GENERAL GOVERNMENT CABINET

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

106 KAR 1:181. Project application.
RELATES TO: KRS 39A.050(2)(j), 39C.070(2), 42 U.S.C. 5196
STATUTORY AUTHORITY: KRS 39A.050(2)(m), 39A.070(3), 39C.100, 42 U.S.C.
5196
NECESSITY, FUNCTION, AND CONFORMITY: KRS 39A.050(2)(j) and 39C.070(2)
direct the Division of Emergency Management to require a local emergency management
agency to submit a project application, with supporting material, to request financial
assistance from the Emergency Management Assistance (EMA) Fund for administrative
or operational equipment and for capital and procurement projects. This administrative
regulation establishes an application form to request financial assistance from the EMA
fund for a project.

Section 1. Definitions.
(1) “Emergency Management Assistance Fund” or “EMA Fund” means the funds
defined in 106 KAR 1:141, Section 1 (5) and (6).
(2) “Project” means a purchase or procurement of administrative or operational
equipment or capital expenditure, in excess of $500.
(3) "Project application" means a completed KYEM Form 170, "Division of Emergency Management Project Application."

Section 2. Project Application Requirement.

To apply for financial assistance from the Emergency Management Assistance Fund for a project, a local director shall submit a completed project application.

Section 3. Incorporation by Reference.

(1) KYEM Form 170, "Division of Emergency Management Project Application" is incorporated 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. Lamberton  
Major General, KYNG  
The Adjutant General  

[Signature]  
7 June 2022  
Date

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

[Signature]  
7 June 2022  
Date

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

[Signature]  
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 9:30 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 1:181 Project application.
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 regulation establishes an application form to request financial assistance from the Emergency Management Assistance Fund for a project.
   (b) The necessity of this administrative regulation: KRS 39A.050(2)(j) and 39C.070(2) direct the Division of Emergency Management to require a local emergency management agency to submit a project application, with supporting material, to request financial assistance from the EMA fund for a project.
   (c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation establishes the forms and documentation required by KRS 39A.050(2)(j) and 39C.070(2).
   (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation provides a method for the local director of city, county, urban-county or charter county governments to apply for emergency management project 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 emergency management agencies that seek EMA project 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: Local emergency management directors must submit a completed project application to apply for assistance from the EMA Fund. The Division of Emergency Management will provide guidance and review the application.
   (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 local emergency management entities to apply for emergency
management funding which decreases the local entities’ obligations and expenses while allowing an increase in their ability to plan, train, 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 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 1.181 Project Application.
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

(2) State compliance standards. Local emergency management director will submit a project application with supporting material to request financial assistance as required by KRS 39A.050(2)(m), 39C.070(2) and 39C.100.

(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 1:181. Project application.
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? Cities, Counties, urban-counties, or charter county governments

(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

(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 (+/-): No additional revenue will be generated by the regulations.
Expenditures (+/-): No additional expenditures will be incurred.
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 costs 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

The "Division of Emergency Management Project Application", KYEM Form 170, is the project application form that local emergency management agency/director is required to file to obtain financial assistance from the Emergency Management Assistance Fund. Funds contributed to a state or local government have limitations for the use of funds and administrative reporting requirements to verify the appropriate funding, account for state and local match contribution requirements and reimbursement, etc. KRS 39A.050(2)(j) and 39C.070(2) directs the Division of Emergency Management to require local emergency management directors to submit project applications with supporting materials to request financial assistance from the fund. 106 KAR 1:181 establishes an application form to request financial assistance from the EMA fund for a project.
INSTRUCTIONS

A. Project Application shall be completed for any administrative or office equipment purchase exceeding $500 total cost ($250 Non-local Share). KYEM approval must be received prior to the expenditure of local funds. It is imperative local agencies do not attempt to "split" the cost of an item ordinarily purchased as or considered a "whole" or (one unit) into smaller parts in order to bring the claim within the $250.00 limit. If "splitting" of claims occurs, KYEM reserves the right to disallow the entire claim.

Blocks 1 - 4 will be completed by the applicant EM agency.

1  a. City and/or County jurisdiction name
   b. Formal name of local EM agency
   c. Mailing address of local EM agency (street, P.O.Box)
   d. Mailing address of local EM agency (city, state, ZIP)
   e. Telephone number of Person in Charge of Project
   f. Name of Person in Charge of Project

2  a. Enter the amount of funds the jurisdiction is contributing toward this project.
   b. Enter the amount of funds to be requested from KYEM.
   c. Enter the amount of funds another organization toward this project, if any.
   d. Total project funding.
   e. AEL number

3  a. Give a brief description of item(s) to be purchased; attach any supplemental information.
   b. When do you anticipate beginning this project?
   c. When will the project be complete?
   d. Specify need for and benefits to be derived from proposed project. Describe how it will serve the local emergency management agency. Include milestones of project: when will bids be opened; when will items be purchased, etc. Attach a separate sheet if necessary.

4  This must be signed by the Local EM director or his/her official representative.

KYEM Form 170
Kentucky Division of Emergency Management

State Project Application

Special Project Application

Allocation Expenditure

1. County info
   a. Jurisdiction
   c. Address
   e. Contact Name
   b. Applicant
   d. City/Zip
   f. Telephone

2. Proposed Funding
   a. Jurisdiction
   b. State share
   c. Other (specify)
   d. Total
   e. AEL Number

3. Project
   a. Description
   b. Proposed Start Date
   c. Proposed Completion Date
   d. Certification /Justification

4. Application Certification:
I certify this application has been authorized by the governing body of this jurisdiction, the applicant agrees to comply with all regulations under which funds are awarded, all funds will be used only for purposes approved in this application, and any equipment obtained specifically for use by the local EM Director/agency will remain in custody of the local EM agency for use by succeeding Directors.

a. ___________________________  b. ___________________________  c. ___________________________
Signature of Applicants Authorized Representative  Title  Date

For KYEM Office Use ONLY

Funds Approved (State Share): __________________________ Application Number: __________________________

Approval:
Director, Division of Emergency Management or authorized representative

Date of Approval: __________________________

Revised February 2017