GENERAL GOVERNMENT CABINET

Department of Military Affairs

Division of Emergency Management

New Administrative Regulation

106 KAR 1:191. Project application reimbursement.

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
director to submit a reimbursement claim, with supporting documentation, to request
financial reimbursement for an approved project application from the Emergency
Management Assistance (EMA) Fund. This administrative regulation establishes the
reimbursement procedure required to request reimbursement from the EMA fund for an
approved project application as established in 106 KAR 1:181.

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).

Section 2. Reimbursement Documentation.

To apply for reimbursement from the EMA Fund, a local emergency management
director shall submit a completed KYEM Form 160, “Local Emergency Management
Assistance Claim Form,” and vendor invoices or receipts to a Division of Emergency
Management area manager and per the process directed by the Division of Emergency Management.

Section 3. Incorporation by Reference

(1) KYEM Form 160 “Local Emergency Management Assistance Claim Form,” 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]

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

[Signature]

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 9:45 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.mfg@army.mil.
REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

106 KAR 1:191 Project application reimbursement.
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 requires a local emergency management director to submit a reimbursement claim, with supporting documentation, to request financial reimbursement for an approved project application from the Emergency Management Assistance Fund.
(b) The necessity of this administrative regulation: This regulation establishes a procedure and the required documents to request reimbursement for an approved project from the Emergency Management Assistance Fund.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 39A.050(2)(j) and 39C.070(2) direct the Division of Emergency Management to require a local emergency management director to submit a reimbursement claim, with supporting documentation. This regulation establishes the reimbursement procedure and documents.
(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 reimbursement from the Emergency Management Assistance Fund for an approved project application.

(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 seek EMA project application reimbursement.

(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 reimbursement form with documentation to apply for reimbursement for an approved project from the EMA Fund. The Division of Emergency Management will provide guidance and review the reimbursement claim.
(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 project reimbursement 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 1:191 Project application reimbursement.
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 reimbursement from the EMA Fund 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 1:191. Project application reimbursement.
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. 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 "Local Emergency Management Assistance Claim Form", KYEM Form 160, is the form that local emergency management director must file to obtain reimbursement for an approved project funded through 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 local match contribution and comply with federal funding guidelines. KRS 39A.050(2)(j) and 39C.070(2) directs the Division of Emergency Management to require local emergency management directors to submit documentation to request assistance from the fund. 106 KAR 1:191 establishes a form and process to request financial reimbursement from the EMA fund when a project has been approved.
Kentucky Division of Emergency Management
Local Emergency Management Assistance Claim Form

Claim Month: _______________________
EM Agency Name: _______________________
Address: _______________________

<table>
<thead>
<tr>
<th>COMMODITIES OR SERVICES</th>
<th>Personnel Compensation &amp; Benefits</th>
<th>All Other</th>
<th>Total</th>
<th>DATE OF WARRANT / EFT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>$</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$</td>
<td>-</td>
</tr>
</tbody>
</table>

GROSS TOTAL AMOUNTS EXPENDED: $ - $ - $ - $ -

50% $ - $ - $ - $ -
REIMBURSABLE TOTAL $ - $ - $ - $ -

I, the undersigned, declare under penalty of perjury that I have examined this document, including all supporting documents, and certify the commodities or services specified above to conform to the Master Agreement and to support emergency preparedness activities. All expenses listed were incurred by the county, duly authorized for payment by the fiscal court, payments were made by the county treasurer (warrant/EFT numbers listed), and to the best of my knowledge are true, correct, and complete.

Local Emergency Management Director _______________________
Date _______________________

County Treasurer or County Judge/Executive _______________________
Date _______________________

KyEM: Form 160 Revised: 08/2016