the comprehensive emergency management system of the Commonwealth. KRS 39C.080(2) requires the local emergency management director to submit a quarterly work activity progress report to the division. This regulation establishes the submission process and procedure for local directors to meet the quarterly reporting requirement.

(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. Funds given to state and local governments have administrative reporting requirements to verify the appropriate funding, account for state and local match contribution requirements and reimbursement.

(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 1:17/1 Local emergency management agency program quarterly report.
Contact Person: Corey Ann Howard Jackson
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(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), 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?
   (d) How much will it cost the regulated entities for subsequent years?

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.
SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

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. These funds are allocated from state and federal sources. The "Emergency Management Assistance (EMA) Annual Program Guidance" is issued annually and provides local emergency management agencies/directors the grants and funds available and instructs them as to the minimum documentation required to file quarterly reports required in KRS 39C.080(2) and 106 KAR 1:171.